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The President

Executive Order 13257 of February 13, 2002

President's Interagency Task Force To Monitor and Combat Trafficking in Persons

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Trafficking Victims Protection Act of 2000, (22 U.S.C. 7103) (the ''Act''), and in order to combat trafficking in persons, a contemporary manifestation of slavery whose victims are predominantly women and children, to ensure just and effective punishment of traffickers, and to protect their victims, it is hereby ordered as follows:

Section 1. (a) The President's Interagency Task Force to Monitor and Combat Trafficking in Persons is hereby established.

(b) The Task Force shall consist of:

(i) the Secretary of State;

(ii) the Attorney General;

(iii) the Secretary of Labor;

(iv) the Secretary of Health and Human Services;

(v) the Director of Central Intelligence;

(vi) the Director of the Office of Management and Budget;

(vii) the Administrator of the United States Agency for International Development; and

(viii) any additional officers or employees of the United States as may be designated by the President.

(c) The Task Force shall be chaired by the Secretary of State.

Sec. 2. *Activities.* The Task Force shall, consistent with applicable law and the constitutional authorities and duties of the President, carry out the following activities:

(a) coordinate the implementation of the Act;

(b) measure and evaluate progress of the United States and other countries in the areas of trafficking in persons prevention, protection, and assistance to victims of trafficking in persons, and prosecutions and other enforcement efforts against traffickers, including the role of public corruption in facilitating trafficking in persons;

(c) assist the Secretary of State in the preparation of the annual reports described in section 110 of the Act;

(d) expand interagency procedures to collect and organize data, including significant research and resource information on domestic and international trafficking in persons, while ensuring that any data collection procedures involved, respect the confidentiality of victims of trafficking in persons;

(e) engage in efforts to facilitate cooperation among countries of origin, transit, and destination, and such efforts shall aim to strengthen local and regional capacities to prevent trafficking in persons, prosecute traffickers and assist trafficking victims; shall include initiatives to enhance cooperative efforts between destination countries, transit countries, and countries of origin; and shall assist in the appropriate reintegration of stateless victims of trafficking in persons;

(f) examine the role of the international ''sex tourism'' industry in the trafficking of persons and in the sexual exploitation of women and children around the world;

(g) engage in consultation and advocacy with governmental and nongovernmental organizations, among other entities, to advance the purposes of the Act; and

(h) address such other matters related to the purposes of the Act as the President may determine.

Sec. 3. *Administration.* (a) The Department of State shall provide funding and administrative support for the Task Force, except as otherwise provided by the Act.

(b) At the call of the Chair, the Task Force shall meet as necessary to accomplish its mission.

(c) Task Force members may designate representatives from their respective agencies to represent them at Task Force meetings.

(d) Whenever the work of the Task Force involves a matter committed by law or Presidential directive to the consideration of the National Security Council, or by Executive Order 13228 of October 8, 2001, to the consideration of the Homeland Security Council, that work shall be undertaken, and any communication by the Secretary of State to the President shall be undertaken, in a manner consistent with such law, Presidential directive, or Executive Order.

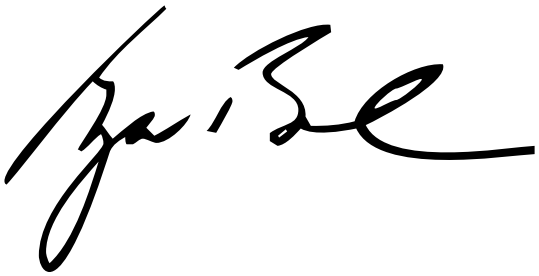
(e) The Task Force shall have no directive authority or other substantial independent authority.

(f) As necessary and appropriate, the Task Force shall report to the President, through the Secretary of State, the following:

(i) progress on the implementation of the Act; and

(ii) recommendations for United States policy to monitor and eliminate trafficking in persons and to protect the victims of trafficking in persons.

Sec. 4. *Judicial Review.* This order does not create any rights or benefits, enforceable at law or equity, against the United States, its departments, its agencies, or other entities, its officers or employees, or any other person.



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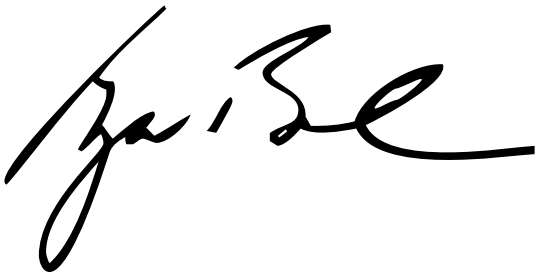

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1219

[FV–01–706–FR]

Hass Avocado Promotion, Research, and Information Order; Referendum Procedures

AGENCY: Agricultural Marketing Service, Agriculture.

ACTION: Final rule.

SUMMARY: This rule establishes procedures which the Department of Agriculture (USDA or the Department) will use in conducting a referendum to determine whether the issuance of the proposed Hass Avocado Promotion, Research, and Information Order (Order) is favored by the producers and importers of Hass avocados. The Order will be implemented if it is approved by a simple majority of the producers and importers voting in the referendum. These procedures will also be used for any subsequent referendum under the Order, if it is approved in the initial referendum. The proposed Order is being published in a separate document. This proposed program would be implemented under the Hass Avocado Promotion, Research, and Information Act of 2000.

DATES: February 20, 2002.

FOR FURTHER INFORMATION CONTACT: Julie A. Morin, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, Stop 0244, 1400 Independence Avenue, SW., Room 2535–S, Washington, DC 20250–0244; telephone (888) 720–9917, fax (202) 205–2800, or *julie.morin@usda.gov.*

SUPPLEMENTARY INFORMATION: A referendum will be conducted among eligible producers and importers of Hass avocados to determine whether they favor issuance of the proposed Hass Avocado Promotion, Research, and Information Order (Order) [7 CFR Part 1219]. The program will be implemented if it is approved by a simple majority of the producers and importers voting in the referendum. The Order is authorized under the Hass Avocado Promotion, Research, and Information Act of 2000 (Act) [7 U.S.C. 7801–7813]. It would cover domestic and imported Hass avocados. A proposed Order is being published separately in this issue of the **Federal Register**.

Prior documents: A proposed rule was published in the **Federal Register** on July 13, 2001 [66 FR 36886], with a 45-day comment period. Subsequently, USDA published a notice in the **Federal Register** on August 28, 2001 [66 FR 45188], extending the comment period by 15 days, to September 12, 2001. In addition, USDA published a proposed rule on the proposed Hass Avocado Promotion, Research, and Information Order in the **Federal Register** on July 13, 2001 [66 FR 36870], with a 45-day comment period. The comment period on this rule was also extended 15 days. These comment periods were extended one day due to mail service being shut down on September 11–12, 2001.

Question and Answer Overview

Why Are These Referendum Procedures Being Issued?

These procedures are needed to conduct the referendum on the proposed Order. The Order will be implemented if it is approved by a simple majority of the eligible voters in the referendum.

When Will the Referendum Be Held?

The provisions of a proposed Hass Avocado Promotion, Research, and Information Order will be published in this issue of the **Federal Register**. A referendum order will be published in the **Federal Register** after a bond or irrevocable letter of credit has been posted by the California Avocado Commission. The representative period for eligibility for voting in the referendum and the dates for registration and for voting will be announced in the referendum order.

Who Is Eligible To Vote in the Referendum?

Each eligible producer and importer will be allowed to register to vote in the referendum. An eligible producer or importer will have produced or imported Hass avocados for at least one year prior to the referendum.

How Do I Register To Vote?

USDA will provide all known Hass avocado producers and importers with registration instructions. Registration may be done by mail or fax.

How Can I Vote in the Referendum?

All registered producers and importers will receive a ballot and voting instructions in the mail from USDA. Voting will take place by mail and fax. The ballot must be received by USDA by the close of business on the last day of the voting period.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 1212 of the Act states that the Act may not be construed to preempt or supersede any other program relating to Hass avocado promotion, research, industry information, and consumer information organized under the laws of the United States or of a state.

Under Section 1207 of the Act, a person subject to the Order may file a petition with the Department stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order, is not established in accordance with the law, and requesting a modification of the Order or an exemption from the Order. Any petition filed challenging the Order, any provision of the Order or any obligation imposed in connection with the Order, shall be filed within two years after the effective date of the Order, provision or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. The Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall be the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of entry of the Department's final ruling.

Executive Order 12866

This rule has been determined not significant for purposes of Executive Order 12866 and, therefore, has not

been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (RFA) [5 U.S.C. 601 *et seq.*], the Agency is required to examine the impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such action so that small businesses will not be disproportionately burdened.

The Act, which authorizes the Department to implement a research and promotion program covering domestic and imported Hass avocados, became effective on October 23, 2000.

This rule establishes the procedures under which producers and importers may vote on whether they want a national promotion, research, and information program to be implemented for Hass avocados. Producers and importers of Hass avocados who have produced or imported Hass avocados for at least one year prior to the referendum will be eligible to vote. This rule adds a new subpart which establishes procedures to conduct the initial and future referenda. The subpart covers definitions, registration, voting instructions, use of subagents, ballots, the referendum report, and confidentiality of information.

There are approximately 6,000 producers and 200 importers who will be eligible to vote in the referendum.

The Small Business Administration [13 CFR 121.201] defines small agricultural producers as those having annual receipts of $750,000 or less annually and small agricultural service firms as those having annual receipts of $5 million or less. Importers would be considered agricultural service firms. Using these criteria, most producers and importers would be considered small businesses.

The Act authorizes assessments on fresh, frozen, and processed Hass avocados. However, initially only fresh Hass avocados will be assessed. Therefore, only producers and importers of fresh Hass avocados will covered by the initial referendum.

According to USDA's National Agricultural Statistics Service (NASS), total U.S. production of avocados during the 2000–2001 season was 234,320 tons, most of which was utilized fresh except for a small processed quantity that NASS included in fresh utilization to protect the confidentiality of individual operations. The value of the 2000–2001 crop was $321 million. Production in 2000–2001 was up 28 percent from the previous year's total of 183,300 tons, which had a value of $379 million.

In 2000–2001, California accounted for more than 89 percent of U.S. avocado production, followed by Florida (nearly 11 percent) and Hawaii (about 0.1 percent). Hass avocados account for about 85 percent of the total California avocado crop.

Avocados are imported in both fresh and processed forms. In 2000, fresh avocado importers accounted for about 75 percent of the total tonnage of fresh and processed avocados imported. Imported fresh avocados totaled 86,667 tons, up 21 percent from 1999.

The total import value for fresh and processed avocados was $149 million in 2000, up from $105 million in 1999. The total tonnage imported was up 37 percent in 2000, to 111,880 tons. The trend in imports is up, and imports have more than doubled since 1997. Almost all prepared or preserved avocado imports come from Mexico. In recent years, Chile has accounted for more than 50 percent of fresh imports, followed by Mexico, the Dominican Republic, and New Zealand.

This rule provides the procedures under which producers and importers of Hass avocados will vote on whether they want the Order to be implemented. In accordance with the provisions of the Act, subsequent referenda may be conducted, and these procedures would apply. These procedures include provisions concerning producer and importer eligibility, registration, voting, and instructions for referendum agents.

USDA will keep producers and importers informed throughout the program implementation and referendum process to ensure that they are aware of and are able to participate in the program implementation process. USDA will also publicize information regarding the referendum process so that trade associations and related industry media can be kept informed.

Voting in the referendum is optional. However, if producers and importers choose to vote, the burden of voting would be offset by the benefits of having the opportunity to vote on whether or not they want to be covered by the program.

The information collection requirements contained in this final rule are designed to minimize the burden on producers and importers. This rule provides for voter registration and a ballot to be used by eligible producers and importers to vote in the referendum. The estimated annual cost of providing the information by an estimated 6,000 producers would be $6,000 or $1.00 per producer and for an estimated 200 importers would be $200 or $1.00 per importer.

The Department considered requiring eligible voters to vote in person at various USDA offices across the country. The Department also considered electronic voting, but the use of computers is not universal. Conducting the referendum from one central location by mail and fax would be more cost-effective. USDA will provide easy access to information for potential voters through a toll-free telephone line.

There are no federal rules that duplicate, overlap, or conflict with this rule.

Paperwork Reduction Act

In accordance with the OMB regulation [5 CFR 1320] which implements the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35], voter registration and the referendum ballot, which represent the information collection and recordkeeping requirements imposed by this rule, have been approved by OMB.

Title: National Research, Promotion, and Consumer Information Programs.

OMB Number: 0581–0197.

Expiration Date of Approval: October 31, 2004.

Type of Request: New information collection for research and promotion programs.

Abstract: The information collection requirements in this request are essential to carry out the intent of the Act.

The information collection requirements relating to referenda are registration for the referendum and the ballot. To register, persons will submit to USDA, either by mail or fax, their name, company name (if applicable), address, and business telephone number. The information collected on the ballot will be the person's vote (yes or no) and signature certifying the person's eligibility to vote.

The estimated cost of providing the information by an estimated 6,000 producers would be $6,000 or $1.00 per producer and for an estimated 200 importers would be $200 or $1.00 per importer.

The registration and voting requirements have been carefully reviewed, and every effort has been made to minimize any unnecessary recordkeeping costs or requirements, including efforts to utilize information already maintained by potential voters.

The registration and voting requirements have been designed to require the minimum information necessary to effectively carry out the requirements of the Act, and their use is necessary to fulfill the intent of the Act. Such information can be supplied

without data processing equipment or outside technical expertise. In addition, there are no additional training requirements for individuals to register or vote. The registration and voting processes are simple, easy to understand, and place as small a burden as possible on the persons choosing to vote in the referendum.

The information collection requirements in this rule are:

1. Voter Registration

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hours per response for each producer and importer.

Respondents: Producers and importers.

Estimated Number of Respondents: 6,200.

Estimated Number of Responses per Respondent: 1 every 5 years (0.2).

Estimated Total Annual Burden on Respondents: 310 hours.

2. Ballot

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hours per response for each producer and importer.

Respondents: Producers and importers.

Estimated Number of Respondents: 6,200.

Estimated Number of Responses per Respondent: 1 every 5 years (0.2).

Estimated Total Annual Burden on Respondents: 310 hours.

Background

The Act, which became effective on October 23, 2000, authorizes the Department to establish a national research and promotion program covering domestic and imported Hass avocados. The California Avocado Commission (Commission) submitted an entire proposed Order and proposed referendum procedures on December 29, 2000. Subsequently, on March 9, 2001, partial proposals on the Order were received from Hass avocado interests in Chile, Mexico, and New Zealand. These proposals were published for public comment in the July 13, 2001, issue of the **Federal Register**.

The proposed Order would provide for the development and financing of an effective and coordinated program of promotion, research, and consumer and industry information for Hass avocados in the United States. The program would be funded by an assessment levied on producers (to be collected by handlers) and importers (to be collected by the U.S. Customs Service at time of entry into the United States) at an initial rate of 2.5 cents per pound. The Act authorizes assessments on fresh, frozen, and processed Hass avocados. However, initially, only fresh domestic and imported Hass avocados will be covered by the program.

The assessments would be used to pay for promotion, research, and consumer and industry information; administration, maintenance, and functioning of the proposed Hass Avocado Board; and expenses incurred by the Department in implementing and administering the Order, including referendum costs.

Section 1206 of the Act requires that a referendum be conducted among eligible producers and importers of Hass avocados to determine whether they favor implementation of the Order. That section also requires the Order to be approved by a simple majority of the producers and importers voting. In order to be eligible to vote, producers and importers must have been engaged in producing or importing Hass avocados for at least one year prior to the referendum. Further, producers and importers have to register with the Department prior to the voting period. Registration will occur after producers and importers receive registration instructions and notice that a referendum will be conducted. This notice will be at least 30 days prior to the referendum.

This rule establishes the procedures under which producers and importers of Hass avocados may vote on whether they want the Hass avocado promotion, research, and information program to be implemented. There are approximately 6,200 eligible voters.

Three comments were received on the referendum procedures. Two comments offered modifications or changes to the provisions and procedures for conducting the referendum. In addition, a third comment generally affirmed and supported one of these two comments.

One comment addressed the definition of ''eligible importer'' in the third sentence of § 1219.101. The comment stated that the definition should be changed to delete the reference to persons who hold title to foreign produced Hass avocados immediately upon release by the U.S. Customs Service. The comment noted that this could include persons who neither reside in nor are citizens of the United States. The definition of importers eligible to vote in referenda is the same as the definition of importer in § 1219.14 of the Order. The definition in the Order describes importers who would be required to pay assessments if the Order is implemented. Only persons subject to assessments can vote in referenda. Therefore, we are adopting, without change, the definition of eligible importer as proposed on July 13, 2001, to assure that all importers who would be required to pay assessments are eligible to vote in referenda.

Comments also were submitted on the registration process for the referendum. One comment recommended modifying § 1219.102 to designate the Commission as an agent for the purpose of registering voters with the Department to ensure the maximum voter registration. This would be in addition to the Department also being an agent for voter registration. The comment noted that the Commission is responsible for the implementation of the California State Hass avocado program and as such it would be logical to designate the Commission as agent for registration. We disagree. The Act provides that producers and importers register with the Department. The comment's suggestion would not be consistent with the registration provisions of the Act. Therefore, no change to § 1219.102 is made as a result of this comment.

This comment also urged the Department to conduct the referendum in a prompt and efficient manner. The comment went on to discuss elections under the California State program and mentioned that information is available under that program that would be helpful in conducting the referendum for the federal program. The Department will utilize all available information as is appropriate in order to conduct the referendum in as prompt and efficient manner as is possible while maximizing participation in the referendum process.

A second comment concerning § 1219.102 supported the provision providing that the Department be the only entity in charge of registering eligible importers. The comment noted that the Department take its time in developing a list of eligible importers so that eligible importers are not excluded from registering for and voting in the referendum. This comment requested that, in order to ensure participation of the greatest possible number of importers in the referendum, the Department consult with country-of-origin exporter associations when developing a list of importers and the ballot and instructions for the referendum. As mentioned above in discussing the previous comment, the Department will utilize available information as is appropriate in order to conduct the referendum in as prompt and efficient manner as is possible while maximizing participation in the referendum process.

Finally, one comment stated that approval of the proposed Order should be based on a majority of the voters who represent a majority of the volume of Hass avocados voted in the referendum. The comment stated that basing approval of the proposed Order on a simple majority of the persons voting is discriminatory and unfair to importers because importers will be severely underrepresented. The comment noted that the number of importers is small relative to the volume of imports, and the number of producers is large relative to the volume of domestic production. The requirement for the proposed Order to be approved by a simple majority of the eligible producers and importers voting in the referendum—without a volume requirement—is established in the Act. Therefore, no change will be made in the conduct of the referendum as a result of this comment.

However, the Department has revised §§ 1219.101(b), (g), (h), and (i), 1219.102, 1219.103(c), and 1219.108 and added a new § 1219.109. Paragraphs (b) and (i) of § 1219.101 were revised to correct typographical errors in the July 13, 2001, proposed rule. Paragraphs (g) and (h) of § 1219.101 were revised by changing references to the ''Secretary'' to the ''Administrator'' for the purpose of accuracy and clarity. Section 1219.102 was revised by changing the citation of a cross-reference, specifying that registration information shall be confidential, and changing references to the ''Secretary'' to the ''referendum agent'' for accuracy and clarity. Paragraph (c) of § 1219.103 was revised by changing the reference to the ''Secretary'' to the ''referendum agent'' for accuracy and clarity and to authorize voters to cast their ballots by mail or by fax to add another voting option for voters. Section 1219.108 was revised to clarify that registration information shall be kept confidential and that the confidentiality requirement covers the identity as well as the vote of voters in the referendum. Section 1219.109 was added to identify the OMB control number for the subpart.

Pursuant to 5 U.S.C. 553, it is found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The referendum will be held in the near future; (2) producers and importers need to register with the Department prior to that time; (3) notice of the referendum is required to be given to producers and importers at least 30 days prior to the referendum; and (4) interested persons including producers and importers were given the opportunity to comment on the proposal for a total of 61 days.

List of Subjects in 7 CFR Part 1219

Administrative practice and procedure, Advertising, Consumer information, Hass avocados, Marketing agreements, Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, Title 7 Chapter XI of the Code of Federal Regulations is amended by adding part 1219 to read as follows:

PART 1219—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

Subpart A—[Reserved]

Subpart B—Referendum Procedures

Sec.
1219.100 General.
1219.101 Definitions.
1219.102 Registration.
1219.103 Voting.
1219.104 Instructions.
1219.105 Subagents.
1219.106 Ballots.
1219.107 Referendum report.
1219.108 Confidential information.
1219.109 OMB control number.

Authority: 7 U.S.C. 7801–7813.

Subpart A—[Reserved]

Subpart B—Referendum Procedures

§ 1219.100 General.

Referenda to determine whether eligible producers and importers of Hass avocados favor the issuance, amendment, suspension, or termination of the Hass Avocado Promotion, Research, and Information Order shall be conducted in accordance with this subpart.

§ 1219.101 Definitions.

(a) *Administrator* means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated or may hereafter be delegated to act in the Administrator's stead.

(b) *Eligible importer* means any person who imported Hass avocados, that are identified by the number 08–04.00.00.10 in the Harmonized Tariff Schedule of the United States for at least one year prior to the referendum. Importation occurs when Hass avocados originating outside of the United States are released from custody by the U.S. Customs Service and introduced into the stream of commerce in the United States. Included are persons who hold title to foreign-produced Hass avocados immediately upon release by the U.S. Customs Service, as well as any persons who act on behalf of others, as agents or brokers, to secure the release of Hass avocados from the U.S. Customs Service when such Hass avocados are entered or withdrawn for consumption in the United States.

(c) *Eligible producer* means any person who produced Hass avocados in the United States for at least one year prior to the referendum who:

(1) Owns, or shares the ownership and risk of loss of, the crop;

(2) Rents Hass avocado production facilities and equipment resulting in the ownership of all or a portion of the Hass avocados produced;

(3) Owns Hass avocado production facilities and equipment but does not manage them and, as compensation, obtains the ownership of a portion of the Hass avocados produced; or

(4) Is a party in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce Hass avocados who share the risk of loss and receive a share of the Hass avocados produced. No other acquisition of legal title to Hass avocados shall be deemed to result in persons becoming eligible producers.

(d) *Hass avocados* means the fruit grown in or imported into the United States of the species *Persea americana* Mill. For the purposes of the initial referendum, the term shall include fresh fruit only.

(e) *Order* means the Hass Avocado Promotion, Research, and Information Order.

(f) *Person* means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity. For the purpose of this definition, the term ''partnership'' includes, but is not limited to:

(1) A husband and a wife who have title to, or leasehold interest in, a Hass avocado farm as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property; and

(2) So-called ''joint ventures'' wherein one or more parties to an agreement, informal or otherwise, contributed land and others contributed capital, labor, management, or other services, or any variation of such contributions by two or more parties.

(g) *Referendum agent* or *agent* means the individual or individuals designated by the Administrator to conduct the referendum.

(h) *Representative period* means the period designated by the Administrator.

(i) *United States.* The term ''United States'' means collectively of the several 50 States of the United States, the District of Columbia, the

Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, and the Federated States of Micronesia.

§ 1219.102 Registration.

An eligible producer or importer of Hass avocados, as defined in this subpart, at the time of the referendum and during a representative period, who chooses to vote in any referendum conducted under this subpart, shall register with the referendum agent prior to the voting period, after receiving notice from the referendum agent concerning the referendum under § 1219.104(b). Registration information shall be confidential under § 1219.108.

§ 1219.103 Voting.

(a) Each eligible producer and eligible importer who registers to vote in the referendum shall be entitled to cast only one ballot in the referendum. However, each producer in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce Hass avocados, in which more than one of the parties is a producer, shall be entitled to cast one ballot in the referendum covering only such producer's share of the ownership.

(b) Proxy voting is not authorized, but an officer or employee of an eligible corporate producer or importer, or an administrator, executor, or trustee or an eligible entity may cast a ballot on behalf of such entity. Any individual so voting in a referendum shall certify that such individual is an officer or employee of the eligible entity, or an administrator, executive, or trustee of an eligible entity and that such individual has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) All ballots are to be cast by mail or fax, as instructed by the referendum agent.

§ 1219.104 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under the supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the period during which ballots may be cast (voting period).

(b) Notify producers and importers of the voting period for the referendum and the requirement to register to vote in the referendum at least 30 days in advance by utilizing available media or public information sources, without incurring advertising expense, to publicize the dates, places, method of voting, eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print and radio.

(c) Develop the ballots and related material to be used in the referendum. The ballot shall provide for recording essential information, including that needed for ascertaining whether the person voting, or on whose behalf the vote is cast, is an eligible voter.

(d) Develop a list of producers and importers who register to vote.

(e) Mail to registered voters the instructions on voting, a ballot, and a summary of the terms and conditions of the proposed Order.

(f) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results in the presence of an agent of a third party authorized to monitor the referendum process.

(g) Prepare a report on the referendum.

(h) Announce the results to the public.

§ 1219.105 Subagents.

The referendum agent may appoint any individual or individuals necessary or desirable to assist the agent in performing such agent's functions hereunder. Each individual so appointed may be authorized by the agent to perform any or all of the functions which, in the absence of such appointment, shall be performed by the agent.

§ 1219.106 Ballots.

The referendum agent and subagents shall accept all ballots cast. However, if an agent or subagent deems that a ballot should be challenged for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

§ 1219.107 Referendum report.

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on the results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to the analysis of the referendum and its results.

§ 1219.108 Confidential information.

The list of registered voters, ballots, and all other information or reports that reveal, or tend to reveal, the identity or vote of voters in the referendum shall be strictly confidential and shall not be disclosed.

§ 1219.109 OMB control number.

The control number assigned to the information collection requirement in this subpart by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35 is OMB control number 0581–0197.

Dated: February 12, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–3796 Filed 2–13–02; 2:00 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1439

RIN 0560–AG33

Livestock Indemnity Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements provisions of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 related to the Livestock Indemnity Program-2000 (LIP–2000). This final rule announces the program's availability and requirements. The Commodity Credit Corporation (CCC) published a proposed rule on March 7, 2001, (66 FR 13679) seeking public comment. No comments were received and the proposed rule is adopted as final with a minor change to reflect a statutory reduction in program funding.

EFFECTIVE DATE: February 19, 2002.

FOR FURTHER INFORMATION CONTACT: Sharon Biastock, Production, Emergencies, and Compliance Division, Farm Service Agency (FSA), U.S. Department of Agriculture, 1400 Independence Ave. SW., Stop 0517, Washington, DC 20250–0540, telephone (202) 720–6336; e-mail address: sharon_biastock@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866 and has been determined to be significant and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of final rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require 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).

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies must be exhausted.

Unfunded Mandates Reform Act of 1995

The provisions of Title II of the Unfunded Mandates Reform Act of 1995 are not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of final rulemaking with respect to the subject matter of this rule. Further, in any case, these provisions do not impose any mandates on State, local or tribal governments, or the private sector.

Paperwork Reduction Act

In accordance with section 3507 (j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection and recordkeeping requirements included in this final rule were submitted for emergency approval to the Office of Management and Budget (OMB). OMB assigned control number 0560–0179 to the information collection and recordkeeping requirements.

Background

This final rule implements Sec. 813 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Pub. L. 106–387) related to the Livestock Indemnity Program-2000 (LIP–2000). The statute provides that the Secretary of Agriculture (the Secretary) use up to $10 million of the funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on a farm for qualifying livestock losses occurring in the period beginning on January 1, 2000, and ending on December 31, 2000. A government-wide rescission of appropriated funds required by the Consolidated Appropriations Act, 2001, (Pub. L. 106–554, section 1403) reduces the funds available by 0.22 percent. Funding available for LIP–2000 is therefore $9.978 million. Section 1439.207, Availability of Funds is amended to reflect the enactment of this legislation. A proposed rule published on March 7, 2001 sets out rules to implement this new program. No comments were received and on further review it has been decided to implement the rule as published with the exception of a few minor revisions for clarity and precision. Further background for this action was set out in the preamble which accompanied this rule.

List of Subjects in 7 CFR Part 1439

Animal feeds, Disaster assistance, Livestock, Pasture, Reporting and record keeping requirements.

For the reasons set out in the preamble, 7 CFR part 1439 is amended as follows:

PART 1439—EMERGENCY LIVESTOCK ASSISTANCE

1. The authority citation for part 1439 is revised to read as follows:

Authority: 7 U.S.C. 1427a; 15 U.S.C. 714 *et seq.*; Sec. 1103, Pub. L. 105–277, 112 Stat. 2681–42–44; Pub. L. 106–31, 113 Stat. 57; Pub. L. 106–78, 113 Stat. 1135; Pub. L. 106–113, 113 Stat. 1501; Sec. 257, Pub. L. 106–224, 114 Stat. 358; Secs. 802, 806, 813, Pub. L. 106–387, 114 Stat. 1549, and Sec. 1403, Pub. L. 106–554, 114 Stat. 2763.

2. Revise Subpart C of part 1439 to read as follows:

Subpart C—Livestock Indemnity Program

Sec.

1439.201 Applicability.
1439.202 Administration.
1439.203 Definitions.
1439.204 Sign-up period.
1439.205 Proof of loss.
1439.206 Indemnity benefits.
1439.207 Availability of funds.
1439.208 Limitations on payments.

Subpart C—Livestock Indemnity Program

§ 1439.201 Applicability.

(a) This subpart sets forth the terms and conditions applicable to the Livestock Indemnity Program for 2000 (LIP–2000). Benefits will be provided under this subpart only for losses (deaths) of livestock occurring as a result of:

(1) Natural disasters, except drought;

(2) Fires; or

(3) Anthrax.

(b) Losses due to natural disasters and fires (except drought) will be considered eligible for benefits in counties included in the geographic area covered by a qualifying natural disaster declaration, excluding contiguous counties, issued by the President of the United States or the Secretary of Agriculture of the United States if such declaration was requested and approved for the period of January 1, 2000, through December 31, 2000, inclusive.

(c) A Presidential declaration or Secretarial designation is not required for losses due to anthrax.

(d) Owners will be compensated by livestock category as established by CCC. The owner's loss must be the result of the declared disaster or anthrax and in excess of the normal losses, established by CCC, for the owner's livestock operation. Losses to livestock due to drought conditions are deemed to have been avoidable and are not eligible for benefits under LIP–2000.

§ 1439.202 Administration.

Where circumstances preclude compliance with § 1439.204 due to circumstances beyond the applicant's control, the FSA county or State committee may request that relief be granted by the Deputy Administrator under this section. In such cases, except for statutory deadlines and other statutory requirements, the Deputy Administrator may, in order to more equitably accomplish the goals of this subpart, waive or modify deadlines and other program requirements if the failure to meet such deadlines or other requirements does not adversely affect operation of the program and are not prohibited by statute.

§ 1439.203 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering this subpart. Although, the terms defined in § 1439.3 shall also be applicable, the definitions set forth in this section shall govern for

all purposes of administering this subpart.

Anthrax means a disease of animals caused by bacillus anthracis.

Application means the Form CCC–661, Livestock Indemnity Program Application.

Eligible disasters are any natural disasters occurring in 2000 that are named in the Presidential declaration or Secretarial designation, except drought.

Fires means wild fires that occurred in forests, brush, etc., and, as a result, livestock was killed when it was caught in these fires or in structures that burned in these fires. It does not include structure fires that were not the result of a wild fire.

Livestock means beef and dairy cattle, sheep, goats, swine, poultry (including egg-producing poultry), equine animals used for food or in the production of food, and buffalo and beefalo when maintained on the same basis and in the same manner as beef cattle maintained for commercial slaughter.

Livestock owner means a person who has legal ownership of the livestock and is a citizen of, or legal resident alien in, the United States. A farm cooperative, private domestic corporation, partnership, or joint operation in which a majority interest is held by members, stockholders, or partners who are citizens of, or legal resident aliens in, the United States, if such cooperative, corporation, partnership, or joint operation owns or jointly owns eligible livestock or poultry, will be considered livestock owners. Any Native American tribe (as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638, 88 Stat. 2203)); any Native American organization or entity chartered under the Indian Reorganization Act; any tribal organization under the Indian Self-Determination and Education Assistance Act; and any economic enterprise under the Indian Financing Act of 1974 may be considered livestock owners so long as they meet the terms of the definition.

§ 1439.204 Sign-up period.

A request for benefits under this subpart must be submitted to the CCC at the FSA county office serving the county where the livestock loss occurred. All applications must be filed in the FSA county office prior to the close of business on such date as determined and announced by the Deputy Administrator.

§ 1439.205 Proof of loss.

(a) In the case of fires or natural disasters, livestock owners must, in accordance with instructions issued by the Deputy Administrator, provide adequate proof that the death of the eligible livestock occurred during the recognized natural disaster period, as provided in § 1439.201(b); or was reasonably related to the disaster.

(b) The livestock owner shall provide any available supporting documents that will assist the county committee, or is requested by the county committee, in verifying:

(1) The quantity of eligible livestock that perished in the natural disaster including, but not limited to, purchase records, veterinarian receipts, bank loan papers, rendering truck certificates, Federal Emergency Management Agency and National Guard records, auction barn receipts, and any other documents available to confirm the presence of the livestock and subsequent losses; and

(2) That the loss was reasonably related to the recognized disaster in the declaration or designation, including, but not limited to, newspaper articles or other media reports, photographs of disaster damage, veterinarian records, and any other documents available to confirm that the disaster occurred and was responsible for the livestock losses.

(c) Livestock owners requesting benefits for losses due to anthrax shall provide documentation verifying the quantity of livestock deaths that was caused by anthrax.

(d) Certifications by third parties or the owner and other such documentation as the county committee determines to be necessary in order to verify the information provided by the owner must also be submitted. Third-party verifications may be accepted only if the owner certifies in writing that there is no other documentation available. Third-party verification must be signed by the party that is verifying the information. Failure to provide documentation that is satisfactory to the county committee will result in the disapproval of the application by the county committee.

(e) Livestock owners shall certify the accuracy of the information provided. All information provided is subject to verification and spot checks by the CCC. A failure to provide information requested by the county committee or by agency officials is cause for denial of any application filed under this part.

§ 1439.206 Indemnity benefits.

(a) Livestock indemnity payments for losses of eligible livestock as determined by CCC are authorized to be made to livestock owners, based on the owner's share of the livestock, who file an application for the specific livestock category in accordance with instructions issued by the Deputy Administrator, if:

(1) The livestock owner submits an approved proof of loss in accordance with § 1439.205; and

(2) The FSA county or State committee determines that because of an eligible disaster condition the livestock owner had a loss in the specific livestock category in excess of the normal mortality rate established by CCC, based on the number of animals in the livestock category that were in the owner's inventory at the time of the disaster.

(b) If the number of losses in the animal category exceeds the normal mortality rate established by CCC for such category, the loss of livestock that shall be used in making a payment shall be the number of animal losses in the animal category that exceed the normal mortality threshold established by CCC.

(c) Payments shall be calculated by multiplying the national payment rate for the livestock category as determined by CCC, by the number of qualifying animals determined under paragraph (b) of this section. Adjustments, if necessary, shall apply in accordance with § 1439.207.

§ 1439.207 Availability of funds.

(a) In the event that the total amount of eligible claims submitted under this subpart exceeds $9.978 million, then each payment shall be reduced by a uniform national percentage.

(b) Such payment reductions shall be applied after the imposition of applicable per-person payment limitation provisions.

§ 1439.208 Limitations on payments.

(a) The provisions of §§ 1439.10 and 1439.11 apply to LIP–2000.

(b) Payments earned under other programs contained in this part shall not reduce the amount payable under this subpart.

(c) Disaster benefits under this part are not subject to administrative offset. See section 842 of Public Law 106–387.

(d) No interest will be paid or accrue on disaster benefits under this part that are delayed or are otherwise not timely issued unless otherwise mandated by law.

Signed in Washington, D.C., on February 11, 2002.

James R. Little,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 02–3933 Filed 2–15–02; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tiamulin

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 supplemental new animal drug application (NADA) filed by Boehringer Ingelheim Vetmedica, Inc. The supplemental NADA provides for use of approved tiamulin Type A medicated articles to make Type B and Type C medicated feeds used for the control of porcine proliferative enteropathies (ileitis) in swine.

DATES: This rule is effective February 19, 2002.

FOR FURTHER INFORMATION CONTACT: Diane D. Jeang, Center for Veterinary Medicine (HFV–133), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7574, e-mail: djeang@cvm.fda.gov.

SUPPLEMENTARY INFORMATION: Boehringer Ingelheim Vetmedica, Inc., 2621 North Belt Highway, St. Joseph, MO 64506–2002, filed a supplement to approved NADA 139–472 that provides for use of DENAGARD (5, 10, or 113.4 grams (g) per pound of tiamulin) Type A medicated articles to make Type B and Type C medicated feeds for use in growing and finishing swine. The Type C medicated feeds contain 35 g per ton tiamulin and are used for the control of porcine proliferative enteropathies (ileitis) associated with *Lawsonia intracellularis*. The NADA is approved as of November 26, 2001, and § 558.600 (21 CFR 558.600) is amended to reflect the approval. Section 558.600 is also being revised to a tabular format. The basis for 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)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for food-producing animals qualifies for 3 years of marketing exclusivity beginning on November 26, 2001, because the application contains substantial evidence of the effectiveness of the drug involved, any studies of animal safety, or in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for the approval of the application and conducted or sponsored by the applicant. The 3 years of marketing exclusivity applies only to the new claim for which the supplemental application was approved.

The agency has determined under 21 CFR 25.33(a)(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 558

Animal drugs, Animal feeds.

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 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

2. Section 558.600 is revised to read as follows:

§ 558.600 Tiamulin.

(a) *Specifications*. Type A article containing 5, 10, or 113.4 grams of tiamulin (as tiamulin hydrogen fumarate) per pound.

(b) *Approvals*. See No. 000010 in § 510.600(c) of this chapter.

(c) *Related tolerances*. See § 556.738 of this chapter.

(d) *Special considerations*—(1) Swine being treated with tiamulin should not have access to feeds containing polyether ionophores (e.g., lasalocid, monensin, narasin, salinomycin, or semduramycin) as adverse reactions may occur. If signs of toxicity occur, discontinue use.

(2) Not for use in swine weighing over 250 pounds.

(3) Use as sole source of tiamulin.

(e) *Conditions of use*—(1) *Swine*. It is used as follows:

Tiamulin in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 10		For increased rate of weight gain and improved feed efficiency.	Feed continuously as the sole ration.	000010
(ii) 35		1. For control of swine dysentery associated with *Brachyspira* (formerly *Serpulina* or *Treponema*) *hyodysenteriae* susceptible to tiamulin.	Feed continuously as sole ration on premises with a history of swine dysentery but where signs of disease have not yet occurred or following approved treatment of disease. Withdraw 2 days before slaughter.	000010
		2. For control of porcine proliferative enteropathies (ileitis) associated with *Lawsonia intracellularis*.	Feed continuously as the sole ration for not less than 10 days. Withdraw 2 days before slaughter.	000010

Tiamulin in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(iii) 35	Chlortetracycline, approximately 400 (varying with body weight and feed consumption to provide 10 milligrams of chlortetracycline per pound of body weight daily).	For treatment of swine bacterial enteritis caused by *Escherichia coli* and *Salmonella choleraesuis* and bacterial pneumonia caused by *Pasteurella multocida* susceptible to chlortetracycline, and control of swine dysentery associated with *Brachyspira* (formerly *Serpulina* or *Treponema*) *hyodysenteriae* susceptible to tiamulin.	Feed continuously as sole ration for 14 days. Use as only source of chlortetracycline. Withdraw 2 days before slaughter. As chlortetracycline calcium complex, Type A medicated articles containing the equivalent of 50 to 100 grams per pound of chlortetracycline hydrochloride provided by 046573 and 053389 in § 510.600(c) of this chapter.	000010
(iv) 200		For treatment of swine dysentery associated with *Brachyspira* (formerly *Serpulina* or *Treponema*) *hyodysenteriae* susceptible to tiamulin.	Feed continuously as the sole feed for 14 consecutive days. Withdraw feed 7 days before slaughter.	000010

(2) [Reserved]

Dated: January 31, 2002.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 02–3831 Filed 2–15–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF JUSTICE

28 CFR Part 65

[OJP(BJA)–1334]

RIN 1121–AA60

Bureau of Justice Assistance; Emergency Federal Law Enforcement Assistance

AGENCY: Office of Justice Programs, Bureau of Justice Assistance, Justice.

ACTION: Final rule; correction.

SUMMARY: This rule corrects the address for submission of applications to the Director, Bureau of Justice Assistance, U.S. Department of Justice, for the Emergency Federal Law Enforcement Assistance (EFLEA) Program. This correction reflects a change of address for the Director, Bureau of Justice Assistance, Office of Justice Program, U.S. Department of Justice.

EFFECTIVE DATE: This change will be effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Linda Fallowfield or Victoria O'Brien at 202–307–6235.

SUPPLEMENTARY INFORMATION: The Bureau of Justice Assistance is issuing this final rule to correct the address to which a state or local unit of government may submit applications for the Emergency Federal Law Enforcement Assistance Program. The purpose of this program is to provide assistance to an uncommon situation which is or threatens to escalate to serious or epidemic proportions and state or local resources are not sufficient to protect the lives and property of citizens, or to enforce the criminal law.

Currently, the state must submit the application directly to the Attorney General, U.S. Department of Justice with one copy to the Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Office of Justice Programs has moved to a different location in Washington, DC necessitating this correction to the regulation.

Regulatory Certifications

Executive Order 12866

This regulation has been written and reviewed in accordance with Executive Order 12866, Sec. 1(b), Principles of Regulation. The Office of Justice Programs has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, Sec. 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

Executive Order 12612

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Office of Justice Programs, 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 upon a substantial number of small entities for the following reasons: The EFLEA program is administered by the Office of Justice Programs. The economic impact is limited to the Office of Justice Program's appropriated funds.

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 it 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 Sec. 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 cost 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.

Paperwork Reduction Act

No new collection of information requirements as defined under the Paperwork Reduction Act (44 U.S.C. 3504(h)) are being added by this proposed regulation.

Environmental Impact

OJP has evaluated this rule in accordance with its procedures for ensuring full consideration of the potential environmental impacts of OJP's actions, as required by the National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*) and related directives. OJP has concluded that the issuance of this rule does not have a significant impact on the quality of the human environment and, therefore, does not require the preparation of an Environmental Impact Statement.

Energy Impact Statement

OJP has evaluated this rule and has determined that it creates no new impact on the energy supply or distribution.

For the reasons set out in the preamble, Title 28, Chapter I, Part 65 of the Code of Federal Regulations is amended as follows:

PART 65—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

1. The authority citation for Part 32 continues to read as follows:

Authority: The Comprehensive Crime Control Act of 1984, Title II, Chap. VI, Div. I, Subdiv. B, Emergency Federal Law Enforcement Assistance, Pub. L. 98–473, 98 Stat. 1837, Oct. 12, 1984 (42 U.S.C. 10501 *et seq.*); 8 U.S.C. 1101 note; Sec. 610, Pub. L. 102–140, 105 Stat. 832.

2. Section 65.40 is revised to read as follows: 65.40 General.

* * * * *

This subpart describes the process and criteria for the Attorney General's review and approval or disapproval of state applications. The original application, on Standard Form 424, signed by the chief executive officer of the state should be submitted directly to the Attorney General, U.S. Department of Justice, Washington, DC 20503. One copy of the application should be sent to the Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, Washington, DC 20531.

Dated: February 8, 2002.

Harri j Kramer,

Deputy Director, Bureau of Justice Assistance.

[FR Doc. 02–3833 Filed 2–15–02; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Diego 01–021]

RIN 2115–AA97

Security Zones; Hoover Dam, Davis Dam, and Glen Canyon Dam

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing three security zones on the Colorado River: one surrounding the Hoover Dam, the second one surrounding the Davis Dam, and the third zone surrounding the Glen Canyon Dam. These actions are necessary to ensure public safety and prevent sabotage or terrorist acts against the public and commercial structures and individuals near or upon these structures. These security zones will prohibit all persons and vessels from entering, transiting through or anchoring within the security zones unless authorized by the Captain of the Port (COTP), or his designated representative.

DATES: This rule is effective from 12 midnight (PST) on November 5, 2001 to 12 midnight (PDT) on June 21, 2002.

ADDRESSES: Any comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket COTP San Diego 01–021, and are available for inspection or copying at U.S. Coast Guard Marine Safety Office San Diego, 2716 N. Harbor Drive, San Diego California 92101, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Rick Sorrell, Chief of Port Operations, Marine Safety Office San Diego, at (619) 683–6495.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. In keeping with the requirements of 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. In keeping with the requirements of 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this regulation effective less than 30 days after publication in the **Federal Register**.

On September 11, 2001, two commercial aircraft were hijacked from Logan Airport in Boston, Massachusetts and flown into the World Trade Center in New York, New York inflicting catastrophic human casualties and property damage. A similar attack was conducted on the Pentagon in Arlington, Virginia on the same day. National security officials warn that future terrorist attacks against high visibility civilian targets may be anticipated. A heightened level of security has been established concerning all vessels and persons transiting in the vicinity of the Colorado River Dams. These security zones are needed to protect the United States and more specifically the people, waterways, and properties of the Colorado River Dams.

The delay inherent in the NPRM process, and any delay in the effective date of this rule, is contrary to the public interest insofar as it may render individuals and facilities within and adjacent to the Colorado River Dams vulnerable to subversive activity, sabotage or terrorist attack. The measures contemplated by the rule are intended to prevent future terrorist attacks against these dams themselves, or individuals and facilities within or adjacent to these dams. Immediate action is required to accomplish these objectives. Any delay in the effective date of this rule is impracticable and contrary to the public interest.

Background and Purpose

On September 11, 2001, terrorists launched attacks on civilian and military targets within the United States killing large numbers of people and damaging properties of national significance. Personnel, vehicles or vessels operating near these installations upon the Colorado River and activities upon adjacent lands present possible situations through which individuals may gain unauthorized access to these installations, or launch terrorist attacks upon the waterfront structures and adjacent population centers.

As part of the Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99–399), Congress amended The Ports and Waterways Safety Act (PWSA) to allow the Coast Guard to take actions, including the establishment of security and safety zones, to prevent or respond to acts of terrorism against individuals, vessels, or public or commercial structures. 33 U.S.C. 1226. The terrorist acts against the United States on September 11, 2001, have increased the need for safety and security measures on U.S. ports and waterways.

In response to these terrorist acts, and in order to prevent similar occurrences,

the Coast Guard is establishing three temporary security zones in the navigable waters of the United States upon the Colorado River in the vicinity of, and lands immediately adjacent to, the Hoover, Davis, and Glen Canyon Dams. These security zones are necessary to provide for the safety and security of the United States of America and the people, ports, waterways and properties upon the Colorado River. These security zones, prohibiting all vessel traffic from entering, transiting or anchoring within the above described areas, and prohibiting all unauthorized shore based activities in areas surrounding the waterfront structures are necessary for the security and protection of the Colorado River Dams. National Park Service officers or employees and craft enlisted by the COTP will enforce these zones.

These security zones are established within the National Park System—areas of land and water administered by the National Park Service for park, monument, historic, parkway, recreational, or other purposes. See 16 U.S.C. 1c. Under 16 U.S.C. 1a–6, National Park Service officers or employees, who are designated by the Secretary of Interior to maintain law and order and protect persons and property within areas of the National Park System, have the authority to enforce this federal regulation. Persons and vessels are prohibited from entering into these security zones unless authorized by the Captain of the Port or his designated representative. Each person and vessel in a security zone shall obey any direction or order of the COTP. The COTP may remove any person, vessel, article, or thing from a security zone. No person may board, take, or place any article or thing on board, any vessel in a security zone without the permission of the COTP.

Pursuant to 33 U.S.C. 1232, any violation of a security zone described herein, is punishable by civil penalties (not to exceed $27,500 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment for not more than 6 years and a fine of not more than $250,000), in rem liability against the offending vessel, and license sanctions. Any person who violates this regulation, using a dangerous weapon, or who engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce this regulation, also faces imprisonment up to 12 years (class C felony).

Regulatory Evaluation

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

Due to the recent terrorist actions against the United States the implementation of this security zone is necessary for the protection of the United States and its people. Because these security zones are established in areas near the Colorado River dams which are seldom used, the Coast Guard expects the economic impact of this rule to be so minimal that full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''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 less than 50,000.

These security zones will not have a significant impact on a substantial number of small entities because these security zones are only closing small portions of the navigable waters of the Colorado River. Vessels may still continue to transit other portions of the Colorado River. In addition, there are no small entities on shore or any portions of these security zones. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard offers to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Rick Sorrell, Chief of Port Operations, Marine Safety Office San Diego, at (619) 683–6495.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34), of Commandant Instruction M16475.lD, this rule, which establishes security zones, is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add new § 165.T11–049 to read as follows:

§ 165.T11–049 Security Zones: Areas surrounding the Hoover Dam, the Davis Dam, and the Glen Canyon Dam on the Colorado River.

(a) *Location.* Following are the locations of the three security zones created by this section: (1) *Hoover Dam security zone.* This security zone will encompass all waters and shoreline areas within the boundaries designated by these GPS coordinates: A point at N36.02209 W–114.75813 (Point A), proceeding east to N36.02209 W–114.73344 (Point B), proceeding north to N36.02934 W–114.73343 (Point C), proceeding east to N36.02857 W–114.71762 (Point D), proceeding south to N36.01764 W–114.71764 (Point E), N36.01764 W–114.72212 (Point F), proceeding south to N36.01033 W–114.72217 (Point G), proceeding west to N36.01033 W–114.72666 (Point H), proceeding south to N35.98873 W–114.72660 (Point I), proceeding west to N35.98872 W–114.74166 (Point J) proceeding south along the east bank of the Colorado River to N35.98557 W–114.74298 (Point K), proceeding west to N35.985 W–114.751 (Point L), proceeding north to N36.006 W–114.750 (Point M), proceeding west to N36.00034 W–114.75806 (Point N), proceeding north to Point A.

(2) *Davis Dam security zone.* This security zone will encompass all waters and shoreline areas within the boundaries designated by these GPS coordinates : A point at N35.20448 W–114.57940 (Point A), proceeding east to N35.20417 W–114.56109 (Point B), proceeding south to N35.19692 W–114.56108 (Point C), proceeding east to N35.19693 W–114.55666 (Point D), proceeding south to N35.18605 W–114.55664 (Point E), proceeding west to N35.18604 W–114.56913 (Point F), proceeding south to N35.18278 W–114.56899 (Point G), proceeding west to N35.18278 W–114.58024 (Point H), and then north to Point A.

(3) *Glen Canyon Dam security zone*: This security zone will encompass all waters and shoreline areas within the boundaries designated by these GPS coordinates: A point at N36.56510 W–111.29245 (Point A), proceeding east to N36.56510 W–111.28843 (Point B), proceeding southeast to N36.56294 W–111.28710 (Point C), proceeding southeasterly to N36.55899 W–111.28868 (Point D), proceeding west to N36.55899 W–111.29171 (Point E), proceeding northwesterly to N36.56294 W–111.29247 (Point F), the proceeding northwesterly to point A.

(b) *Effective dates.* These security zones will be in effect from 12 midnight (PST) on November 5, 2001 to 12 midnight (PDT) on June 21, 2002. If the need for these security zones ends before the scheduled termination time and date, the Captain of the Port will cease enforcement of the security zones and will also announce that fact via Broadcast Notice to Mariners and Local Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.33 of this part, no person or vessel may enter or remain in the security zone established by this temporary regulation, unless authorized by the Captain of the Port, or his designated representative. All other general regulations of § 165.33 of this part apply in the security zone established by this temporary regulation. Persons requesting permission to transit through the security zones must request authorization to do so from the Captain of the Port, who may be contacted at (619) 683–6495 or the United States Department of Interior, Bureau of Reclamation, who may be contacted at (520) 645–0450 for the Glen Canyon Dam, and (702) 293–8302 for the Davis and Hoover Dams.

Dated: November 4, 2001.

S.P. Metruck,

Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.

[FR Doc. 02–3927 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MA084–7214a; A–1–FRL–7143–7]

Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Commonwealth of Massachusetts; Carbon Monoxide Redesignation Request, Maintenance Plan, and Emissions Inventory for the Cities of Lowell, Springfield, Waltham, and Worcester

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts containing a redesignation request, maintenance plan, and emissions inventory for the carbon monoxide (CO) nonattainment areas of Lowell, Springfield, Waltham, and Worcester. Under the Clean Air Act as amended in 1990 (the CAA), air quality designations can be revised if sufficient data is available to warrant such revisions and the redesignation request meets all of the requirements of section 107(d)(E)(3) of the CAA. EPA is approving the Massachusetts redesignation request and maintenance plan because they meet the applicable requirements and will ensure that the four cities remain in attainment. The approved maintenance plan will become a federally enforceable part of the Massachusetts SIP. In this action, EPA is also approving the Massachusetts 1996 baseline emission inventory for CO.

DATES: This direct final rule will be effective April 22, 2002, unless EPA receives relevant adverse comments by March 21, 2002. If we receive relevant adverse comments, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, EPA New England, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England, One Congress Street, 11th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room M–1500, 401 M Street, (Mail Code 6102), SW., Washington, DC; and Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Butensky, Environmental Planner, Air Quality Planning Unit of the Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, New England office, One Congress Street, Boston, MA 02114–2023, (617) 918–1665 or at *butensky.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of SIP Revisions
A. Why is EPA taking this action?
B. Why are we concerned about carbon monoxide?
C. How did EPA establish the cities of Lowell, Springfield, Waltham, and Worcester as nonattainment for carbon monoxide?
D. What are the related Clean Air Act requirements, and how does Massachusetts meet them?

A. Why Is EPA Taking This Action?

On May 25, 2001, the Commonwealth of Massachusetts submitted a formal CO redesignation request to designate the cities of Lowell, Springfield, Waltham, and Worcester as attainment for CO. This submittal also included a maintenance plan to assure that these areas will maintain attainment and a 1996 emissions inventory for CO. On August 14, 2001, EPA New England determined that the information received from Massachusetts Department of Environmental Protection (MADEP) constitutes a complete redesignation request under the general completeness criteria of 40 CFR part 51, appendix V, sections 2.1 and 2.2.

EPA is approving the request to redesignate, maintenance plan, and emission inventory in today's action. Please note that if EPA receives relevant adverse comment on an amendment, paragraph, or section of this rule, and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

B. Why Are We Concerned About Carbon Monoxide?

Inhaling high levels of CO inhibits the blood's capacity to carry oxygen to organs and tissues. Persons with heart disease, children, and individuals with respiratory diseases are particularly sensitive to CO. Effects of CO on healthy adults include impaired exercise capacity, visual perception, manual dexterity, learning functions, and ability to perform complex tasks. As a result of these potential health impacts, EPA developed a primary National Ambient Air Quality Standard (NAAQS) for CO which is the level at which CO concentrations in the ambient air become unhealthful.[1] In response to the NAAQS and pursuant to CAA requirements, states have developed programs to reduce CO to levels that are below the NAAQS.

C. How Did EPA Establish the Cities of Lowell, Springfield, Waltham, and Worcester as Nonattainment for Carbon Monoxide?

The cities of Lowell, Springfield, Waltham, and Worcester were designated nonattainment for CO on March 3, 1978 (43 FR 9003). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law No. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. Pursuant to section 107(d)(1)(C) of the CAA, the cities of Lowell, Springfield, Waltham, and Worcester retained their designations of nonattainment for CO by operation of law. The cities of Lowell, Springfield, Waltham, and Worcester were designated nonattainment on November 6, 1991 (56 FR 56694). Simultaneously, EPA designated these areas as ''not classified'' since ambient monitoring data showed that these areas were attaining the CO NAAQS.[2]

Since these areas were not classified under the CAA amendments of 1990, section 172 of the CAA sets forth the applicable requirements for these nonattainment areas. The 1990 CAA requires such areas to achieve the standard by November 15, 1995, and Massachusetts fulfilled this requirement in the cities of Lowell, Springfield, Waltham, and Worcester.

On May 25, 2001, Massachusetts sent EPA a CO redesignation request for these cities, including a maintenance plan and emissions inventory. EPA is approving all of these components today, and we discuss them in detail in this document. Massachusetts submitted evidence that the MADEP held public hearings on November 15 and 16, 2000 for the CO redesignation request and related components.

D. What Are the Related Clean Air Act Requirements, and How Does Massachusetts Meet Them?

Section 107(d)(3)(E) of the 1990 Clean Air Act Amendments provides five specific requirements that an area must meet to be redesignated from nonattainment to attainment.

1. The area must have attained the applicable NAAQS;
2. The area must have a fully approved SIP under section 110(k) of CAA;
3. The air quality improvement must be permanent and enforceable;

[1] EPA defines the CO NAAQS as nine parts per million averaged over an eight-hour period, and this threshold cannot be exceeded more than once a year or an area would be violating the NAAQS.

[2] Waltham did not have a monitor in place in 1991. As explained later in this notice, EPA is relying on a conservative surrogate CO monitor as part of our basis for concluding that Waltham is attaining the CO NAAQS.

4. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA;

5. The area must meet all applicable requirements under section 110 and Part D of the CAA.

The Massachusetts redesignation request meets the five requirements of section 107(d)(3)(E) as explained below.

1. Attainment of the CO NAAQS

Massachusetts has CO air monitoring data showing that each area has met the CO NAAQS. To attain the CO NAAQS, an area must have complete quality-assured data showing no more than one exceedance of the NAAQS over at least two consecutive years. The ambient air CO monitoring data relied upon by Massachusetts in its redesignation request shows no violations of the CO NAAQS since 1984 in Lowell and Worcester, and since 1987 in Springfield.

In the city of Waltham, the monitoring station for CO ceased operations in 1978. EPA believes, however, that there is ample evidence supporting MADEP's conclusion that CO levels in Waltham are well below the NAAQS. That belief is based on CO monitoring data just outside of Waltham, in the Kenmore Square area of Boston.[3] The Kenmore Square area is more developed and contains higher traffic volumes than the Waltham area, and has not recorded a violation of the CO NAAQS since 1983. However, the design value is used to gauge attainment. According to EPA guidance,[4] the design value is defined by observing two consecutive years of carbon monoxide data and extracting the highest second highest value. The current design value for the CO monitor in Kenmore Square based on 2000 and 2001 is 2.3 parts per million, well below the CO NAAQS. In addition, EPA did a detailed comparison of monitoring data from the Kenmore Square and Waltham monitors during the period of time they both were in operation. EPA compared literally thousands of matched readings for CO measurements in both locations. That analysis provides convincing evidence that Waltham consistently monitored CO values lower than Kenmore Square. That analysis is available as part of the Technical Support Document for this action.

Additionally, MADEP submitted an extensive CO modeling analysis modeling CO levels for a specific area in Waltham in 1998.[5] The analysis found that under the worst case scenario (e.g. congested traffic in winter), the CO NAAQS would not be exceeded in Waltham.

Massachusetts also has committed to continue to monitor CO in Lowell, Springfield and Worcester, and as required in the approved maintenance plan for the Boston CO area, MADEP continues to monitor in Kenmore Square in Boston, which is nearby the city of Waltham. When Massachusetts develops a second 10-year maintenance plan for the Boston CO area, EPA will ensure that MADEP commits to monitor in an area that continues to be representative of CO air quality in Waltham for the duration of the maintenance plan period for Waltham.

2. Fully Approved SIP

EPA has approved the Massachusetts CO SIP as meeting all the requirements of Section 110 of the Act, including the requirement in Section 110(a)(2)(I) to meet all the applicable requirements of Part D (relating to nonattainment), which were due prior to the date of Massachusetts' redesignation request. EPA approved the Massachusetts 1982 CO SIP on November 9, 1983 (48 FR 51480). The Federal Motor Vehicle Control Program and the implementation of an Inspection and Maintenance program for vehicles were the measures that brought the CO levels into attainment in the cities of Lowell, Springfield, Waltham, and Worcester.

Before EPA may redesignate the Massachusetts areas to attainment, the SIP must have fulfilled the applicable requirements of part D. Under part D, an area's classification indicates the requirements to which it is subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as not classifiable. Therefore, to be redesignated to attainment, the State must meet the applicable requirements of subpart 1 of part D, specifically sections 172(c) and 176. Additionally, the 1990 CAA requires CO nonattainment areas such as the cities of Lowell, Springfield, Waltham, and Worcester to achieve other specific requirements. We discuss each of these requirements in greater detail below.

Reasonably Available Control Measures: The General Preamble for the implementation of Title I of the Clean Air Act Amendments of 1990 (57 FR 13498 (April 16, 1992)) explains that section 172(c)(1) requires the plans for all nonattainment areas to provide for the implementation of all Reasonably Available Control Measures (RACM) as expeditiously as practicable. EPA interprets this requirement to impose a duty on all nonattainment areas to consider all available control measures and to adopt and implement such measures as are reasonably available for implementation in the area as components of the area's attainment demonstration. The 1982 CO SIP evaluated many programs as potential RACM and identified the inspection and maintenance program as a CO RACM measure. Because each city has reached attainment, no additional measures are needed to provide for attainment.

Emission Inventory: Under the Clean Air Act as amended, states have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas toward attainment. Section 172(c)(3) of the CAA requires that nonattainment plan provisions include a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Massachusetts included the requisite inventory in the May 25, 2001 submittal and is using 1996 as the base year for the inventory. MADEP included stationary point sources, stationary area sources, on-road mobile sources, and non-road mobile sources of CO in the inventory. The inventory is designed to address actual CO emissions for the area during the peak CO season, which is during the winter months. Available guidance for preparing emission inventories is provided in the General Preamble (57 FR 13498 (April 16, 1992)). In today's action, EPA is approving the Massachusetts statewide CO emissions inventory which includes the emission inventories for the cities of Lowell, Springfield, Waltham, and Worcester.

New Source Review: In an October 14, 1994 memorandum from Mary D. Nichols entitled ''Part D New Source Review (part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' EPA established a new policy under which the Agency may redesignate nonattainment areas to attainment notwithstanding the lack of a fully-approved part D NSR program, provided the SIP does not rely on the program for maintenance. Consistent with this policy, EPA is not requiring as a prerequisite to redesignation that the Waltham, Lowell, Worcester, and Springfield CO nonattainment areas have a fully approved part D NSR program that meets the CAA. In making

[3] The Kenmore Square Monitor is located approximately 10 miles east of the former monitoring site in Waltham.

[4] Memo from William G. Laxton, ''Ozone and Carbon Monoxide Design Value Calculations,'' June 18, 1990.

[5] The CO modeling analysis was conducted in 1998 by Vanasse Hagen Brustlin, Inc. for MADEP.

this decision, EPA found that Massachusetts has not relied on its current SIP approved NSR program for CO sources to maintain attainment.

Although not required for redesignation, on October 27, 2000, EPA published a direct final rule approving revisions that make the Massachusetts NSR SIP consistent with the CAA.[6] In addition, the federal Prevention of Significant Deterioration (PSD) program under 40 CFR 52.21 will apply in the Lowell, Springfield, Waltham, and Worcester CO areas once redesignated to prevent emission increases from new major new sources or major modifications in these areas from causing or contributing to a violation of the NAAQS.

Conformity: Section 176(c) of the CAA requires states to submit revisions to their SIPs that include criteria and procedures to ensure that federal actions conform to the air quality planning goals in the applicable SIPs. The requirement to determine conformity applies to transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Act (''transportation conformity''), as well as all other federal actions (''general conformity''). Congress provided for the state revisions to be submitted one year after the date of promulgation of final EPA conformity regulations. EPA promulgated revised final transportation conformity regulations on August 15, 1997 (62 FR 43780) and final general conformity regulations on November 30, 1993 (58 FR 63214).

These conformity rules require that the states adopt both transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under CAA section 175A. Section 51.390 of the transportation conformity rule (40 CFR 51.390) requires Massachusetts to submit a SIP revision by August 15, 1998 containing transportation conformity criteria and procedures consistent with those established in the federal rule. Similarly, section 51.851 of the general conformity rule requires Massachusetts to submit a SIP revision by December 1, 1994 containing general conformity criteria and procedures consistent with those established in the federal rule.

Massachusetts has a state transportation conformity regulation in place that became effective on December 30, 1994.[7] This rule, however, was not approved into the SIP for two reasons: (1) To allow for flexibility in interpreting the state rule; and (2) to allow the state to take advantage of any flexibility created by changes to the federal transportation conformity rule.

Although Massachusetts does not yet have a transportation conformity rule EPA has approved, the Agency may nevertheless approve this redesignation request. EPA interprets the requirement of a fully approved SIP in section 107(d)(3)(E)(v) to mean that, for a redesignation request to be approved, the state must have met all requirements that become applicable to the subject area before or at the time of the submission of the redesignation request. A delay in approving state rules does not relieve an area from the obligation to implement conformity requirements. Areas are subject to the conformity requirements regardless of whether they are redesignated to attainment and must implement conformity under all circumstances, therefore, it is reasonable to view these requirements as not being applicable requirements for purposes of evaluating a redesignation request. Furthermore, Massachusetts has continually fulfilled all of the requirements of the state and federal transportation conformity rules and the general conformity rule. Therefore, it is not necessary that the state have its transportation conformity rule approved in the SIP before redesignation to insure that Massachusetts meets the substance of the conformity requirements.

On January 30, 1996, EPA modified its national policy regarding the interpretation of the provisions of section 107(d)(3)(E) concerning the applicable requirements for purposes of reviewing a CO redesignation request (61 FR 2918 (January 30, 1996)). Under this new policy, for the reasons discussed, EPA believes that the CO redesignation request may be approved notwithstanding the lack of approved state transportation conformity and general conformity rules.

3. Improvement in Air Quality Due to Permanent and Enforceable Measures

In 1983 EPA fully approved the Massachusetts 1982 CO SIP pertaining to the cities of Lowell, Springfield, Waltham, and Worcester as meeting the CO SIP requirements in effect under the CAA at that time. 48 FR 57480 (November 9, 1983). EPA approved the Massachusetts CO SIP under the CAA as amended through 1977. Emission reductions achieved through the implementation of control measures contained in that SIP are enforceable. Massachusetts has data from its monitors in the cities of Lowell, Springfield, and Worcester indicating that the state had measured no exceedances or violations of the CO standard since 1987. The attainment in these areas so soon after Massachusetts started to implement its 1982 CO SIP indicated that the air quality improvements are due to the permanent and enforceable measures contained in the 1982 CO SIP. In addition, CO levels at the Kenmore site, MADEP's surrogate for Waltham, declined over time, roughly parallel to the declines seen elsewhere. EPA finds that the combination of certain existing EPA approved SIP and federal measures contributes to the permanence and enforceability of reductions in ambient CO levels that have allowed the area to attain the NAAQS.

4. Fully Approved Maintenance Plan Under Section 175A

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Agency approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period.[8] To provide for the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation adequate to assure prompt correction of any air quality problems. In this notice, EPA is approving the maintenance plan for the cities of Lowell, Springfield, Waltham, and Worcester because EPA finds that the Massachusetts submittal meets the requirements of section 175A.

a. Attainment Emission Inventory

MADEP submitted a comprehensive inventory of CO emissions. The inventory includes emissions from area, stationary, and mobile sources using 1996 as the base year for calculations. The 1996 inventory is considered representative of attainment conditions because EPA has concluded that none of the areas violated during 1996. MADEP prepared the inventory in accordance with EPA guidance and Massachusetts established statewide CO emissions for

[6] This direct final rule became effective on December 26, 2000.

[7] State rule 310 CMR 60.00 (Section 60.03), ''Conformity to the State Implementation Plan of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act.''

[8] On August 23, 2001 the MADEP sent a letter to EPA New England confirming that the State is aware of this requirement.

1996 as well as forecasts to the year 2012. These estimates were derived from MADEP's 1996 emissions inventory. MADEP's submittals contains the following information:

COMPARISON OF 1996 AND 2012 CARBON MONOXIDE EMISSION IN MASSACHUSETTS

[Tons per winter day]

	1996	2012
Stationary Point	40.0	44.3
Stationary Area	696.6	708.9
On-Road Mobile	2,256.7	1,428.1
Off-Road Mobile	633.6	813.0
Total	3,626.9	2,994.3

In addition, Massachusetts has submitted a detailed inventory that allocated CO emissions to each of the cities of Lowell, Springfield, Waltham, and Worcester based on their population. This is summarized below.

CARBON MONOXIDE EMISSION SUMMARY, 1996 AND 2012 EMISSIONS

[Tons per winter day]

	Waltham		Worcester		Lowell		Springfield	
	1996	2012	1996	2012	1996	2012	1996	2012
Stationary Point	6	6	20	20	11	11	18	18
Stationary Area	0	0	1	1	1	1	1	1
On-Road Mobile	21	5	64	17	37	10	57	15
Off-Road Mobile	6	6	17	19	10	11	15	16
Total	33	17	102	57	59	33	91	50

In today's action, EPA is approving the 1996 emission inventory for Massachusetts submitted on May 25, 2001, as part of the CO redesignation request for the cities of Lowell, Springfield, Waltham, and Worcester.

b. Demonstration of Maintenance-Projected Inventories

MADEP projected total CO emissions from a 1996 base year out to 2012. These projected inventories were prepared in accordance with EPA guidance, and as shown in the table immediately above, EPA and MADEP anticipate that the areas will have CO emissions levels that will keep ambient air quality levels below the NAAQS.

Under the EPA guidance titled ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment areas,'' dated October 6, 1995, areas with monitored data less 85% of the NAAQS for the two-year period leading up to redesignation qualify for the limited maintenance plan option. EPA believes that it is justifiable and appropriate to apply a reduced set of maintenance plan requirements on areas with data below 85% of the NAAQS, thereby allowing areas to implement the limited plan option. This includes not requiring the area to forecast future emissions or to develop transportation conformity budgets for use in conformity determinations in future Transportation Improvement Programs. EPA has concluded that emission budgets should not be required in limited maintenance plan areas because it is unreasonable to assume that these areas will experience so much growth in the 20 year maintenance period so that an exceedance or violation of the CO NAAQS would result. In other words, EPA believes that emissions do not need to be capped for the area to maintain CO levels below the NAAQS. EPA believes that measures currently being implemented should provide adequate assurance of maintenance in these areas and keep CO concentrations well below the NAAQS. Furthermore, in the case of these areas, MADEP has projected CO emissions out to 2012, and they are well below the levels of the 1996 inventory, which is when these areas were in attainment. Therefore, it is reasonable to assume EPA will not need to cap CO emissions in these areas.

c. Verification of Continued Attainment

Continued attainment of the CO NAAQS depends, in part, on the Commonwealth's efforts toward tracking indicators of continued attainment during the maintenance period. Therefore, Massachusetts will continue to monitor CO levels as described above.

d. Contingency Plan

The level of CO emissions in the cities of Lowell, Springfield, Waltham, and Worcester will largely determine its ability to stay in compliance with the CO NAAQS in the future. Despite Massachusetts' best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS, although highly unlikely. Section 175A(d) of the CAA requires that the contingency provisions include a requirement that the state implement all measures contained in the SIP prior to redesignation, and Massachusetts has fulfilled this requirement. In addition, Massachusetts provided contingency measures in the event of a future CO air quality problem.

Massachusetts has developed a three stage contingency plan to be implemented if an exceedance of the CO NAAQS occurs in any of the four nonattainment areas.[9] The first stage is to investigate the traffic and other local conditions near the exceedance and to develop a local remedy. If this is found to be infeasible or ineffective, Massachusetts will implement the second stage. Stage two consists of the acknowledgment of the enhanced inspection and maintenance program implemented in October 1998.[10] However, stage two will only be applicable in 2001.

After the year 2001, the third stage contingency measure will be acknowledged, which is the California

[9] Since there is no monitor in Waltham, EPA will consider contingency measures triggered for this area if an exceedance is measured at the Kenmore Square monitor, the monitor that MADEP considers to be representative of Waltham air quality.

[10] Massachusets did not take credit for enhanced I/M in achieving attainment but has taken credit for the program in future CO projections. Therefore, this program will be used at a contingency measure only through calendar year 2001.

low emission vehicle program [11] (CALEV 1) implemented for model year 1994. In addition, CALEV 2 will achieve further reductions beginning in 2004. This contingency measure will become effective if stage one is ineffective and if it is after 2001.

Although Massachusetts is implementing these programs as measures to achieve the NAAQS for ground level ozone, they are not required in nonclassified CO nonattainment areas under the CAA and can therefore be used as contingency measures. In order to be adequate, the maintenance plan should include at least one contingency measure that will go into effect with a triggering event. Massachusetts is relying on contingency measures that will go into effect under MADEP's approved ozone SIP. Massachusetts has not taken credit for any of these programs under the CO SIP. Therefore, EPA is prepared to accept these programs as contingency measures under the CO SIP, even though MADEP has already implemented them for purposes of ozone control.

e. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, the state must implement two ten year maintenance plans, and Massachusetts must submit to EPA eight years from today an acknowledgment that its maintenance plan will remain in effect for a second ten year period. On August 23, 2001, MADEP sent a letter to EPA acknowledging this requirement.

5. Meeting Applicable Requirements of Section 110 and Part D

In this notice, EPA has set forth the basis for its conclusion that Massachusetts has a fully approved SIP that meets the applicable requirements of Section 110 and Part D of the CAA.

II. Final Action

EPA is approving this SIP revision consisting of a CO redesignation to attainment, maintenance plan, and emissions inventory for the cities of Lowell, Springfield, Waltham, and Worcester, and incorporating it into the Massachusetts SIP. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective April 22, 2002 without further notice unless the Agency receives relevant adverse comments by March 21, 2002. If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. EPA will then address all public comments received in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If EPA receives no such comments, the public is advised that this rule will be effective on April 22, 2002 and the Agency will take no further action on the proposed rule.

III. Administrative 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 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' 66 FR 28355 (May 22, 2001). This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. 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 approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This 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 approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this 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. 804(2).

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 22, 2002. Interested parties should comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal. 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

[11] CALEV approval was published on February 1, 1995, at 60 FR 6027. Massachusetts did not credit for CALEV in future CO projections. Therefore, this proram will be used as a contingency measure after calendar year 2001.

be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: January 29, 2002.

Robert W. Varney,

Regional Administrator, EPA New England.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

Subpart W—Massachusetts

2. Section 52.1127 is amended by revising the table to read as follows:

§ 52.1127 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant					
	SO_2		PM_{10}	NO_2	CO	O_3
	Primary	Secondary				
AQCR 42: Hartford-New Haven-Springfield Interstate Area (See 40 CFR 81.26).	(a)	(b)	(a)	(a)	(a)	(d)
AQCR 117: Berkshire Intrastate Area (See 40 CFR 81.141)	(a)	(b)	(a)	(a)	(a)	(d)
AQCR 118: Central Mass Intrastate Area (See 40 CFR 81.142)	(a)	(b)	(a)	(a)	(a)	(c)
AQCR 119: Metropolitan Boston Intrastate Area (See 40 CFR 81.19)	(a)	(b)	(a)	(a)	(a)	(c)
AQCR 120: Metropolitan Providence Interstate Area (See 40 CFR 81.31).	(a)	(b)	(a)	(a)	(a)	(c)
AQCR 121: Merrimack Valley-Southern NH Interstate Area (See 40 CFR 81.81).	(a)	(b)	(a)	(a)	(a)	(c)

a. Air quality levels presently below primary standards or area is unclassifiable.
b. Air quality levels presently below secondary standards or area is unclassifiable.
c. November 15, 1999.
d. December 31, 2003.

3. Section 52.1132 is amended by redesignating paragraph (i) as paragraph (b) and adding paragraphs (c) and (d) to read as follows:

§ 52.1132 Control strategy: Carbon monoxide.

* * * * *

(c) *Approval*—On May 25, 2001, the Massachusetts Department of Environmental Protection submitted a revision to the carbon monoxide State Implementation Plan for the 1996 base year emission inventory. The inventory was submitted by the State of Massachusetts to satisfy Federal requirements under section 172(c) of the Clean Air Act as amended in 1990, as a revision to the carbon monoxide State Implementation Plan.

(d) *Approval*—On May 25, 2001, the Massachusetts Department of Environmental Protection (MADEP) submitted a request to redesignate the cities of Lowell, Springfield, Waltham, and Worcester from nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a 1996 emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide NAAQS with projected emission inventories to the year 2012 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If an area records an exceedance or violation of the carbon monoxide NAAQS (which must be confirmed by the MADEP), Massachusetts will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

PART 81—[AMENDED]

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

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

Subpart C—Section 107 Attainment Status Designations

2. In § 81.322 by revising the table for ''Massachusetts—Carbon Monoxide'' to read as follows:

§ 81.322 Massachusetts.

* * * * *

MASSACHUSETTS—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Boston area:				
Middlesex County (part) Cities of Cambridge, Everett, Malden, Medford, and Somerville	4/1/96	Attainment		
Norfolk County (part) Quincy City	4/1/96	Attainment		
Suffolk County (part) Cities of Boston, Chelsea, and Revere	4/1/96	Attainment		
Lowell area:				

MASSACHUSETTS—CARBON MONOXIDE—Continued

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Middlesex County (part) Lowell City	4/22/02	Attainment		
Springfield area:				
Hampden County (part) Springfield City	4/22/02	Attainment		
Waltham area:				
Middlesex County (part) Waltham City	4/22/02	Attainment		
Worcester area:				
Worcester County (part) Worcester City	4/22/02	Attainment		
AQCR 042 Hartford-New Haven-Springfield—All portions except Springfield City		Unclassifiable/ Attainment		
AQCR 117 Berkshire Interstate		Unclassifiable/ Attainment		
AQCR 118 Central Massachusetts Interstate—All portions except Worcester City		Unclassifiable/ Attainment		
AQCR 119 Metropolitan Boston Intrastate—All portions except cities of Boston, Cambridge, Chelsea, Everett, Malden, Medford, Quincy, Revere, and Waltham.		Unclassifiable/ Attainment		
AQCR 120 Metropolitan Providence Interstate		Unclassifiable/ Attainment		
AQCR 121 Merrimack Valley-S New Hampshire—All portions except Lowell City		Unclassifiable/ Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 02–3758 Filed 2–15–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7144–6]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Direct final notice of deletion of a portion of the Joslyn Manufacturing and Supply Superfund Site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA), Region V is publishing a direct final notice of deletion of a portion of the Joslyn Manufacturing and Supply, Superfund Site (Site), located in Brooklyn Center, Minnesota, from the National Priorities List (NPL).

The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the State of Minnesota, through the Minnesota Pollution Control Agency, because EPA has determined that all appropriate response actions under CERCLA have been completed for a portion of the the Site and, therefore, further remedial action pursuant to CERCLA on the portion of the Site is not necessary at this time.

DATES: This direct final notice of partial deletion will be effective April 22, 2002 unless EPA receives adverse comments by March 21, 2002. If adverse comments are received, EPA will publish a timely withdrawal of the direct final notice of deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Comments may be mailed, telephoned, or e-mailed to: Gladys Beard, State NPL Deletion Process Manager at (312) 886–7253, *Beard.Gladys@EPA.Gov,* EPA Region V, 77 W. Jackson Boulevard, Mail Code SR–6J, Chicago, IL 60604, or at 1–800–621–8431.

Information Repositories: Comprehensive information about the Site is available for viewing and copying at the Site information repositories located at: EPA Region V Library, 77 W. Jackson Boulevard, Chicago, IL 60604, (312) 353–5821, Monday through Friday 8:00 a.m. to 4:00 p.m.; Minnesota Pollution Control Agency 520 Lafayette, Monday through Friday, 8:00 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Gladys Beard, State NPL Deletion Process Manager at (312) 886–7253, *Beard.Gladys@EPA.Gov* or 1–800–621–8431, EPA Region V, 77 W. Jackson Boulevard, Mail Code SR–6J, Chicago, IL 60604.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

EPA Region V is publishing this direct final notice of deletion of a portion of the Joslyn Manufacturing and Supply, Superfund Site from the NPL.

EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions if conditions at a deleted site warrant such action.

Because EPA considers this action to be non-controversial and routine, EPA is taking it without prior publication of a notice of intent to delete. This action will be effective April 22, 2002, unless EPA receives adverse comments by March 21, 2002 on this document. If adverse comments are received within

the 30-day public comment period on this document, EPA will publish a timely withdrawal of this direct final deletion before the effective date of the deletion and the deletion will not take effect. EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Joslyn Manufacturing and Supply Superfund Site and demonstrates how a portion of the Site meets the deletion criteria. Section V discusses EPA's action to delete a portion of the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. All appropriate Fund-financed (Hazardous Substance Superfund Response Trust Fund) responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Even if a site or portions of a site are deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the deleted site above levels that allow for unlimited use and unrestricted exposure, CERCLA section 121(c), 42 U.S.C. 9621(c), requires that a subsequent review of the site be conducted at least every five years after the initiation of the remedial action at the deleted site to ensure that the action remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to the partial deletion of this Site:

(1) The EPA consulted with Minnesota on the partial deletion of the Site from the NPL prior to developing this direct final notice of deletion.

(2) Minnesota concurred with the partial deletion of the Site from the NPL.

(3) Concurrently with the publication of this direct final notice of partial deletion, a notice of intent to partially delete is published today in the ''Proposed Rules'' section of the **Federal Register**, as well as in a major local newspaper of general circulation at or near the Site, and is being distributed to appropriate federal, state, and local government officials and other interested parties. The newspaper notice announces the 30-day public comment period concerning the notice of intent to partially delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the partial deletion in the site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this document EPA will publish a timely notice of withdrawal of this direct final notice of partial deletion before its effective date and will prepare a response to comments and continue with a decision on the partial deletion based on the notice of intent to partially delete and the comments already received.

Deletion or partial deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion or partial deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions should future conditions warrant such actions.

IV. Basis for Partial Site Deletion

The following information provides EPA's rationale for deleting a portion of this Site from the NPL:

Site Location

The Site is located in Brooklyn Center, Minnesota and consists of 29-acres which were used for wood treating from the 1920s until 1980. On September 21, 1984, the Site was listed by the U. S. Environmental Protection Agency (EPA) on the National Priorities List (NPL) due to extensive soil and groundwater contamination. The western border of the triangular shaped Site is adjacent to Twin Lakes. The south and east sides are bounded by residential areas, and the northwest to southeast border consists of railroad tracks, with industrial and residential areas north of the tracks.

Site History

The primary contaminants of concern at the Site are the wood-treating compounds pentachlorophenol (PCP), and carcinogenic and noncarcinogenic polynuclear aromatic hydrocarbons (cPAHs and nPAHs). All of these compounds are constituents of creosote. Prior to the Remedial Actions, the above referenced compounds were detected in Site groundwater and soil. EPA also evaluated soluble metal salts of copper, chromium and arsenic, used as wood-treating chemicals in later years of operation, and chlorinated dibenzo-p-dioxins and dibenzofurans, which are often found as impurities in PCP. Records indicate that during Site operations, wastes and sludges from wood-treating processes were disposed into on-site waste ponds. Several large spills also occurred. Since 1980, all equipment formerly used for wood-treating operations has been removed from the Site.

The former Joslyn Manufacturing Supply Company, now Joslyn Corporation (Joslyn) operated until its closure in 1980. Operations at the Site consisted of a wood-treating process, which originally used creosote as the wood-preserving compound in a thermal process. In approximately 1965, the process was converted to a pressure treating operation using PCP and later to water-soluble wood-preserving fluids such as chromated copper arsenic (CCA).

Creosote, PCP and CCA contaminated water generated from the cleaning of the storage and thermal treating tanks, boiler blowdown water and wastewater from the wood-treating process were placed in waste disposal ponds located on the Site. In addition, general burial of sludges and at least two large wood-treating solution spills, one in the late 1950's/early 1960's and one in 1968, had occurred at the Site.

In 1961, the city of Brooklyn Center sampled groundwater from a number of private drinking water wells located near the Site and found that some of the wells were contaminated by phenols. In 1980, the Minnesota Pollution Control Agency (MPCA) staff sampled several of the wells and determined that phenols and PCP contamination existed in a number of the wells.

Remedial Investigation and Feasibility Study (RI/FS)

On September 27, 1983, the MPCA Citizens' Board issued a Request for Response Action (RFRA) to Joslyn pursuant to the Minnesota Environmental Response and Liability Act (MERLA) requesting that Joslyn undertake remedial actions to abate the release of hazardous substances at the Site. On May 30, 1985, the MPCA and Joslyn entered into a Response Order by Consent (Consent Order) to continue the investigation and cleanup of the Site.

The Remedial Investigation (RI) for the Joslyn Site was completed in 1986. The Minnesota Department of Health (MDH) conducted a Health Assessment for the Site in 1989 and an updated Health Assessment in 1994.

Two aquifers have been identified at the Site. The upper unconsolidated aquifer is a surficial sand aquifer that extends from the ground surface to depths of 30 to 80 feet and is comprised of Operable Units 1 and 2 (the shallow and middle sand units). The lower aquifer consists of the St. Peter Sandstone, the Prairie du Chien, and a buried sand and gravel unit overlying these bedrock units.

The upper unconsolidated aquifer is divided into a shallow and a middle sand unit. A middle confining unit consisting of a sequence of stratified sand, silt, and clay separated by the upper and lower aquifers lie below approximately the eastern two-thirds of the Site. A buried bedrock valley is located below the western one-third of the site.

The Site soil cleanup began in 1988 with an Interim Response Action when Joslyn excavated, shipped, and disposed of 18,818 tons of contaminated soil, classified as K001 hazardous waste, in a permitted hazardous waste landfill in Oklahoma.

There are several surface water bodies in the vicinity of the Site. Twin Lakes and a small wetland area are on the western border of the Site. Ryan Lake, Ryan Creek, Shingle Creek, and the Mississippi River are all within two and one-half miles (and east and downgradient) of the Site. Groundwater flows across the Site from Twin Lakes to the east-southeast toward the Mississippi River. Groundwater does not impact the surface water of Twin Lakes. In the early 1980's, EPA and Joslyn collected and analyzed surface water samples from Twin Lakes to investigate potential impacts of surface runoff. Results indicated the absence of PCP and suggested other sources of low level PAHs. The MPCA staff concluded that Ryan Lake and Ryan Creek have not been impacted by Site contamination, because they lie above the water table downgradient of the Site.

Record of Decision Findings

A Record of Decision (ROD) included signed by MPCA for this Site on July 31, 1989. The components of the selected remedy included a groundwater pump out system, off-site disposal of heavily contaminated soils, on-site land treatment of contaminated soils and long-term groundwater monitoring.

Characterization of Remaining Risk

Operable Unit 4 (OU4) consists of the visually contaminated soil remaining onsite following the 1988 Interim Response Action. Contaminated soil was excavated and was biologically treated onsite in a nine-acre Land Treatment Unit (LTU) in batches known as lifts. Biological treatment conditions (moisture, nutrient and oxygen levels) were managed to the extent allowed by typical land farming practices. The treated soil was then backfilled onto the Site.

The systems continues to be operational and functional. All of the systems are operating as designed and has proven effective in controlling lateral migration of contaminants. Recent samples of monitoring and pumpout wells indicate that the groundwater from offsite monitoring wells do not exhibit contaminant levels that exceed the cleanup criteria.

Response Actions

At the present time, Operable Unit 1 (OU1) consists of eight pumpout wells. Twenty-six groundwater monitoring wells monitor the condition of the groundwater in OU1. The groundwater pumpout system is designed to remove contaminated groundwater from the upper aquifer and thereby reduce the potential for lateral migration; control the migration of floating oil in the vicinity of the former wood treating area; and capture contaminated groundwater in the upper aquifer at the downgradient Site boundary. Lateral migration of contaminants of concern have been effectively controlled by the groundwater pumpout system. The system is operating as designed and has proven effective in controlling lateral migration of contaminants.

Operable Unit 2 (OU2) consists of two pumpout wells to remove contaminated groundwater in the middle sand portion of the upper aquifer and to prevent downward migration of the contaminants. Two groundwater monitoring wells monitor the condition of groundwater in OU2. This system captures contaminated groundwater from the middle sand portion of the upper aquifer, which is situated below and within the middle confining unit and above the lower aquifer. The system is designed to control vertical migration of contaminants to the lower aquifer. The system is controlling vertical gradients between the middle sands and the lower aquifer and is likewise controlling contaminant migration.

Operable Unit 3 (OU3) consists of a dense non-aqueous phase liquid (DNAPL) recovery well, a DNAPL recovery enhancement well, collection and storage facilities to remove DNAPLs and the contaminated groundwater in the depression area of the upper aquifer. In three years of operation, the DNAPL recovery system has removed approximately 3,000 gallons of DNAPL from the formation.

Operable Unit 4 (OU4) consists of the visually contaminated soil remaining onsite following the 1988 Interim Response Action. Contaminated soil was excavated and was biologically treated onsite in a nine-acre Land Treatment Unit (LTU) in batches known as lifts. Biological treatment conditions (moisture, nutrient and oxygen levels) were managed to the extent allowed by typical land farming practices. Engineered perimeter dikes prevented precipitation run-on. Precipitation run-off was collected and discharged, with water from the groundwater pumpout system, to the sanitary sewer. Air quality was monitored near the working area to determine worker protection requirements. Also particulate air monitoring was conducted during excavation and soil treatment at the property boundary. Evaluation of this data indicated that excavation and soil treatment operations were conducted in a manner that protected the human health of workers and residents.

In 1997, there were soil investigations conducted near the drain line (in what became know as the ''Drainline Area''); the Twin Lakes sediments; and any wetlands or ditches used to receive or convey contaminants of concern from the Site (in what became known as the ''West Area''). In this area 1,200 cubic yards of contaminated soil from the West and Drainline Areas were treated using a chemical oxidation technique. This technique was used to reduce the soil contaminants to the established treatment goals. Chemical oxidation was utilized for the soil contaminants which resulted in the reduction of the cost of treatment. In 1998, this soil met the treatment goals.

On March 24, 1999, the MPCA staff completed a Human Health Limited Risk Assessment (LRA). The LRA concluded that much of the Site was

cleaned up to meet the generalized industrial land use scenario; however, the LRA concluded that unacceptble risks remain in accessible soil (the first three feet below grade) of three Site areas: The West Area, the LTU, and one sampling grid out of a total of 8 grids in the East Area.

In April and June of 1999, Joslyn excavated contaminated soil in all the areas of the Site except the West Area. With the exception of the West Area, all appropriate CERCLA response activities have been completed for OU4 (soil). Although additional contaminated soil and unacceptable risks remain in the West Area, MPCA currently anticipates conducting or requiring the completion of a Remedial Investigation and Feasibility Study (RI/FS) for the West Area. The RI/FS is the first step in the remediation of the West area. No further action is necessary to protect human health and the environment in relation to soil contamination at the Site, with the exception of the West Area. With this in mind, EPA is proposing and MPCA has concurred in only a partial delisting of OU4 of the Site. The area being proposed for deletion relates to real estate parcels decribed as Lots 1, 2, 3, Block 1 Joslyn Addition, according to the plat thereof, and situated in Hennepin County, Minnesota. A complete legal description of the Site is available from the information repositories.

Cleanup Standards

The MPCA staff has verified that the Remedial Actions for Operable Units 1, 2, and 3 are operating as designed and that all visually contaminated soils had been removed in all areas except for the West Area.

Operation and Maintenance

Joslyn has assumed all responsibility for the investigation cleanup and long term monitoring including operation and maintenance of the response actions.

Five-Year Review

EPA concurred on a five-year review prepared by MPCA for this Site on July 22, 1999. As a matter of policy, the EPA decided to conduct this five-year review pursuant to CERCLA 121(c) and as provided in the current guidance of Five Year Reviews: OSWER Directive 9355.7–03B–P, Comprehensive Five-Year Review Guidance, October 1999: OSWER Directive 9322.7–01, Structure and Components of Five-Year Reviews, May 23, 1991; OSWER Directive 9322.7–02A, Supplemental Five-Year Review Guidance, July 26, 1994, The Second Supplemental Five-Year Review Guidance, December 21, 1995 and third Supplemental Five-Year Review Guidance, June 2001. The next five-year review for the Joslyn Manufacturing and Supply Site is scheduled to occur in July 2004. The five-year review will consist of a review of all relevant Site data and newly promulgated environmental laws.

Community Involvement

Public participation activities have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617. Documents in the deletion docket which EPA relied on for recommendation of the partial deletion of this Site from the NPL are available to the public in the information repositories.

V. Deletion Action

The EPA, with concurrence of the State of Minnesota, has determined that all appropriate responses under CERCLA regarding soil contamination (OU4) at the Site (except the West Area) have been completed, and that no further CERCLA response is appropriate to provide protection of human health and the environment. Therefore, EPA is deleting OU4 (except the West Area) of the Site from the NPL.

Because EPA considers this action to be non-controversial and routine, EPA is taking it without prior publication. This action will be effective April 22, 2002 unless EPA receives adverse comments by March 21, 2002. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion and it will not take effect. EPA will prepare a response to comments and as appropriate continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

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

Dated: January 31, 2002.

David A. Ullrich,

Acting Regional Administrator, Region V.

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

PART 300—[AMENDED]

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

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

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended under Minnesota ''MN'' by revising the entry for ''Joslyn Manufacturing & Supply Co.'' and the city ''Brooklyn Center.''

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	(Notes) [a]
* * *	* *	*	*
MN	Joslyn Manufacturing & Supply Co	Brooklyn Center	P
* * *	* *	*	*

(a) * * *
P=Sites with partial deletion(s).

* * * * *

[FR Doc. 02–3653 Filed 2–15–02; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 301

[FTR Amendment 103]

RIN 3090–AH56

Federal Travel Regulation; Maximum Per Diem Rates

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: To improve the ability of the per diem rates to meet the lodging demands of Federal travelers to high cost travel locations, the General Services Administration (GSA) has integrated the contracting mechanism of the new Federal Premier Lodging Program (FPLP) into the per diem rate-setting process.

An analysis of FPLP contracting actions and the lodging rate survey data reveals that the maximum per diem rate for the District of Columbia, Washington, DC, the State of Oregon, city of Portland, and the State of Washington, city of Seattle, should be increased to provide for the reimbursement of Federal employees' lodging expenses covered by the per diem rates. This final rule adjusts the maximum lodging amounts in the prescribed areas.

EFFECTIVE DATE: February 15, 2002.

FOR FURTHER INFORMATION CONTACT: Joddy P. Garner, Office of Governmentwide Policy, Travel Management Policy, at 202–501–4857.

SUPPLEMENTARY INFORMATION:

A. Background

In the past, properties in high cost travel areas have been under no obligation to provide lodging to Federal travelers at the prescribed per diem rate. Thus, GSA established the FPLP to contract directly with properties in high cost travel markets to make available a set number of rooms to Federal travelers at contract rates. FPLP contract results along with the lodging survey data are integrated together to determine reasonable per diem rates that more accurately reflect lodging costs in these areas. In addition, the FPLP will enhance the Government's ability to better meet its overall room night demand, and allow travelers to find lodging close to where they need to conduct business. After an analysis of this additional data, the maximum lodging amounts are being changed in the District of Columbia, Washington, DC, the State of Oregon, city of Portland, and the State of Washington, city of Seattle.

B. Executive Order 12866

GSA has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed revisions do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 501 *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects 41 CFR Chapter 301

Government employees, Travel and transportation expenses.

For the reasons set forth in the preamble, under 5 U.S.C. 5701–5709, 41 CFR chapter 301 is amended as follows:

CHAPTER 301—TEMPORARY DUTY (TDY) TRAVEL ALLOWANCES

1. Appendix A to chapter 301 is amended as follows:

a. On the page that includes the entry for the District of Columbia, city of Washington, DC, column three (maximum lodging amount) is revised to read ''150''.

b. On the page that includes entries for the State of Oregon, under the State of Oregon, city of Portland, column three (maximum lodging amount) is revised to read ''91''.

c. On the page that includes entries for the State of Washington, under the State of Washington, city of Seattle, column three (maximum lodging amount) is revised to read ''143''.

The revised pages containing the amendments to the table set forth above read as follows:

Appendix A to Chapter 301—Prescribed Maximum Per Diem Rates for CONUS

* * * * *

Per diem locality: Key city[1]	County and/or other defined location [2, 3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Hartford	Hartford	120		42		162
Lakeville/Salisbury	Litchfield	95		38		133
Middlesex County	Middlesex	78		30		108
New Haven	New Haven	87		38		125
New London/Groton	New London					
(May 1-October 31)		107		34		141
(November 1-April 30)		79		34		113
Putnam/Danielson	Windham	56		30		86
DELAWARE						
Dover	Kent					
(May 25-September 4)		75		34		109
(September 5-May 24)		64		34		98
Lewes	Sussex	120		42		162
Wilmington	New Castle					
(April 1-September 30)		109		34		143
(October 1-March 31)		99		34		133
DISTRICT OF COLUMBIA						
Washington, DC (also the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax, in Virginia; and the counties of Montgomery and Prince George's in Maryland). (See also Maryland and Virginia.)		150		46		196
FLORIDA						
Altamonte Springs	Seminole	71		38		109
Bradenton	Manatee					
(January 1-April 30)		65		30		95
(May 1-December 31)		55		30		85
Cocoa Beach	Brevard	105		34		139
Daytona Beach	Volusia					
(February 1-August 31)		90		38		128
(September 1-January 31)		69		38		107
Fort Lauderdale	Broward					
(December 15-April 30)		100		42		142
(May 1-December 14)		69		42		111
Fort Myers	Lee					
(January 15-April 15)		70		42		112
(April 16-January 14)		55		42		97
Fort Pierce	Saint Lucie					
(December 15-April 30)		70		46		116
(May 1-December 14)		55		46		101
Fort Walton Beach	Okaloosa					
(May 1-October 31)		110		38		148
(November 1-April 30)		80		38		118
Gainesville	Alachua	61		34		95
Gulf Breeze	Santa Rosa					

Per diem locality:		Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city[1]	County and/or other defined location [2], [3]					
Oklahoma City	Oklahoma	65		38		103
OREGON						
Ashland	Jackson	59		42		101
Beaverton	Washington	59		38		97
Bend	Deschutes					
(June 1-September 30)		69		38		107
(October 1-May 31)		59		38		97
Clackamas	Clackamas	66		34		100
Crater Lake	Klamath	74		38		112
Eugene	Lane (except Florence)	62		38		100
Florence	City limits of Florence (see Lane County)	80		34		114
Gold Beach	Curry	58		30		88
Lincoln City/Newport	Lincoln	65		34		99
Portland	Multnomah	91		38		129
Seaside	Clatsop					
(July 1-August 31)		79		34		113
(September 1-June 30)		59		34		93
PENNSYLVANIA						
Allentown	Lehigh	62		30		92
Chester/Radnor/Essington	Delaware (except Wayne)	75		34		109
Easton	Northampton	69		34		103
Erie	Erie	65		30		95
Gettysburg	Adams					
(May 1-October 31)		82		34		116
(November 1-April 30)		55		34		89
Harrisburg	Daulphin (except Hershey)	79		42		121
Hershey	City limits of Hershey (see Daulphin County)					
(June 1-September 15)		125		42		167
(September 16-May 31)		55		42		97
King of Prussia/Ft. Washington/Bala Cynwyd	Montgomery					
(April 1-November 30)		119		42		161
(December 1-March 31)		99		42		141
Lancaster	Lancaster					
(May 1-October 31)		70		38		108
(November 1-April 30)		60		38		98
Malvern/Downington/Valley Forge	Chester	83		38		121
Mechanicsburg	Cumberland	74		34		108
Philadelphia	Philadelphia	118		46		164
Pittsburgh	Allegheny	79		46		125
Reading	Berks	75		38		113
Scranton	Lackawanna	60		30		90
Warminster	Bucks County; Naval Air Development Center	75		42		117
Wayne	City limits of Wayne (see Delaware County)	100		42		142
RHODE ISLAND						
East Greenwich	Kent County; Naval Construction Battalion Center, Davisville	79		38		117
Newport	Newport					

Per diem locality:		Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city[1]	County and/or other defined location [2], [3]					
Colonial Heights*		77		30		107
Dinwiddie County	Dinwiddie	77		30		107
Hopewell		77		30		107
Lynchburg*		64		38		102
Manassas/Woodbridge	Prince William	84		34		118
Petersburg		77		30		107
Prince George County	Prince George	77		30		107
Richmond*	Chesterfield and Henrico Counties, also Defense Supply Center	77		38		115
Roanoke*		59		34		93
Virginia Beach*	Virginia Beach (also Norfolk, Portsmouth and Chesapeake)*					
(April 1-October 31)		109		38		147
(November 1-March 31)		55		38		93
Wallops Island	Accomack					
(June 1-September 5)		89		34		123
(September 6-May 31)		69		34		103
Williamsburg*	Williamsburg (also Hampton, Newport News, York County, Naval Weapons Station, Yorktown)*					
(April 1-October 31)		99		38		137
(November 1-March 31)		59		38		97
Wintergreen	Nelson	125		46		171
*Denotes independent cities.						
WASHINGTON						
Anacortes	Skagit and Island	64		38		102
Bremerton	Kitsap	61		34		95
Everett	Snohomish (except Lynnwood)	59		38		97
Friday Harbor	San Juan					
(May 1-September 30)		95		42		137
(October 1-April 30)		65		42		107
Lynnwood	City limits of Lynnwood (see Snohomish County)	89		34		123
Ocean Shores	Grays Harbor					
(April 1-September 30)		82		38		120
(October 1-March 31)		55		38		93
Olympia/Tumwater	Thurston	58		38		96
Port Angeles	City limits of Port Angeles (see Clallam County)	65		38		103
Port Townsend	Jefferson	79		34		113
Seattle	King	143		46		189
Sequim	Clallam (except Port Angeles)					
(June 29 -September 1)		62		34		96
(September 2 -June 28)		55		34		89
Spokane	Spokane	63		38		101
WEST VIRGINIA						
Berkeley Springs	Morgan	69		34		103
Charleston	Kanawha	78		38		116
Martinsburg/Hedgesville	Berkeley	59		30		89

* * * * *

Dated: February 12, 2002.

Stephen A. Perry,

Administrator of General Services.

[FR Doc. 02–3998 Filed 2–15–02; 8:45 am]

BILLING CODE 6820–14–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 54

[CC 96–45; FCC 01–376]

Implementation of Interim Filing Procedures for Filings of Requests for Review; Withdrawal

AGENCY: Federal Communications Commission.

ACTION: Temporary waiver of procedural requirements; withdrawal.

SUMMARY: This document withdraws FR Doc. 02–873 published in the **Federal Register** of January 25, 2002 (67 FR 3620), regarding Implementation of Interim Filing Procedures for Filings of Requests for Review. Withdrawal is necessary because this item is a duplicate of a document published on January 24, 2002 (67 FR 3441).

FOR FURTHER INFORMATION CONTACT: Peter Trachtenberg, Attorney/Advisor, Common Carrier Bureau, (202) 418–7369.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–3723 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 25 and 101

[IB Docket No. 00–203; FCC–02–17]

Partial Band Licensing and Loading Standards for Earth Stations in the FSS That Share Spectrum With Terrestrial Services, Blanket Licensing for Small Aperture Terminals in the C-Band, Routine Licensing of 3.7 Meter Transmit and Receive Stations at C-Band, and Deployment of Geostationary-Orbit FSS Earth Stations in the Shared Portion of the Ka-Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; termination of consideration.

SUMMARY: This document terminates the consideration of issues related to the FWCC request for declaratory ruling and petition for rulemaking in the proceeding in IB Docket No. 00–203. We conclude that the record in this proceeding provides an insufficient basis to impose the proposed conditions upon Fixed-Satellite Service (FSS) earth stations in bands that are shared on a co-primary basis with Fixed Service (FS) operations. Additionally, we defer to a future Order the petition for reconsideration and the request contained in the *ex parte* letter filed by Hughes concerning deployment of geostationary orbit fixed-satellite service earth stations in the shared portion of the Ka-band.

FOR FURTHER INFORMATION CONTACT: Edward R. Jacobs, Planning & Negotiations Division, International Bureau. (202) 418–0624 or via electronic mail: *ejacobs@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Report and Order* in IB Docket No. 00–203, adopted January 23, 2002 and released January 30, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, (Room CY–A257), 445 12th Street, SW., Washington, DC and may also be purchased from the Commission copy contractor, International Transcription Services (ITS), Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Summary of the Second Report and Order

1. In this Order the Commission terminates its consideration of the issues raised by the Fixed Wireless Communications Coalition (FWCC). We conclude that the record in this proceeding provides an insufficient basis to impose the FWCC proposed conditions upon Fixed-Satellite Service (FSS) earth stations in bands that are shared on a co-primary basis with Fixed Service (FS) operations.

2. Specifically, the Commission finds that the record lacks necessary information on how to achieve more equitable sharing of the spectrum. As previously noted, the *FWCC/Onsat/Hughes NPRM,* 65 FR 7051, November 24, 2000, rejected FWCC's specific proposals to achieve more equitable sharing. Instead, the *FWCC/Onsat/Hughes NPRM* proposed in essence to achieve greater equity in the sharing of spectrum by amending § 25.203 of the Commission's rules to indicate that, under certain circumstances an FSS earth station licensee must demonstrate that it is using, has recently used, or has plans to use the requested spectrum in the near future. Both the FS and the FSS commenters, however, rejected the proposed rule. The FWCC rejected it because it believed that such procedures may result in disputes over an earth station's ''demonstrated use'' of frequencies at the worst possible time, that is, when an FS applicant is attempting to finalize coordination and begin operations. The FWCC also rejected the proposal in the *FWCC/Onsat/Hughes NPRM* because it would not allow an earth station to reserve specific frequencies to use in the event of satellite or transponder failure. The FSS commenters rejected the proposed rule for other reasons, including that there was no data to back up the claims of problems; that the proposed rules would impose burdensome administrative requirements while decreasing flexibility; and that the proposed rules constrain the provision of emergency services, and provide no relief in the event of satellite failure. The comments of the FWCC include additional proposals for how to achieve more equitable sharing of the spectrum. The Commission agrees, however, with the reply comments of the FSS operators, and concludes that these counter-proposals are unsuitable for substantially the same reasons articulated in the *FWCC/Onsat/Hughes NPRM* for denying the FWCC Petition. That is, FWCC's proposals fail to fully and properly take into account the fact that the FSS and FS services have significantly different requirements for access to the electromagnetic spectrum in order to meet their business needs, and these needs must be recognized and accommodated in the context of the entire interference environment, in any rules that we adopt to address the perceived ''inequities.'' Thus, the Commission finds that this record presents no effective solution that addresses the concerns raised in this proceeding.

3. The Commission is, nonetheless, open to new proposals or approaches that could effectively address concerns that have been raised regarding the equitable sharing of the spectrum. We, therefore, do not foreclose the possibility that changes to our rules could improve the sharing environment and licensing processes for both the FS and FSS services.

4. Finally, the Commission defers to a future Order the petition for reconsideration and the request contained in the *ex parte* letter filed by Hughes concerning deployment of geostationary orbit fixed-satellite service earth stations in the shared portion of the Ka-band.

Ordering Clauses

Pursuant to sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r), this *Second Report and Order* is hereby ADOPTED. The Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this *Second Report and Order* to the Chief, Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–3722 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–247; MM Docket No. 01–121, RM–10125]

Radio Broadcasting Services; Manning, Moncks Corner, South Carolina

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission grants a petition for rule making filed by Cumulus Licensing Corp., succeeded by Apex Communications, licensee of Station WHLZ (FM), Manning, South Carolina and reallots Channel 223C from Manning to Moncks Corner, South Carolina, and modifies the license of Station WHLZ to reflect the change of community. Channel 223C can be allotted at Station WHLZ(FM)'s existing site 37.7 kilometers (23.4 miles) north of the community. Coordinates for Channel 223C at Moncks Corner are 33–32–05 NL and 79–59–15 WL.

DATES: Effective March 18, 2002.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–121, adopted January 23, 2002 and released February 1, 2002. The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

2. Section 73.202(b), the Table of FM Allotments under South Carolina, is amended by removing Manning, Channel 233C and adding Moncks Corner, Channel 233C.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 02–3726 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–245; MM Docket No. 01–211, RM–10221; and MM Docket No. 01–213, RM–10226]

Radio Broadcasting Services; Holly Springs, MS, and McBain, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants two proposals that allot new FM channels to Holly Springs, Mississippi, and McBain, Michigan. Filing windows for Channel 243A at Holly Springs, Mississippi, and Channel 300A at McBain, Michigan, will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order. See **SUPPLEMENTARY INFORMATION.**

DATES: Effective March 18, 2002.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in MM Docket No. 01–211 and MM Docket No. 01–213, adopted January 23, 2002, and released February 1, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC, 20554. The document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202 863–2893, facsimile 202 863–2898, or via e-mail *qualexint@aol.com.*

The Commission, at the request of Holly Springs Radio, allots Channel 243A at Holly Springs, Mississippi, as the community's fourth local aural transmission service. See 66 FR 47433 September 12, 2001). Channel 243A can be allotted at Holly Springs in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.6 kilometers (7.9 miles) southwest of Holly Springs. The coordinates for Channel 243A at Holly Springs are 34–41–32 North Latitude and 89–32–33 West Longitude.

The Commission, at the request of McBain Broadcasting Company, allots Channel 300A at McBain, Michigan, as the community's first local aural transmission service. *See* 66 FR 47433 (September 12, 2001). Channel 300A can be allotted to McBain in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.1 kilometers (5.6 miles) east of McBain. The coordinates for Channel 300A at McBain are 44–12–09 North Latitude and 85–06–02 West Longitude. Since McBain is located within 320 kilometers of the U.S.-Canadian border, concurrence of the Canadian Government in this allotment has been requested. Notification in this regard has not been received. Accordingly, any construction permit that is granted prior to the receipt of formal concurrence of the Candian government will include the following condition: ''Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if specifically objected to by Industry Canada. This condition will be removed once formal approval for the allotment is received from Industry Canada.''

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by adding Channel 243A at Holly Springs.

3. Section 73.202(b), the Table of Allotments under Michigan, is amended by adding McBain, Channel 300A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 02–3725 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–243; MM Docket No.00–63; RM–9837]

Radio Broadcasting Services; Greenville and Cooper, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 228C3 for Channel 228A and reallots Channel 228C3 from Greenville, Texas, to Cooper, Texas, and modifies the authorization for Station KIKT to specify operation on Channel 228C3 at Cooper in response to a petition filed by KRBE LICO, Inc. *See* 65 FR 20936, April 19, 2000. The coordinates for Channel 228C3 at Cooper are 33–14–16 and 95–47–50. This site is located 18.2 kilometers (11.2 miles) southwest of Cooper and 30.9 kilometers (19.2 miles) east of Greenville.

DATES: Effective March 18, 2002.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 00–63, adopted January 23, 2002, and released February 1, 2002. The full text of this Commission document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC, 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC, 20554, telpehone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com*.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Greenville, Channel 228A and adding Cooper, Channel 228C3.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 02–4003 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atomospheric Administration

50 CFR Parts 600 and 660

[Docket No. 011231309-1309-01; I.D. 121301B]

RIN 0648-AO69

Magnuson-Stevens Act Provisions; Fisheries off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures; Correction

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

ACTION: Correction to the emergency rule; January through February 2002 Pacific Coast groundfish fishery management measures.

SUMMARY: This document contains a correction to the emergency rule for the January through February 2002 Pacific Coast groundfish fishery management measures published on January 11, 2002.

DATES: Effective February 19, 2002 through February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier, NMFS, (206)-526-6140.

SUPPLEMENTARY INFORMATION:

Background

The emergency rule for the January through February 2002 management measures for groundfish taken in the U.S. exclusive economic zone and state waters off the coasts of Washington, Oregon, and California, as authorized by the Pacific Coast Groundfish Fishery Management Plan, was published in the **Federal Register** on January 11, 2002 (67 FR 1540), and corrected on January 28, 2002 (67 FR 3820). This emergency rule contained an additional error that requires correction.

Corrections

In the rule FR Doc. 01-32261, in the issue of Friday, January 11, 2002 (67 FR 1540), make the following corrections:

1. On page 1544, in the first column, paragraph A.(14)(b)(iii), the last sentence is corrected and an additional sentence is added to read as follows:

''If a vessel uses both small footrope gear and midwater gear for a single species during the same cumulative limit period and the midwater gear limit is higher than the small footrope gear limit, the small footrope gear limit may not be exceeded with small footrope gear and counts toward the midwater gear limit. Conversely, if a vessel uses both small footrope gear and midwater gear for a single species during the same cumulative limit period and the small footrope gear limit is higher than the midwater gear limit, the midwater gear limit may not be exceeded with midwater gear and counts toward the small footrope gear limit.''

Dated: February 12, 2002.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Service.

[FR Doc. 02–3978 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

Rules and Regulations

Federal Register

Vol. 67, No. 33

Tuesday, February 19, 2002

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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1219

[FV–01–706–FR]

Hass Avocado Promotion, Research, and Information Order; Referendum Procedures

AGENCY: Agricultural Marketing Service, Agriculture.

ACTION: Final rule.

SUMMARY: This rule establishes procedures which the Department of Agriculture (USDA or the Department) will use in conducting a referendum to determine whether the issuance of the proposed Hass Avocado Promotion, Research, and Information Order (Order) is favored by the producers and importers of Hass avocados. The Order will be implemented if it is approved by a simple majority of the producers and importers voting in the referendum. These procedures will also be used for any subsequent referendum under the Order, if it is approved in the initial referendum. The proposed Order is being published in a separate document. This proposed program would be implemented under the Hass Avocado Promotion, Research, and Information Act of 2000.

DATES: February 20, 2002.

FOR FURTHER INFORMATION CONTACT: Julie A. Morin, Research and Promotion Branch, Fruit and Vegetable Programs, AMS, USDA, Stop 0244, 1400 Independence Avenue, SW., Room 2535–S, Washington, DC 20250–0244; telephone (888) 720–9917, fax (202) 205–2800, or *julie.morin@usda.gov.*

SUPPLEMENTARY INFORMATION: A referendum will be conducted among eligible producers and importers of Hass avocados to determine whether they favor issuance of the proposed Hass Avocado Promotion, Research, and Information Order (Order) [7 CFR Part 1219]. The program will be implemented if it is approved by a simple majority of the producers and importers voting in the referendum. The Order is authorized under the Hass Avocado Promotion, Research, and Information Act of 2000 (Act) [7 U.S.C. 7801–7813]. It would cover domestic and imported Hass avocados. A proposed Order is being published separately in this issue of the **Federal Register**.

Prior documents: A proposed rule was published in the **Federal Register** on July 13, 2001 [66 FR 36886], with a 45-day comment period. Subsequently, USDA published a notice in the **Federal Register** on August 28, 2001 [66 FR 45188], extending the comment period by 15 days, to September 12, 2001. In addition, USDA published a proposed rule on the proposed Hass Avocado Promotion, Research, and Information Order in the **Federal Register** on July 13, 2001 [66 FR 36870], with a 45-day comment period. The comment period on this rule was also extended 15 days. These comment periods were extended one day due to mail service being shut down on September 11–12, 2001.

Question and Answer Overview

Why Are These Referendum Procedures Being Issued?

These procedures are needed to conduct the referendum on the proposed Order. The Order will be implemented if it is approved by a simple majority of the eligible voters in the referendum.

When Will the Referendum Be Held?

The provisions of a proposed Hass Avocado Promotion, Research, and Information Order will be published in this issue of the **Federal Register**. A referendum order will be published in the **Federal Register** after a bond or irrevocable letter of credit has been posted by the California Avocado Commission. The representative period for eligibility for voting in the referendum and the dates for registration and for voting will be announced in the referendum order.

Who Is Eligible To Vote in the Referendum?

Each eligible producer and importer will be allowed to register to vote in the referendum. An eligible producer or importer will have produced or imported Hass avocados for at least one year prior to the referendum.

How Do I Register To Vote?

USDA will provide all known Hass avocado producers and importers with registration instructions. Registration may be done by mail or fax.

How Can I Vote in the Referendum?

All registered producers and importers will receive a ballot and voting instructions in the mail from USDA. Voting will take place by mail and fax. The ballot must be received by USDA by the close of business on the last day of the voting period.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 1212 of the Act states that the Act may not be construed to preempt or supersede any other program relating to Hass avocado promotion, research, industry information, and consumer information organized under the laws of the United States or of a state.

Under Section 1207 of the Act, a person subject to the Order may file a petition with the Department stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order, is not established in accordance with the law, and requesting a modification of the Order or an exemption from the Order. Any petition filed challenging the Order, any provision of the Order or any obligation imposed in connection with the Order, shall be filed within two years after the effective date of the Order, provision or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. The Act provides that the district court of the United States for any district in which the petitioner resides or conducts business shall be the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of entry of the Department's final ruling.

Executive Order 12866

This rule has been determined not significant for purposes of Executive Order 12866 and, therefore, has not

been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (RFA) [5 U.S.C. 601 *et seq.*], the Agency is required to examine the impact of this rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such action so that small businesses will not be disproportionately burdened.

The Act, which authorizes the Department to implement a research and promotion program covering domestic and imported Hass avocados, became effective on October 23, 2000.

This rule establishes the procedures under which producers and importers may vote on whether they want a national promotion, research, and information program to be implemented for Hass avocados. Producers and importers of Hass avocados who have produced or imported Hass avocados for at least one year prior to the referendum will be eligible to vote. This rule adds a new subpart which establishes procedures to conduct the initial and future referenda. The subpart covers definitions, registration, voting instructions, use of subagents, ballots, the referendum report, and confidentiality of information.

There are approximately 6,000 producers and 200 importers who will be eligible to vote in the referendum.

The Small Business Administration [13 CFR 121.201] defines small agricultural producers as those having annual receipts of $750,000 or less annually and small agricultural service firms as those having annual receipts of $5 million or less. Importers would be considered agricultural service firms. Using these criteria, most producers and importers would be considered small businesses.

The Act authorizes assessments on fresh, frozen, and processed Hass avocados. However, initially only fresh Hass avocados will be assessed. Therefore, only producers and importers of fresh Hass avocados will covered by the initial referendum.

According to USDA's National Agricultural Statistics Service (NASS), total U.S. production of avocados during the 2000–2001 season was 234,320 tons, most of which was utilized fresh except for a small processed quantity that NASS included in fresh utilization to protect the confidentiality of individual operations. The value of the 2000–2001 crop was $321 million. Production in 2000–2001 was up 28 percent from the previous year's total of 183,300 tons, which had a value of $379 million.

In 2000–2001, California accounted for more than 89 percent of U.S. avocado production, followed by Florida (nearly 11 percent) and Hawaii (about 0.1 percent). Hass avocados account for about 85 percent of the total California avocado crop.

Avocados are imported in both fresh and processed forms. In 2000, fresh avocado importers accounted for about 75 percent of the total tonnage of fresh and processed avocados imported. Imported fresh avocados totaled 86,667 tons, up 21 percent from 1999.

The total import value for fresh and processed avocados was $149 million in 2000, up from $105 million in 1999. The total tonnage imported was up 37 percent in 2000, to 111,880 tons. The trend in imports is up, and imports have more than doubled since 1997. Almost all prepared or preserved avocado imports come from Mexico. In recent years, Chile has accounted for more than 50 percent of fresh imports, followed by Mexico, the Dominican Republic, and New Zealand.

This rule provides the procedures under which producers and importers of Hass avocados will vote on whether they want the Order to be implemented. In accordance with the provisions of the Act, subsequent referenda may be conducted, and these procedures would apply. These procedures include provisions concerning producer and importer eligibility, registration, voting, and instructions for referendum agents.

USDA will keep producers and importers informed throughout the program implementation and referendum process to ensure that they are aware of and are able to participate in the program implementation process. USDA will also publicize information regarding the referendum process so that trade associations and related industry media can be kept informed.

Voting in the referendum is optional. However, if producers and importers choose to vote, the burden of voting would be offset by the benefits of having the opportunity to vote on whether or not they want to be covered by the program.

The information collection requirements contained in this final rule are designed to minimize the burden on producers and importers. This rule provides for voter registration and a ballot to be used by eligible producers and importers to vote in the referendum. The estimated annual cost of providing the information by an estimated 6,000 producers would be $6,000 or $1.00 per producer and for an estimated 200 importers would be $200 or $1.00 per importer.

The Department considered requiring eligible voters to vote in person at various USDA offices across the country. The Department also considered electronic voting, but the use of computers is not universal. Conducting the referendum from one central location by mail and fax would be more cost-effective. USDA will provide easy access to information for potential voters through a toll-free telephone line.

There are no federal rules that duplicate, overlap, or conflict with this rule.

Paperwork Reduction Act

In accordance with the OMB regulation [5 CFR 1320] which implements the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35], voter registration and the referendum ballot, which represent the information collection and recordkeeping requirements imposed by this rule, have been approved by OMB.

Title: National Research, Promotion, and Consumer Information Programs.

OMB Number: 0581–0197.

Expiration Date of Approval: October 31, 2004.

Type of Request: New information collection for research and promotion programs.

Abstract: The information collection requirements in this request are essential to carry out the intent of the Act.

The information collection requirements relating to referenda are registration for the referendum and the ballot. To register, persons will submit to USDA, either by mail or fax, their name, company name (if applicable), address, and business telephone number. The information collected on the ballot will be the person's vote (yes or no) and signature certifying the person's eligibility to vote.

The estimated cost of providing the information by an estimated 6,000 producers would be $6,000 or $1.00 per producer and for an estimated 200 importers would be $200 or $1.00 per importer.

The registration and voting requirements have been carefully reviewed, and every effort has been made to minimize any unnecessary recordkeeping costs or requirements, including efforts to utilize information already maintained by potential voters.

The registration and voting requirements have been designed to require the minimum information necessary to effectively carry out the requirements of the Act, and their use is necessary to fulfill the intent of the Act. Such information can be supplied

without data processing equipment or outside technical expertise. In addition, there are no additional training requirements for individuals to register or vote. The registration and voting processes are simple, easy to understand, and place as small a burden as possible on the persons choosing to vote in the referendum.

The information collection requirements in this rule are:

1. Voter Registration

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hours per response for each producer and importer.

Respondents: Producers and importers.

Estimated Number of Respondents: 6,200.

Estimated Number of Responses per Respondent: 1 every 5 years (0.2).

Estimated Total Annual Burden on Respondents: 310 hours.

2. Ballot

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hours per response for each producer and importer.

Respondents: Producers and importers.

Estimated Number of Respondents: 6,200.

Estimated Number of Responses per Respondent: 1 every 5 years (0.2).

Estimated Total Annual Burden on Respondents: 310 hours.

Background

The Act, which became effective on October 23, 2000, authorizes the Department to establish a national research and promotion program covering domestic and imported Hass avocados. The California Avocado Commission (Commission) submitted an entire proposed Order and proposed referendum procedures on December 29, 2000. Subsequently, on March 9, 2001, partial proposals on the Order were received from Hass avocado interests in Chile, Mexico, and New Zealand. These proposals were published for public comment in the July 13, 2001, issue of the **Federal Register**.

The proposed Order would provide for the development and financing of an effective and coordinated program of promotion, research, and consumer and industry information for Hass avocados in the United States. The program would be funded by an assessment levied on producers (to be collected by handlers) and importers (to be collected by the U.S. Customs Service at time of entry into the United States) at an initial rate of 2.5 cents per pound. The Act authorizes assessments on fresh, frozen, and processed Hass avocados. However, initially, only fresh domestic and imported Hass avocados will be covered by the program.

The assessments would be used to pay for promotion, research, and consumer and industry information; administration, maintenance, and functioning of the proposed Hass Avocado Board; and expenses incurred by the Department in implementing and administering the Order, including referendum costs.

Section 1206 of the Act requires that a referendum be conducted among eligible producers and importers of Hass avocados to determine whether they favor implementation of the Order. That section also requires the Order to be approved by a simple majority of the producers and importers voting. In order to be eligible to vote, producers and importers must have been engaged in producing or importing Hass avocados for at least one year prior to the referendum. Further, producers and importers have to register with the Department prior to the voting period. Registration will occur after producers and importers receive registration instructions and notice that a referendum will be conducted. This notice will be at least 30 days prior to the referendum.

This rule establishes the procedures under which producers and importers of Hass avocados may vote on whether they want the Hass avocado promotion, research, and information program to be implemented. There are approximately 6,200 eligible voters.

Three comments were received on the referendum procedures. Two comments offered modifications or changes to the provisions and procedures for conducting the referendum. In addition, a third comment generally affirmed and supported one of these two comments.

One comment addressed the definition of ''eligible importer'' in the third sentence of § 1219.101. The comment stated that the definition should be changed to delete the reference to persons who hold title to foreign produced Hass avocados immediately upon release by the U.S. Customs Service. The comment noted that this could include persons who neither reside in nor are citizens of the United States. The definition of importers eligible to vote in referenda is the same as the definition of importer in § 1219.14 of the Order. The definition in the Order describes importers who would be required to pay assessments if the Order is implemented. Only persons subject to assessments can vote in referenda. Therefore, we are adopting, without change, the definition of eligible importer as proposed on July 13, 2001, to assure that all importers who would be required to pay assessments are eligible to vote in referenda.

Comments also were submitted on the registration process for the referendum. One comment recommended modifying § 1219.102 to designate the Commission as an agent for the purpose of registering voters with the Department to ensure the maximum voter registration. This would be in addition to the Department also being an agent for voter registration. The comment noted that the Commission is responsible for the implementation of the California State Hass avocado program and as such it would be logical to designate the Commission as agent for registration. We disagree. The Act provides that producers and importers register with the Department. The comment's suggestion would not be consistent with the registration provisions of the Act. Therefore, no change to § 1219.102 is made as a result of this comment.

This comment also urged the Department to conduct the referendum in a prompt and efficient manner. The comment went on to discuss elections under the California State program and mentioned that information is available under that program that would be helpful in conducting the referendum for the federal program. The Department will utilize all available information as is appropriate in order to conduct the referendum in as prompt and efficient manner as is possible while maximizing participation in the referendum process.

A second comment concerning § 1219.102 supported the provision providing that the Department be the only entity in charge of registering eligible importers. The comment noted that the Department take its time in developing a list of eligible importers so that eligible importers are not excluded from registering for and voting in the referendum. This comment requested that, in order to ensure participation of the greatest possible number of importers in the referendum, the Department consult with country-of-origin exporter associations when developing a list of importers and the ballot and instructions for the referendum. As mentioned above in discussing the previous comment, the Department will utilize available information as is appropriate in order to conduct the referendum in as prompt and efficient manner as is possible while maximizing participation in the referendum process.

Finally, one comment stated that approval of the proposed Order should be based on a majority of the voters who represent a majority of the volume of Hass avocados voted in the referendum. The comment stated that basing approval of the proposed Order on a simple majority of the persons voting is discriminatory and unfair to importers because importers will be severely underrepresented. The comment noted that the number of importers is small relative to the volume of imports, and the number of producers is large relative to the volume of domestic production. The requirement for the proposed Order to be approved by a simple majority of the eligible producers and importers voting in the referendum—without a volume requirement—is established in the Act. Therefore, no change will be made in the conduct of the referendum as a result of this comment.

However, the Department has revised §§ 1219.101(b), (g), (h), and (i), 1219.102, 1219.103(c), and 1219.108 and added a new § 1219.109. Paragraphs (b) and (i) of § 1219.101 were revised to correct typographical errors in the July 13, 2001, proposed rule. Paragraphs (g) and (h) of § 1219.101 were revised by changing references to the ''Secretary'' to the ''Administrator'' for the purpose of accuracy and clarity. Section 1219.102 was revised by changing the citation of a cross-reference, specifying that registration information shall be confidential, and changing references to the ''Secretary'' to the ''referendum agent'' for accuracy and clarity. Paragraph (c) of § 1219.103 was revised by changing the reference to the ''Secretary'' to the ''referendum agent'' for accuracy and clarity and to authorize voters to cast their ballots by mail or by fax to add another voting option for voters. Section 1219.108 was revised to clarify that registration information shall be kept confidential and that the confidentiality requirement covers the identity as well as the vote of voters in the referendum. Section 1219.109 was added to identify the OMB control number for the subpart.

Pursuant to 5 U.S.C. 553, it is found that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The referendum will be held in the near future; (2) producers and importers need to register with the Department prior to that time; (3) notice of the referendum is required to be given to producers and importers at least 30 days prior to the referendum; and (4) interested persons including producers and importers were given the opportunity to comment on the proposal for a total of 61 days.

List of Subjects in 7 CFR Part 1219

Administrative practice and procedure, Advertising, Consumer information, Hass avocados, Marketing agreements, Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, Title 7 Chapter XI of the Code of Federal Regulations is amended by adding part 1219 to read as follows:

PART 1219—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

Subpart A—[Reserved]

Subpart B—Referendum Procedures

Sec.
1219.100 General.
1219.101 Definitions.
1219.102 Registration.
1219.103 Voting.
1219.104 Instructions.
1219.105 Subagents.
1219.106 Ballots.
1219.107 Referendum report.
1219.108 Confidential information.
1219.109 OMB control number.

Authority: 7 U.S.C. 7801–7813.

Subpart A—[Reserved]

Subpart B—Referendum Procedures

§ 1219.100 General.

Referenda to determine whether eligible producers and importers of Hass avocados favor the issuance, amendment, suspension, or termination of the Hass Avocado Promotion, Research, and Information Order shall be conducted in accordance with this subpart.

§ 1219.101 Definitions.

(a) *Administrator* means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated or may hereafter be delegated to act in the Administrator's stead.

(b) *Eligible importer* means any person who imported Hass avocados, that are identified by the number 08–04.00.00.10 in the Harmonized Tariff Schedule of the United States for at least one year prior to the referendum. Importation occurs when Hass avocados originating outside of the United States are released from custody by the U.S. Customs Service and introduced into the stream of commerce in the United States. Included are persons who hold title to foreign-produced Hass avocados immediately upon release by the U.S. Customs Service, as well as any persons who act on behalf of others, as agents or brokers, to secure the release of Hass avocados from the U.S. Customs Service when such Hass avocados are entered or withdrawn for consumption in the United States.

(c) *Eligible producer* means any person who produced Hass avocados in the United States for at least one year prior to the referendum who:

(1) Owns, or shares the ownership and risk of loss of, the crop;

(2) Rents Hass avocado production facilities and equipment resulting in the ownership of all or a portion of the Hass avocados produced;

(3) Owns Hass avocado production facilities and equipment but does not manage them and, as compensation, obtains the ownership of a portion of the Hass avocados produced; or

(4) Is a party in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce Hass avocados who share the risk of loss and receive a share of the Hass avocados produced. No other acquisition of legal title to Hass avocados shall be deemed to result in persons becoming eligible producers.

(d) *Hass avocados* means the fruit grown in or imported into the United States of the species *Persea americana* Mill. For the purposes of the initial referendum, the term shall include fresh fruit only.

(e) *Order* means the Hass Avocado Promotion, Research, and Information Order.

(f) *Person* means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity. For the purpose of this definition, the term ''partnership'' includes, but is not limited to:

(1) A husband and a wife who have title to, or leasehold interest in, a Hass avocado farm as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property; and

(2) So-called ''joint ventures'' wherein one or more parties to an agreement, informal or otherwise, contributed land and others contributed capital, labor, management, or other services, or any variation of such contributions by two or more parties.

(g) *Referendum agent* or *agent* means the individual or individuals designated by the Administrator to conduct the referendum.

(h) *Representative period* means the period designated by the Administrator.

(i) *United States.* The term ''United States'' means collectively of the several 50 States of the United States, the District of Columbia, the

Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, and the Federated States of Micronesia.

§ 1219.102 Registration.

An eligible producer or importer of Hass avocados, as defined in this subpart, at the time of the referendum and during a representative period, who chooses to vote in any referendum conducted under this subpart, shall register with the referendum agent prior to the voting period, after receiving notice from the referendum agent concerning the referendum under § 1219.104(b). Registration information shall be confidential under § 1219.108.

§ 1219.103 Voting.

(a) Each eligible producer and eligible importer who registers to vote in the referendum shall be entitled to cast only one ballot in the referendum. However, each producer in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to produce Hass avocados, in which more than one of the parties is a producer, shall be entitled to cast one ballot in the referendum covering only such producer's share of the ownership.

(b) Proxy voting is not authorized, but an officer or employee of an eligible corporate producer or importer, or an administrator, executor, or trustee or an eligible entity may cast a ballot on behalf of such entity. Any individual so voting in a referendum shall certify that such individual is an officer or employee of the eligible entity, or an administrator, executive, or trustee of an eligible entity and that such individual has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) All ballots are to be cast by mail or fax, as instructed by the referendum agent.

§ 1219.104 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under the supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the referendum agent. Such agent shall:

(a) Determine the period during which ballots may be cast (voting period).

(b) Notify producers and importers of the voting period for the referendum and the requirement to register to vote in the referendum at least 30 days in advance by utilizing available media or public information sources, without incurring advertising expense, to publicize the dates, places, method of voting, eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print and radio.

(c) Develop the ballots and related material to be used in the referendum. The ballot shall provide for recording essential information, including that needed for ascertaining whether the person voting, or on whose behalf the vote is cast, is an eligible voter.

(d) Develop a list of producers and importers who register to vote.

(e) Mail to registered voters the instructions on voting, a ballot, and a summary of the terms and conditions of the proposed Order.

(f) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results in the presence of an agent of a third party authorized to monitor the referendum process.

(g) Prepare a report on the referendum.

(h) Announce the results to the public.

§ 1219.105 Subagents.

The referendum agent may appoint any individual or individuals necessary or desirable to assist the agent in performing such agent's functions hereunder. Each individual so appointed may be authorized by the agent to perform any or all of the functions which, in the absence of such appointment, shall be performed by the agent.

§ 1219.106 Ballots.

The referendum agent and subagents shall accept all ballots cast. However, if an agent or subagent deems that a ballot should be challenged for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

§ 1219.107 Referendum report.

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on the results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to the analysis of the referendum and its results.

§ 1219.108 Confidential information.

The list of registered voters, ballots, and all other information or reports that reveal, or tend to reveal, the identity or vote of voters in the referendum shall be strictly confidential and shall not be disclosed.

§ 1219.109 OMB control number.

The control number assigned to the information collection requirement in this subpart by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35 is OMB control number 0581–0197.

Dated: February 12, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–3796 Filed 2–13–02; 2:00 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1439

RIN 0560–AG33

Livestock Indemnity Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule implements provisions of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 related to the Livestock Indemnity Program-2000 (LIP–2000). This final rule announces the program's availability and requirements. The Commodity Credit Corporation (CCC) published a proposed rule on March 7, 2001, (66 FR 13679) seeking public comment. No comments were received and the proposed rule is adopted as final with a minor change to reflect a statutory reduction in program funding.

EFFECTIVE DATE: February 19, 2002.

FOR FURTHER INFORMATION CONTACT: Sharon Biastock, Production, Emergencies, and Compliance Division, Farm Service Agency (FSA), U.S. Department of Agriculture, 1400 Independence Ave. SW., Stop 0517, Washington, DC 20250–0540, telephone (202) 720–6336; e-mail address: sharon_biastock@wdc.fsa.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule is issued in conformance with Executive Order 12866 and has been determined to be significant and has been reviewed by the Office of Management and Budget.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of final rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require 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).

Executive Order 12988

This rule has been reviewed in accordance with Executive Order 12988. The provisions of this rule preempt State laws to the extent such laws are inconsistent with the provisions of this rule. Before any judicial action may be brought concerning the provisions of this rule, the administrative remedies must be exhausted.

Unfunded Mandates Reform Act of 1995

The provisions of Title II of the Unfunded Mandates Reform Act of 1995 are not applicable to this rule because USDA is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of final rulemaking with respect to the subject matter of this rule. Further, in any case, these provisions do not impose any mandates on State, local or tribal governments, or the private sector.

Paperwork Reduction Act

In accordance with section 3507 (j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection and recordkeeping requirements included in this final rule were submitted for emergency approval to the Office of Management and Budget (OMB). OMB assigned control number 0560–0179 to the information collection and recordkeeping requirements.

Background

This final rule implements Sec. 813 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Pub. L. 106–387) related to the Livestock Indemnity Program-2000 (LIP–2000). The statute provides that the Secretary of Agriculture (the Secretary) use up to $10 million of the funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on a farm for qualifying livestock losses occurring in the period beginning on January 1, 2000, and ending on December 31, 2000. A government-wide rescission of appropriated funds required by the Consolidated Appropriations Act, 2001, (Pub. L. 106–554, section 1403) reduces the funds available by 0.22 percent. Funding available for LIP–2000 is therefore $9.978 million. Section 1439.207, Availability of Funds is amended to reflect the enactment of this legislation. A proposed rule published on March 7, 2001 sets out rules to implement this new program. No comments were received and on further review it has been decided to implement the rule as published with the exception of a few minor revisions for clarity and precision. Further background for this action was set out in the preamble which accompanied this rule.

List of Subjects in 7 CFR Part 1439

Animal feeds, Disaster assistance, Livestock, Pasture, Reporting and record keeping requirements.

For the reasons set out in the preamble, 7 CFR part 1439 is amended as follows:

PART 1439—EMERGENCY LIVESTOCK ASSISTANCE

1. The authority citation for part 1439 is revised to read as follows:

Authority: 7 U.S.C. 1427a; 15 U.S.C. 714 *et seq.*; Sec. 1103, Pub. L. 105–277, 112 Stat. 2681–42–44; Pub. L. 106–31, 113 Stat. 57; Pub. L. 106–78, 113 Stat. 1135; Pub. L. 106–113, 113 Stat. 1501; Sec. 257, Pub. L. 106–224, 114 Stat. 358; Secs. 802, 806, 813, Pub. L. 106–387, 114 Stat. 1549, and Sec. 1403, Pub. L. 106–554, 114 Stat. 2763.

2. Revise Subpart C of part 1439 to read as follows:

Subpart C—Livestock Indemnity Program

Sec.

1439.201 Applicability.
1439.202 Administration.
1439.203 Definitions.
1439.204 Sign-up period.
1439.205 Proof of loss.
1439.206 Indemnity benefits.
1439.207 Availability of funds.
1439.208 Limitations on payments.

Subpart C—Livestock Indemnity Program

§ 1439.201 Applicability.

(a) This subpart sets forth the terms and conditions applicable to the Livestock Indemnity Program for 2000 (LIP–2000). Benefits will be provided under this subpart only for losses (deaths) of livestock occurring as a result of:

(1) Natural disasters, except drought;

(2) Fires; or

(3) Anthrax.

(b) Losses due to natural disasters and fires (except drought) will be considered eligible for benefits in counties included in the geographic area covered by a qualifying natural disaster declaration, excluding contiguous counties, issued by the President of the United States or the Secretary of Agriculture of the United States if such declaration was requested and approved for the period of January 1, 2000, through December 31, 2000, inclusive.

(c) A Presidential declaration or Secretarial designation is not required for losses due to anthrax.

(d) Owners will be compensated by livestock category as established by CCC. The owner's loss must be the result of the declared disaster or anthrax and in excess of the normal losses, established by CCC, for the owner's livestock operation. Losses to livestock due to drought conditions are deemed to have been avoidable and are not eligible for benefits under LIP–2000.

§ 1439.202 Administration.

Where circumstances preclude compliance with § 1439.204 due to circumstances beyond the applicant's control, the FSA county or State committee may request that relief be granted by the Deputy Administrator under this section. In such cases, except for statutory deadlines and other statutory requirements, the Deputy Administrator may, in order to more equitably accomplish the goals of this subpart, waive or modify deadlines and other program requirements if the failure to meet such deadlines or other requirements does not adversely affect operation of the program and are not prohibited by statute.

§ 1439.203 Definitions.

The definitions set forth in this section shall be applicable for all purposes of administering this subpart. Although, the terms defined in § 1439.3 shall also be applicable, the definitions set forth in this section shall govern for

all purposes of administering this subpart.

Anthrax means a disease of animals caused by bacillus anthracis.

Application means the Form CCC–661, Livestock Indemnity Program Application.

Eligible disasters are any natural disasters occurring in 2000 that are named in the Presidential declaration or Secretarial designation, except drought.

Fires means wild fires that occurred in forests, brush, etc., and, as a result, livestock was killed when it was caught in these fires or in structures that burned in these fires. It does not include structure fires that were not the result of a wild fire.

Livestock means beef and dairy cattle, sheep, goats, swine, poultry (including egg-producing poultry), equine animals used for food or in the production of food, and buffalo and beefalo when maintained on the same basis and in the same manner as beef cattle maintained for commercial slaughter.

Livestock owner means a person who has legal ownership of the livestock and is a citizen of, or legal resident alien in, the United States. A farm cooperative, private domestic corporation, partnership, or joint operation in which a majority interest is held by members, stockholders, or partners who are citizens of, or legal resident aliens in, the United States, if such cooperative, corporation, partnership, or joint operation owns or jointly owns eligible livestock or poultry, will be considered livestock owners. Any Native American tribe (as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638, 88 Stat. 2203)); any Native American organization or entity chartered under the Indian Reorganization Act; any tribal organization under the Indian Self-Determination and Education Assistance Act; and any economic enterprise under the Indian Financing Act of 1974 may be considered livestock owners so long as they meet the terms of the definition.

§ 1439.204 Sign-up period.

A request for benefits under this subpart must be submitted to the CCC at the FSA county office serving the county where the livestock loss occurred. All applications must be filed in the FSA county office prior to the close of business on such date as determined and announced by the Deputy Administrator.

§ 1439.205 Proof of loss.

(a) In the case of fires or natural disasters, livestock owners must, in accordance with instructions issued by the Deputy Administrator, provide adequate proof that the death of the eligible livestock occurred during the recognized natural disaster period, as provided in § 1439.201(b); or was reasonably related to the disaster.

(b) The livestock owner shall provide any available supporting documents that will assist the county committee, or is requested by the county committee, in verifying:

(1) The quantity of eligible livestock that perished in the natural disaster including, but not limited to, purchase records, veterinarian receipts, bank loan papers, rendering truck certificates, Federal Emergency Management Agency and National Guard records, auction barn receipts, and any other documents available to confirm the presence of the livestock and subsequent losses; and

(2) That the loss was reasonably related to the recognized disaster in the declaration or designation, including, but not limited to, newspaper articles or other media reports, photographs of disaster damage, veterinarian records, and any other documents available to confirm that the disaster occurred and was responsible for the livestock losses.

(c) Livestock owners requesting benefits for losses due to anthrax shall provide documentation verifying the quantity of livestock deaths that was caused by anthrax.

(d) Certifications by third parties or the owner and other such documentation as the county committee determines to be necessary in order to verify the information provided by the owner must also be submitted. Third-party verifications may be accepted only if the owner certifies in writing that there is no other documentation available. Third-party verification must be signed by the party that is verifying the information. Failure to provide documentation that is satisfactory to the county committee will result in the disapproval of the application by the county committee.

(e) Livestock owners shall certify the accuracy of the information provided. All information provided is subject to verification and spot checks by the CCC. A failure to provide information requested by the county committee or by agency officials is cause for denial of any application filed under this part.

§ 1439.206 Indemnity benefits.

(a) Livestock indemnity payments for losses of eligible livestock as determined by CCC are authorized to be made to livestock owners, based on the owner's share of the livestock, who file an application for the specific livestock category in accordance with instructions issued by the Deputy Administrator, if:

(1) The livestock owner submits an approved proof of loss in accordance with § 1439.205; and

(2) The FSA county or State committee determines that because of an eligible disaster condition the livestock owner had a loss in the specific livestock category in excess of the normal mortality rate established by CCC, based on the number of animals in the livestock category that were in the owner's inventory at the time of the disaster.

(b) If the number of losses in the animal category exceeds the normal mortality rate established by CCC for such category, the loss of livestock that shall be used in making a payment shall be the number of animal losses in the animal category that exceed the normal mortality threshold established by CCC.

(c) Payments shall be calculated by multiplying the national payment rate for the livestock category as determined by CCC, by the number of qualifying animals determined under paragraph (b) of this section. Adjustments, if necessary, shall apply in accordance with § 1439.207.

§ 1439.207 Availability of funds.

(a) In the event that the total amount of eligible claims submitted under this subpart exceeds $9.978 million, then each payment shall be reduced by a uniform national percentage.

(b) Such payment reductions shall be applied after the imposition of applicable per-person payment limitation provisions.

§ 1439.208 Limitations on payments.

(a) The provisions of §§ 1439.10 and 1439.11 apply to LIP–2000.

(b) Payments earned under other programs contained in this part shall not reduce the amount payable under this subpart.

(c) Disaster benefits under this part are not subject to administrative offset. See section 842 of Public Law 106–387.

(d) No interest will be paid or accrue on disaster benefits under this part that are delayed or are otherwise not timely issued unless otherwise mandated by law.

Signed in Washington, D.C., on February 11, 2002.

James R. Little,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 02–3933 Filed 2–15–02; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tiamulin

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 supplemental new animal drug application (NADA) filed by Boehringer Ingelheim Vetmedica, Inc. The supplemental NADA provides for use of approved tiamulin Type A medicated articles to make Type B and Type C medicated feeds used for the control of porcine proliferative enteropathies (ileitis) in swine.

DATES: This rule is effective February 19, 2002.

FOR FURTHER INFORMATION CONTACT: Diane D. Jeang, Center for Veterinary Medicine (HFV–133), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–7574, e-mail: djeang@cvm.fda.gov.

SUPPLEMENTARY INFORMATION: Boehringer Ingelheim Vetmedica, Inc., 2621 North Belt Highway, St. Joseph, MO 64506–2002, filed a supplement to approved NADA 139–472 that provides for use of DENAGARD (5, 10, or 113.4 grams (g) per pound of tiamulin) Type A medicated articles to make Type B and Type C medicated feeds for use in growing and finishing swine. The Type C medicated feeds contain 35 g per ton tiamulin and are used for the control of porcine proliferative enteropathies (ileitis) associated with *Lawsonia intracellularis*. The NADA is approved as of November 26, 2001, and § 558.600 (21 CFR 558.600) is amended to reflect the approval. Section 558.600 is also being revised to a tabular format. The basis for 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)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(iii)), this approval for food-producing animals qualifies for 3 years of marketing exclusivity beginning on November 26, 2001, because the application contains substantial evidence of the effectiveness of the drug involved, any studies of animal safety, or in the case of food-producing animals, human food safety studies (other than bioequivalence or residue studies) required for the approval of the application and conducted or sponsored by the applicant. The 3 years of marketing exclusivity applies only to the new claim for which the supplemental application was approved.

The agency has determined under 21 CFR 25.33(a)(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 558

Animal drugs, Animal feeds.

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 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR part 558 continues to read as follows:

Authority: 21 U.S.C. 360b, 371.

2. Section 558.600 is revised to read as follows:

§ 558.600 Tiamulin.

(a) *Specifications*. Type A article containing 5, 10, or 113.4 grams of tiamulin (as tiamulin hydrogen fumarate) per pound.

(b) *Approvals*. See No. 000010 in § 510.600(c) of this chapter.

(c) *Related tolerances*. See § 556.738 of this chapter.

(d) *Special considerations*—(1) Swine being treated with tiamulin should not have access to feeds containing polyether ionophores (e.g., lasalocid, monensin, narasin, salinomycin, or semduramycin) as adverse reactions may occur. If signs of toxicity occur, discontinue use.

(2) Not for use in swine weighing over 250 pounds.

(3) Use as sole source of tiamulin.

(e) *Conditions of use*—(1) *Swine*. It is used as follows:

Tiamulin in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(i) 10		For increased rate of weight gain and improved feed efficiency.	Feed continuously as the sole ration.	000010
(ii) 35		1. For control of swine dysentery associated with *Brachyspira* (formerly *Serpulina* or *Treponema*) *hyodysenteriae* susceptible to tiamulin.	Feed continuously as sole ration on premises with a history of swine dysentery but where signs of disease have not yet occurred or following approved treatment of disease. Withdraw 2 days before slaughter.	000010
		2. For control of porcine proliferative enteropathies (ileitis) associated with *Lawsonia intracellularis*.	Feed continuously as the sole ration for not less than 10 days. Withdraw 2 days before slaughter.	000010

Tiamulin in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(iii) 35	Chlortetracycline, approximately 400 (varying with body weight and feed consumption to provide 10 milligrams of chlortetracycline per pound of body weight daily).	For treatment of swine bacterial enteritis caused by *Escherichia coli* and *Salmonella choleraesuis* and bacterial pneumonia caused by *Pasteurella multocida* susceptible to chlortetracycline, and control of swine dysentery associated with *Brachyspira* (formerly *Serpulina* or *Treponema*) *hyodysenteriae* susceptible to tiamulin.	Feed continuously as sole ration for 14 days. Use as only source of chlortetracycline. Withdraw 2 days before slaughter. As chlortetracycline calcium complex, Type A medicated articles containing the equivalent of 50 to 100 grams per pound of chlortetracycline hydrochloride provided by 046573 and 053389 in § 510.600(c) of this chapter.	000010
(iv) 200		For treatment of swine dysentery associated with *Brachyspira* (formerly *Serpulina* or *Treponema*) *hyodysenteriae* susceptible to tiamulin.	Feed continuously as the sole feed for 14 consecutive days. Withdraw feed 7 days before slaughter.	000010

(2) [Reserved]

Dated: January 31, 2002.

Claire M. Lathers,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 02–3831 Filed 2–15–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF JUSTICE

28 CFR Part 65

[OJP(BJA)–1334]

RIN 1121–AA60

Bureau of Justice Assistance; Emergency Federal Law Enforcement Assistance

AGENCY: Office of Justice Programs, Bureau of Justice Assistance, Justice.

ACTION: Final rule; correction.

SUMMARY: This rule corrects the address for submission of applications to the Director, Bureau of Justice Assistance, U.S. Department of Justice, for the Emergency Federal Law Enforcement Assistance (EFLEA) Program. This correction reflects a change of address for the Director, Bureau of Justice Assistance, Office of Justice Program, U.S. Department of Justice.

EFFECTIVE DATE: This change will be effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Linda Fallowfield or Victoria O'Brien at 202–307–6235.

SUPPLEMENTARY INFORMATION: The Bureau of Justice Assistance is issuing this final rule to correct the address to which a state or local unit of government may submit applications for the Emergency Federal Law Enforcement Assistance Program. The purpose of this program is to provide assistance to an uncommon situation which is or threatens to escalate to serious or epidemic proportions and state or local resources are not sufficient to protect the lives and property of citizens, or to enforce the criminal law.

Currently, the state must submit the application directly to the Attorney General, U.S. Department of Justice with one copy to the Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Office of Justice Programs has moved to a different location in Washington, DC necessitating this correction to the regulation.

Regulatory Certifications

Executive Order 12866

This regulation has been written and reviewed in accordance with Executive Order 12866, Sec. 1(b), Principles of Regulation. The Office of Justice Programs has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, Sec. 3(f), Regulatory Planning and Review, and accordingly this rule has not been reviewed by the Office of Management and Budget.

Executive Order 12612

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Office of Justice Programs, 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 upon a substantial number of small entities for the following reasons: The EFLEA program is administered by the Office of Justice Programs. The economic impact is limited to the Office of Justice Program's appropriated funds.

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 it 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 Sec. 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 cost 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.

Paperwork Reduction Act

No new collection of information requirements as defined under the Paperwork Reduction Act (44 U.S.C. 3504(h)) are being added by this proposed regulation.

Environmental Impact

OJP has evaluated this rule in accordance with its procedures for ensuring full consideration of the potential environmental impacts of OJP's actions, as required by the National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*) and related directives. OJP has concluded that the issuance of this rule does not have a significant impact on the quality of the human environment and, therefore, does not require the preparation of an Environmental Impact Statement.

Energy Impact Statement

OJP has evaluated this rule and has determined that it creates no new impact on the energy supply or distribution.

For the reasons set out in the preamble, Title 28, Chapter I, Part 65 of the Code of Federal Regulations is amended as follows:

PART 65—EMERGENCY FEDERAL LAW ENFORCEMENT ASSISTANCE

1. The authority citation for Part 32 continues to read as follows:

Authority: The Comprehensive Crime Control Act of 1984, Title II, Chap. VI, Div. I, Subdiv. B, Emergency Federal Law Enforcement Assistance, Pub. L. 98–473, 98 Stat. 1837, Oct. 12, 1984 (42 U.S.C. 10501 *et seq.*); 8 U.S.C. 1101 note; Sec. 610, Pub. L. 102–140, 105 Stat. 832.

2. Section 65.40 is revised to read as follows: 65.40 General.

* * * * *

This subpart describes the process and criteria for the Attorney General's review and approval or disapproval of state applications. The original application, on Standard Form 424, signed by the chief executive officer of the state should be submitted directly to the Attorney General, U.S. Department of Justice, Washington, DC 20503. One copy of the application should be sent to the Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice, Washington, DC 20531.

Dated: February 8, 2002.

Harri j Kramer,

Deputy Director, Bureau of Justice Assistance.

[FR Doc. 02–3833 Filed 2–15–02; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Diego 01–021]

RIN 2115–AA97

Security Zones; Hoover Dam, Davis Dam, and Glen Canyon Dam

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing three security zones on the Colorado River: one surrounding the Hoover Dam, the second one surrounding the Davis Dam, and the third zone surrounding the Glen Canyon Dam. These actions are necessary to ensure public safety and prevent sabotage or terrorist acts against the public and commercial structures and individuals near or upon these structures. These security zones will prohibit all persons and vessels from entering, transiting through or anchoring within the security zones unless authorized by the Captain of the Port (COTP), or his designated representative.

DATES: This rule is effective from 12 midnight (PST) on November 5, 2001 to 12 midnight (PDT) on June 21, 2002.

ADDRESSES: Any comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket COTP San Diego 01–021, and are available for inspection or copying at U.S. Coast Guard Marine Safety Office San Diego, 2716 N. Harbor Drive, San Diego California 92101, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Rick Sorrell, Chief of Port Operations, Marine Safety Office San Diego, at (619) 683–6495.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. In keeping with the requirements of 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. In keeping with the requirements of 5 U.S.C. 553(d)(3), the Coast Guard also finds that good cause exists for making this regulation effective less than 30 days after publication in the **Federal Register**.

On September 11, 2001, two commercial aircraft were hijacked from Logan Airport in Boston, Massachusetts and flown into the World Trade Center in New York, New York inflicting catastrophic human casualties and property damage. A similar attack was conducted on the Pentagon in Arlington, Virginia on the same day. National security officials warn that future terrorist attacks against high visibility civilian targets may be anticipated. A heightened level of security has been established concerning all vessels and persons transiting in the vicinity of the Colorado River Dams. These security zones are needed to protect the United States and more specifically the people, waterways, and properties of the Colorado River Dams.

The delay inherent in the NPRM process, and any delay in the effective date of this rule, is contrary to the public interest insofar as it may render individuals and facilities within and adjacent to the Colorado River Dams vulnerable to subversive activity, sabotage or terrorist attack. The measures contemplated by the rule are intended to prevent future terrorist attacks against these dams themselves, or individuals and facilities within or adjacent to these dams. Immediate action is required to accomplish these objectives. Any delay in the effective date of this rule is impracticable and contrary to the public interest.

Background and Purpose

On September 11, 2001, terrorists launched attacks on civilian and military targets within the United States killing large numbers of people and damaging properties of national significance. Personnel, vehicles or vessels operating near these installations upon the Colorado River and activities upon adjacent lands present possible situations through which individuals may gain unauthorized access to these installations, or launch terrorist attacks upon the waterfront structures and adjacent population centers.

As part of the Diplomatic Security and Antiterrorism Act of 1986 (Pub. L. 99–399), Congress amended The Ports and Waterways Safety Act (PWSA) to allow the Coast Guard to take actions, including the establishment of security and safety zones, to prevent or respond to acts of terrorism against individuals, vessels, or public or commercial structures. 33 U.S.C. 1226. The terrorist acts against the United States on September 11, 2001, have increased the need for safety and security measures on U.S. ports and waterways.

In response to these terrorist acts, and in order to prevent similar occurrences,

the Coast Guard is establishing three temporary security zones in the navigable waters of the United States upon the Colorado River in the vicinity of, and lands immediately adjacent to, the Hoover, Davis, and Glen Canyon Dams. These security zones are necessary to provide for the safety and security of the United States of America and the people, ports, waterways and properties upon the Colorado River. These security zones, prohibiting all vessel traffic from entering, transiting or anchoring within the above described areas, and prohibiting all unauthorized shore based activities in areas surrounding the waterfront structures are necessary for the security and protection of the Colorado River Dams. National Park Service officers or employees and craft enlisted by the COTP will enforce these zones.

These security zones are established within the National Park System—areas of land and water administered by the National Park Service for park, monument, historic, parkway, recreational, or other purposes. See 16 U.S.C. 1c. Under 16 U.S.C. 1a–6, National Park Service officers or employees, who are designated by the Secretary of Interior to maintain law and order and protect persons and property within areas of the National Park System, have the authority to enforce this federal regulation. Persons and vessels are prohibited from entering into these security zones unless authorized by the Captain of the Port or his designated representative. Each person and vessel in a security zone shall obey any direction or order of the COTP. The COTP may remove any person, vessel, article, or thing from a security zone. No person may board, take, or place any article or thing on board, any vessel in a security zone without the permission of the COTP.

Pursuant to 33 U.S.C. 1232, any violation of a security zone described herein, is punishable by civil penalties (not to exceed $27,500 per violation, where each day of a continuing violation is a separate violation), criminal penalties (imprisonment for not more than 6 years and a fine of not more than $250,000), in rem liability against the offending vessel, and license sanctions. Any person who violates this regulation, using a dangerous weapon, or who engages in conduct that causes bodily injury or fear of imminent bodily injury to any officer authorized to enforce this regulation, also faces imprisonment up to 12 years (class C felony).

Regulatory Evaluation

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

Due to the recent terrorist actions against the United States the implementation of this security zone is necessary for the protection of the United States and its people. Because these security zones are established in areas near the Colorado River dams which are seldom used, the Coast Guard expects the economic impact of this rule to be so minimal that full regulatory evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''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 less than 50,000.

These security zones will not have a significant impact on a substantial number of small entities because these security zones are only closing small portions of the navigable waters of the Colorado River. Vessels may still continue to transit other portions of the Colorado River. In addition, there are no small entities on shore or any portions of these security zones. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

In accordance with § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard offers to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact Lieutenant Rick Sorrell, Chief of Port Operations, Marine Safety Office San Diego, at (619) 683–6495.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34), of Commandant Instruction M16475.lD, this rule, which establishes security zones, is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add new § 165.T11–049 to read as follows:

§ 165.T11–049 Security Zones: Areas surrounding the Hoover Dam, the Davis Dam, and the Glen Canyon Dam on the Colorado River.

(a) *Location.* Following are the locations of the three security zones created by this section: (1) *Hoover Dam security zone.* This security zone will encompass all waters and shoreline areas within the boundaries designated by these GPS coordinates: A point at N36.02209 W–114.75813 (Point A), proceeding east to N36.02209 W–114.73344 (Point B), proceeding north to N36.02934 W–114.73343 (Point C), proceeding east to N36.02857 W–114.71762 (Point D), proceeding south to N36.01764 W–114.71764 (Point E), N36.01764 W–114.72212 (Point F), proceeding south to N36.01033 W–114.72217 (Point G), proceeding west to N36.01033 W–114.72666 (Point H), proceeding south to N35.98873 W–114.72660 (Point I), proceeding west to N35.98872 W–114.74166 (Point J) proceeding south along the east bank of the Colorado River to N35.98557 W–114.74298 (Point K), proceeding west to N35.985 W–114.751 (Point L), proceeding north to N36.006 W–114.750 (Point M), proceeding west to N36.00034 W–114.75806 (Point N), proceeding north to Point A.

(2) *Davis Dam security zone.* This security zone will encompass all waters and shoreline areas within the boundaries designated by these GPS coordinates : A point at N35.20448 W–114.57940 (Point A), proceeding east to N35.20417 W–114.56109 (Point B), proceeding south to N35.19692 W–114.56108 (Point C), proceeding east to N35.19693 W–114.55666 (Point D), proceeding south to N35.18605 W–114.55664 (Point E), proceeding west to N35.18604 W–114.56913 (Point F), proceeding south to N35.18278 W–114.56899 (Point G), proceeding west to N35.18278 W–114.58024 (Point H), and then north to Point A.

(3) *Glen Canyon Dam security zone*: This security zone will encompass all waters and shoreline areas within the boundaries designated by these GPS coordinates: A point at N36.56510 W–111.29245 (Point A), proceeding east to N36.56510 W–111.28843 (Point B), proceeding southeast to N36.56294 W–111.28710 (Point C), proceeding southeasterly to N36.55899 W–111.28868 (Point D), proceeding west to N36.55899 W–111.29171 (Point E), proceeding northwesterly to N36.56294 W–111.29247 (Point F), the proceeding northwesterly to point A.

(b) *Effective dates.* These security zones will be in effect from 12 midnight (PST) on November 5, 2001 to 12 midnight (PDT) on June 21, 2002. If the need for these security zones ends before the scheduled termination time and date, the Captain of the Port will cease enforcement of the security zones and will also announce that fact via Broadcast Notice to Mariners and Local Notice to Mariners.

(c) *Regulations.* In accordance with the general regulations in § 165.33 of this part, no person or vessel may enter or remain in the security zone established by this temporary regulation, unless authorized by the Captain of the Port, or his designated representative. All other general regulations of § 165.33 of this part apply in the security zone established by this temporary regulation. Persons requesting permission to transit through the security zones must request authorization to do so from the Captain of the Port, who may be contacted at (619) 683–6495 or the United States Department of Interior, Bureau of Reclamation, who may be contacted at (520) 645–0450 for the Glen Canyon Dam, and (702) 293–8302 for the Davis and Hoover Dams.

Dated: November 4, 2001.

S.P. Metruck,

Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.

[FR Doc. 02–3927 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MA084–7214a; A–1–FRL–7143–7]

Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Commonwealth of Massachusetts; Carbon Monoxide Redesignation Request, Maintenance Plan, and Emissions Inventory for the Cities of Lowell, Springfield, Waltham, and Worcester

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts containing a redesignation request, maintenance plan, and emissions inventory for the carbon monoxide (CO) nonattainment areas of Lowell, Springfield, Waltham, and Worcester. Under the Clean Air Act as amended in 1990 (the CAA), air quality designations can be revised if sufficient data is available to warrant such revisions and the redesignation request meets all of the requirements of section 107(d)(E)(3) of the CAA. EPA is approving the Massachusetts redesignation request and maintenance plan because they meet the applicable requirements and will ensure that the four cities remain in attainment. The approved maintenance plan will become a federally enforceable part of the Massachusetts SIP. In this action, EPA is also approving the Massachusetts 1996 baseline emission inventory for CO.

DATES: This direct final rule will be effective April 22, 2002, unless EPA receives relevant adverse comments by March 21, 2002. If we receive relevant adverse comments, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, EPA New England, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England, One Congress Street, 11th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room M–1500, 401 M Street, (Mail Code 6102), SW., Washington, DC; and Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Butensky, Environmental Planner, Air Quality Planning Unit of the Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, New England office, One Congress Street, Boston, MA 02114–2023, (617) 918–1665 or at *butensky.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of SIP Revisions
A. Why is EPA taking this action?
B. Why are we concerned about carbon monoxide?
C. How did EPA establish the cities of Lowell, Springfield, Waltham, and Worcester as nonattainment for carbon monoxide?
D. What are the related Clean Air Act requirements, and how does Massachusetts meet them?

A. Why Is EPA Taking This Action?

On May 25, 2001, the Commonwealth of Massachusetts submitted a formal CO redesignation request to designate the cities of Lowell, Springfield, Waltham, and Worcester as attainment for CO. This submittal also included a maintenance plan to assure that these areas will maintain attainment and a 1996 emissions inventory for CO. On August 14, 2001, EPA New England determined that the information received from Massachusetts Department of Environmental Protection (MADEP) constitutes a complete redesignation request under the general completeness criteria of 40 CFR part 51, appendix V, sections 2.1 and 2.2.

EPA is approving the request to redesignate, maintenance plan, and emission inventory in today's action. Please note that if EPA receives relevant adverse comment on an amendment, paragraph, or section of this rule, and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

B. Why Are We Concerned About Carbon Monoxide?

Inhaling high levels of CO inhibits the blood's capacity to carry oxygen to organs and tissues. Persons with heart disease, children, and individuals with respiratory diseases are particularly sensitive to CO. Effects of CO on healthy adults include impaired exercise capacity, visual perception, manual dexterity, learning functions, and ability to perform complex tasks. As a result of these potential health impacts, EPA developed a primary National Ambient Air Quality Standard (NAAQS) for CO which is the level at which CO concentrations in the ambient air become unhealthful.[1] In response to the NAAQS and pursuant to CAA requirements, states have developed programs to reduce CO to levels that are below the NAAQS.

C. How Did EPA Establish the Cities of Lowell, Springfield, Waltham, and Worcester as Nonattainment for Carbon Monoxide?

The cities of Lowell, Springfield, Waltham, and Worcester were designated nonattainment for CO on March 3, 1978 (43 FR 9003). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law No. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. Pursuant to section 107(d)(1)(C) of the CAA, the cities of Lowell, Springfield, Waltham, and Worcester retained their designations of nonattainment for CO by operation of law. The cities of Lowell, Springfield, Waltham, and Worcester were designated nonattainment on November 6, 1991 (56 FR 56694). Simultaneously, EPA designated these areas as ''not classified'' since ambient monitoring data showed that these areas were attaining the CO NAAQS.[2]

Since these areas were not classified under the CAA amendments of 1990, section 172 of the CAA sets forth the applicable requirements for these nonattainment areas. The 1990 CAA requires such areas to achieve the standard by November 15, 1995, and Massachusetts fulfilled this requirement in the cities of Lowell, Springfield, Waltham, and Worcester.

On May 25, 2001, Massachusetts sent EPA a CO redesignation request for these cities, including a maintenance plan and emissions inventory. EPA is approving all of these components today, and we discuss them in detail in this document. Massachusetts submitted evidence that the MADEP held public hearings on November 15 and 16, 2000 for the CO redesignation request and related components.

D. What Are the Related Clean Air Act Requirements, and How Does Massachusetts Meet Them?

Section 107(d)(3)(E) of the 1990 Clean Air Act Amendments provides five specific requirements that an area must meet to be redesignated from nonattainment to attainment.

1. The area must have attained the applicable NAAQS;
2. The area must have a fully approved SIP under section 110(k) of CAA;
3. The air quality improvement must be permanent and enforceable;

[1] EPA defines the CO NAAQS as nine parts per million averaged over an eight-hour period, and this threshold cannot be exceeded more than once a year or an area would be violating the NAAQS.

[2] Waltham did not have a monitor in place in 1991. As explained later in this notice, EPA is relying on a conservative surrogate CO monitor as part of our basis for concluding that Waltham is attaining the CO NAAQS.

4. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA;

5. The area must meet all applicable requirements under section 110 and Part D of the CAA.

The Massachusetts redesignation request meets the five requirements of section 107(d)(3)(E) as explained below.

1. Attainment of the CO NAAQS

Massachusetts has CO air monitoring data showing that each area has met the CO NAAQS. To attain the CO NAAQS, an area must have complete quality-assured data showing no more than one exceedance of the NAAQS over at least two consecutive years. The ambient air CO monitoring data relied upon by Massachusetts in its redesignation request shows no violations of the CO NAAQS since 1984 in Lowell and Worcester, and since 1987 in Springfield.

In the city of Waltham, the monitoring station for CO ceased operations in 1978. EPA believes, however, that there is ample evidence supporting MADEP's conclusion that CO levels in Waltham are well below the NAAQS. That belief is based on CO monitoring data just outside of Waltham, in the Kenmore Square area of Boston.[3] The Kenmore Square area is more developed and contains higher traffic volumes than the Waltham area, and has not recorded a violation of the CO NAAQS since 1983. However, the design value is used to gauge attainment. According to EPA guidance,[4] the design value is defined by observing two consecutive years of carbon monoxide data and extracting the highest second highest value. The current design value for the CO monitor in Kenmore Square based on 2000 and 2001 is 2.3 parts per million, well below the CO NAAQS. In addition, EPA did a detailed comparison of monitoring data from the Kenmore Square and Waltham monitors during the period of time they both were in operation. EPA compared literally thousands of matched readings for CO measurements in both locations. That analysis provides convincing evidence that Waltham consistently monitored CO values lower than Kenmore Square. That analysis is available as part of the Technical Support Document for this action.

Additionally, MADEP submitted an extensive CO modeling analysis modeling CO levels for a specific area in Waltham in 1998.[5] The analysis found that under the worst case scenario (e.g. congested traffic in winter), the CO NAAQS would not be exceeded in Waltham.

Massachusetts also has committed to continue to monitor CO in Lowell, Springfield and Worcester, and as required in the approved maintenance plan for the Boston CO area, MADEP continues to monitor in Kenmore Square in Boston, which is nearby the city of Waltham. When Massachusetts develops a second 10-year maintenance plan for the Boston CO area, EPA will ensure that MADEP commits to monitor in an area that continues to be representative of CO air quality in Waltham for the duration of the maintenance plan period for Waltham.

2. Fully Approved SIP

EPA has approved the Massachusetts CO SIP as meeting all the requirements of Section 110 of the Act, including the requirement in Section 110(a)(2)(I) to meet all the applicable requirements of Part D (relating to nonattainment), which were due prior to the date of Massachusetts' redesignation request. EPA approved the Massachusetts 1982 CO SIP on November 9, 1983 (48 FR 51480). The Federal Motor Vehicle Control Program and the implementation of an Inspection and Maintenance program for vehicles were the measures that brought the CO levels into attainment in the cities of Lowell, Springfield, Waltham, and Worcester.

Before EPA may redesignate the Massachusetts areas to attainment, the SIP must have fulfilled the applicable requirements of part D. Under part D, an area's classification indicates the requirements to which it is subject. Subpart 1 of part D sets forth the basic nonattainment requirements applicable to all nonattainment areas, classified as well as not classifiable. Therefore, to be redesignated to attainment, the State must meet the applicable requirements of subpart 1 of part D, specifically sections 172(c) and 176. Additionally, the 1990 CAA requires CO nonattainment areas such as the cities of Lowell, Springfield, Waltham, and Worcester to achieve other specific requirements. We discuss each of these requirements in greater detail below.

Reasonably Available Control Measures: The General Preamble for the implementation of Title I of the Clean Air Act Amendments of 1990 (57 FR 13498 (April 16, 1992)) explains that section 172(c)(1) requires the plans for all nonattainment areas to provide for the implementation of all Reasonably Available Control Measures (RACM) as expeditiously as practicable. EPA interprets this requirement to impose a duty on all nonattainment areas to consider all available control measures and to adopt and implement such measures as are reasonably available for implementation in the area as components of the area's attainment demonstration. The 1982 CO SIP evaluated many programs as potential RACM and identified the inspection and maintenance program as a CO RACM measure. Because each city has reached attainment, no additional measures are needed to provide for attainment.

Emission Inventory: Under the Clean Air Act as amended, states have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas toward attainment. Section 172(c)(3) of the CAA requires that nonattainment plan provisions include a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Massachusetts included the requisite inventory in the May 25, 2001 submittal and is using 1996 as the base year for the inventory. MADEP included stationary point sources, stationary area sources, on-road mobile sources, and non-road mobile sources of CO in the inventory. The inventory is designed to address actual CO emissions for the area during the peak CO season, which is during the winter months. Available guidance for preparing emission inventories is provided in the General Preamble (57 FR 13498 (April 16, 1992)). In today's action, EPA is approving the Massachusetts statewide CO emissions inventory which includes the emission inventories for the cities of Lowell, Springfield, Waltham, and Worcester.

New Source Review: In an October 14, 1994 memorandum from Mary D. Nichols entitled ''Part D New Source Review (part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' EPA established a new policy under which the Agency may redesignate nonattainment areas to attainment notwithstanding the lack of a fully-approved part D NSR program, provided the SIP does not rely on the program for maintenance. Consistent with this policy, EPA is not requiring as a prerequisite to redesignation that the Waltham, Lowell, Worcester, and Springfield CO nonattainment areas have a fully approved part D NSR program that meets the CAA. In making

[3] The Kenmore Square Monitor is located approximately 10 miles east of the former monitoring site in Waltham.

[4] Memo from William G. Laxton, ''Ozone and Carbon Monoxide Design Value Calculations,'' June 18, 1990.

[5] The CO modeling analysis was conducted in 1998 by Vanasse Hagen Brustlin, Inc. for MADEP.

this decision, EPA found that Massachusetts has not relied on its current SIP approved NSR program for CO sources to maintain attainment.

Although not required for redesignation, on October 27, 2000, EPA published a direct final rule approving revisions that make the Massachusetts NSR SIP consistent with the CAA.[6] In addition, the federal Prevention of Significant Deterioration (PSD) program under 40 CFR 52.21 will apply in the Lowell, Springfield, Waltham, and Worcester CO areas once redesignated to prevent emission increases from new major new sources or major modifications in these areas from causing or contributing to a violation of the NAAQS.

Conformity: Section 176(c) of the CAA requires states to submit revisions to their SIPs that include criteria and procedures to ensure that federal actions conform to the air quality planning goals in the applicable SIPs. The requirement to determine conformity applies to transportation plans, programs, and projects developed, funded, or approved under Title 23 U.S.C. or the Federal Transit Act (''transportation conformity''), as well as all other federal actions (''general conformity''). Congress provided for the state revisions to be submitted one year after the date of promulgation of final EPA conformity regulations. EPA promulgated revised final transportation conformity regulations on August 15, 1997 (62 FR 43780) and final general conformity regulations on November 30, 1993 (58 FR 63214).

These conformity rules require that the states adopt both transportation and general conformity provisions in the SIP for areas designated nonattainment or subject to a maintenance plan approved under CAA section 175A. Section 51.390 of the transportation conformity rule (40 CFR 51.390) requires Massachusetts to submit a SIP revision by August 15, 1998 containing transportation conformity criteria and procedures consistent with those established in the federal rule. Similarly, section 51.851 of the general conformity rule requires Massachusetts to submit a SIP revision by December 1, 1994 containing general conformity criteria and procedures consistent with those established in the federal rule.

Massachusetts has a state transportation conformity regulation in place that became effective on December 30, 1994.[7] This rule, however, was not approved into the SIP for two reasons: (1) To allow for flexibility in interpreting the state rule; and (2) to allow the state to take advantage of any flexibility created by changes to the federal transportation conformity rule.

Although Massachusetts does not yet have a transportation conformity rule EPA has approved, the Agency may nevertheless approve this redesignation request. EPA interprets the requirement of a fully approved SIP in section 107(d)(3)(E)(v) to mean that, for a redesignation request to be approved, the state must have met all requirements that become applicable to the subject area before or at the time of the submission of the redesignation request. A delay in approving state rules does not relieve an area from the obligation to implement conformity requirements. Areas are subject to the conformity requirements regardless of whether they are redesignated to attainment and must implement conformity under all circumstances, therefore, it is reasonable to view these requirements as not being applicable requirements for purposes of evaluating a redesignation request. Furthermore, Massachusetts has continually fulfilled all of the requirements of the state and federal transportation conformity rules and the general conformity rule. Therefore, it is not necessary that the state have its transportation conformity rule approved in the SIP before redesignation to insure that Massachusetts meets the substance of the conformity requirements.

On January 30, 1996, EPA modified its national policy regarding the interpretation of the provisions of section 107(d)(3)(E) concerning the applicable requirements for purposes of reviewing a CO redesignation request (61 FR 2918 (January 30, 1996)). Under this new policy, for the reasons discussed, EPA believes that the CO redesignation request may be approved notwithstanding the lack of approved state transportation conformity and general conformity rules.

3. Improvement in Air Quality Due to Permanent and Enforceable Measures

In 1983 EPA fully approved the Massachusetts 1982 CO SIP pertaining to the cities of Lowell, Springfield, Waltham, and Worcester as meeting the CO SIP requirements in effect under the CAA at that time. 48 FR 57480 (November 9, 1983). EPA approved the Massachusetts CO SIP under the CAA as amended through 1977. Emission reductions achieved through the implementation of control measures contained in that SIP are enforceable. Massachusetts has data from its monitors in the cities of Lowell, Springfield, and Worcester indicating that the state had measured no exceedances or violations of the CO standard since 1987. The attainment in these areas so soon after Massachusetts started to implement its 1982 CO SIP indicated that the air quality improvements are due to the permanent and enforceable measures contained in the 1982 CO SIP. In addition, CO levels at the Kenmore site, MADEP's surrogate for Waltham, declined over time, roughly parallel to the declines seen elsewhere. EPA finds that the combination of certain existing EPA approved SIP and federal measures contributes to the permanence and enforceability of reductions in ambient CO levels that have allowed the area to attain the NAAQS.

4. Fully Approved Maintenance Plan Under Section 175A

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Agency approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period.[8] To provide for the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for implementation adequate to assure prompt correction of any air quality problems. In this notice, EPA is approving the maintenance plan for the cities of Lowell, Springfield, Waltham, and Worcester because EPA finds that the Massachusetts submittal meets the requirements of section 175A.

a. Attainment Emission Inventory

MADEP submitted a comprehensive inventory of CO emissions. The inventory includes emissions from area, stationary, and mobile sources using 1996 as the base year for calculations. The 1996 inventory is considered representative of attainment conditions because EPA has concluded that none of the areas violated during 1996. MADEP prepared the inventory in accordance with EPA guidance and Massachusetts established statewide CO emissions for

[6] This direct final rule became effective on December 26, 2000.

[7] State rule 310 CMR 60.00 (Section 60.03), ''Conformity to the State Implementation Plan of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Act.''

[8] On August 23, 2001 the MADEP sent a letter to EPA New England confirming that the State is aware of this requirement.

1996 as well as forecasts to the year 2012. These estimates were derived from MADEP's 1996 emissions inventory. MADEP's submittals contains the following information:

COMPARISON OF 1996 AND 2012 CARBON MONOXIDE EMISSION IN MASSACHUSETTS

[Tons per winter day]

	1996	2012
Stationary Point	40.0	44.3
Stationary Area	696.6	708.9
On-Road Mobile	2,256.7	1,428.1
Off-Road Mobile	633.6	813.0
Total	3,626.9	2,994.3

In addition, Massachusetts has submitted a detailed inventory that allocated CO emissions to each of the cities of Lowell, Springfield, Waltham, and Worcester based on their population. This is summarized below.

CARBON MONOXIDE EMISSION SUMMARY, 1996 AND 2012 EMISSIONS

[Tons per winter day]

	Waltham		Worcester		Lowell		Springfield	
	1996	2012	1996	2012	1996	2012	1996	2012
Stationary Point	6	6	20	20	11	11	18	18
Stationary Area	0	0	1	1	1	1	1	1
On-Road Mobile	21	5	64	17	37	10	57	15
Off-Road Mobile	6	6	17	19	10	11	15	16
Total	33	17	102	57	59	33	91	50

In today's action, EPA is approving the 1996 emission inventory for Massachusetts submitted on May 25, 2001, as part of the CO redesignation request for the cities of Lowell, Springfield, Waltham, and Worcester.

b. Demonstration of Maintenance-Projected Inventories

MADEP projected total CO emissions from a 1996 base year out to 2012. These projected inventories were prepared in accordance with EPA guidance, and as shown in the table immediately above, EPA and MADEP anticipate that the areas will have CO emissions levels that will keep ambient air quality levels below the NAAQS.

Under the EPA guidance titled ''Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment areas,'' dated October 6, 1995, areas with monitored data less 85% of the NAAQS for the two-year period leading up to redesignation qualify for the limited maintenance plan option. EPA believes that it is justifiable and appropriate to apply a reduced set of maintenance plan requirements on areas with data below 85% of the NAAQS, thereby allowing areas to implement the limited plan option. This includes not requiring the area to forecast future emissions or to develop transportation conformity budgets for use in conformity determinations in future Transportation Improvement Programs. EPA has concluded that emission budgets should not be required in limited maintenance plan areas because it is unreasonable to assume that these areas will experience so much growth in the 20 year maintenance period so that an exceedance or violation of the CO NAAQS would result. In other words, EPA believes that emissions do not need to be capped for the area to maintain CO levels below the NAAQS. EPA believes that measures currently being implemented should provide adequate assurance of maintenance in these areas and keep CO concentrations well below the NAAQS. Furthermore, in the case of these areas, MADEP has projected CO emissions out to 2012, and they are well below the levels of the 1996 inventory, which is when these areas were in attainment. Therefore, it is reasonable to assume EPA will not need to cap CO emissions in these areas.

c. Verification of Continued Attainment

Continued attainment of the CO NAAQS depends, in part, on the Commonwealth's efforts toward tracking indicators of continued attainment during the maintenance period. Therefore, Massachusetts will continue to monitor CO levels as described above.

d. Contingency Plan

The level of CO emissions in the cities of Lowell, Springfield, Waltham, and Worcester will largely determine its ability to stay in compliance with the CO NAAQS in the future. Despite Massachusetts' best efforts to demonstrate continued compliance with the NAAQS, the ambient air pollutant concentrations may exceed or violate the NAAQS, although highly unlikely. Section 175A(d) of the CAA requires that the contingency provisions include a requirement that the state implement all measures contained in the SIP prior to redesignation, and Massachusetts has fulfilled this requirement. In addition, Massachusetts provided contingency measures in the event of a future CO air quality problem.

Massachusetts has developed a three stage contingency plan to be implemented if an exceedance of the CO NAAQS occurs in any of the four nonattainment areas.[9] The first stage is to investigate the traffic and other local conditions near the exceedance and to develop a local remedy. If this is found to be infeasible or ineffective, Massachusetts will implement the second stage. Stage two consists of the acknowledgment of the enhanced inspection and maintenance program implemented in October 1998.[10] However, stage two will only be applicable in 2001.

After the year 2001, the third stage contingency measure will be acknowledged, which is the California

[9] Since there is no monitor in Waltham, EPA will consider contingency measures triggered for this area if an exceedance is measured at the Kenmore Square monitor, the monitor that MADEP considers to be representative of Waltham air quality.

[10] Massachusets did not take credit for enhanced I/M in achieving attainment but has taken credit for the program in future CO projections. Therefore, this program will be used at a contingency measure only through calendar year 2001.

low emission vehicle program [11] (CALEV 1) implemented for model year 1994. In addition, CALEV 2 will achieve further reductions beginning in 2004. This contingency measure will become effective if stage one is ineffective and if it is after 2001.

Although Massachusetts is implementing these programs as measures to achieve the NAAQS for ground level ozone, they are not required in nonclassified CO nonattainment areas under the CAA and can therefore be used as contingency measures. In order to be adequate, the maintenance plan should include at least one contingency measure that will go into effect with a triggering event. Massachusetts is relying on contingency measures that will go into effect under MADEP's approved ozone SIP. Massachusetts has not taken credit for any of these programs under the CO SIP. Therefore, EPA is prepared to accept these programs as contingency measures under the CO SIP, even though MADEP has already implemented them for purposes of ozone control.

e. Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, the state must implement two ten year maintenance plans, and Massachusetts must submit to EPA eight years from today an acknowledgment that its maintenance plan will remain in effect for a second ten year period. On August 23, 2001, MADEP sent a letter to EPA acknowledging this requirement.

5. Meeting Applicable Requirements of Section 110 and Part D

In this notice, EPA has set forth the basis for its conclusion that Massachusetts has a fully approved SIP that meets the applicable requirements of Section 110 and Part D of the CAA.

II. Final Action

EPA is approving this SIP revision consisting of a CO redesignation to attainment, maintenance plan, and emissions inventory for the cities of Lowell, Springfield, Waltham, and Worcester, and incorporating it into the Massachusetts SIP. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective April 22, 2002 without further notice unless the Agency receives relevant adverse comments by March 21, 2002. If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. EPA will then address all public comments received in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If EPA receives no such comments, the public is advised that this rule will be effective on April 22, 2002 and the Agency will take no further action on the proposed rule.

III. Administrative 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 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' 66 FR 28355 (May 22, 2001). This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. 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 approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This 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 approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this 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. 804(2).

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 22, 2002. Interested parties should comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal. 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

[11] CALEV approval was published on February 1, 1995, at 60 FR 6027. Massachusetts did not credit for CALEV in future CO projections. Therefore, this proram will be used as a contingency measure after calendar year 2001.

be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting and recordkeeping requirements.

40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: January 29, 2002.

Robert W. Varney,

Regional Administrator, EPA New England.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

Subpart W—Massachusetts

2. Section 52.1127 is amended by revising the table to read as follows:

§ 52.1127 Attainment dates for national standards.

* * * * *

Air quality control region	Pollutant					
	SO_2		PM_{10}	NO_2	CO	O_3
	Primary	Secondary				
AQCR 42: Hartford-New Haven-Springfield Interstate Area (See 40 CFR 81.26).	(a)	(b)	(a)	(a)	(a)	(d)
AQCR 117: Berkshire Intrastate Area (See 40 CFR 81.141)	(a)	(b)	(a)	(a)	(a)	(d)
AQCR 118: Central Mass Intrastate Area (See 40 CFR 81.142)	(a)	(b)	(a)	(a)	(a)	(c)
AQCR 119: Metropolitan Boston Intrastate Area (See 40 CFR 81.19)	(a)	(b)	(a)	(a)	(a)	(c)
AQCR 120: Metropolitan Providence Interstate Area (See 40 CFR 81.31).	(a)	(b)	(a)	(a)	(a)	(c)
AQCR 121: Merrimack Valley-Southern NH Interstate Area (See 40 CFR 81.81).	(a)	(b)	(a)	(a)	(a)	(c)

a. Air quality levels presently below primary standards or area is unclassifiable.
b. Air quality levels presently below secondary standards or area is unclassifiable.
c. November 15, 1999.
d. December 31, 2003.

3. Section 52.1132 is amended by redesignating paragraph (i) as paragraph (b) and adding paragraphs (c) and (d) to read as follows:

§ 52.1132 Control strategy: Carbon monoxide.

* * * * *

(c) *Approval*—On May 25, 2001, the Massachusetts Department of Environmental Protection submitted a revision to the carbon monoxide State Implementation Plan for the 1996 base year emission inventory. The inventory was submitted by the State of Massachusetts to satisfy Federal requirements under section 172(c) of the Clean Air Act as amended in 1990, as a revision to the carbon monoxide State Implementation Plan.

(d) *Approval*—On May 25, 2001, the Massachusetts Department of Environmental Protection (MADEP) submitted a request to redesignate the cities of Lowell, Springfield, Waltham, and Worcester from nonattainment area to attainment for carbon monoxide. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a 1996 emission inventory for carbon monoxide, a demonstration of maintenance of the carbon monoxide NAAQS with projected emission inventories to the year 2012 for carbon monoxide, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If an area records an exceedance or violation of the carbon monoxide NAAQS (which must be confirmed by the MADEP), Massachusetts will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The redesignation request and maintenance plan meet the redesignation requirements in sections 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

PART 81—[AMENDED]

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

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

Subpart C—Section 107 Attainment Status Designations

2. In § 81.322 by revising the table for ''Massachusetts—Carbon Monoxide'' to read as follows:

§ 81.322 Massachusetts.

* * * * *

MASSACHUSETTS—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Boston area:				
Middlesex County (part) Cities of Cambridge, Everett, Malden, Medford, and Somerville	4/1/96	Attainment		
Norfolk County (part) Quincy City	4/1/96	Attainment		
Suffolk County (part) Cities of Boston, Chelsea, and Revere	4/1/96	Attainment		
Lowell area:				

MASSACHUSETTS—CARBON MONOXIDE—Continued

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Middlesex County (part) Lowell City	4/22/02	Attainment		
Springfield area:				
Hampden County (part) Springfield City	4/22/02	Attainment		
Waltham area:				
Middlesex County (part) Waltham City	4/22/02	Attainment		
Worcester area:				
Worcester County (part) Worcester City	4/22/02	Attainment		
AQCR 042 Hartford-New Haven-Springfield—All portions except Springfield City		Unclassifiable/ Attainment		
AQCR 117 Berkshire Interstate		Unclassifiable/ Attainment		
AQCR 118 Central Massachusetts Interstate—All portions except Worcester City		Unclassifiable/ Attainment		
AQCR 119 Metropolitan Boston Intrastate—All portions except cities of Boston, Cambridge, Chelsea, Everett, Malden, Medford, Quincy, Revere, and Waltham.		Unclassifiable/ Attainment		
AQCR 120 Metropolitan Providence Interstate		Unclassifiable/ Attainment		
AQCR 121 Merrimack Valley-S New Hampshire—All portions except Lowell City		Unclassifiable/ Attainment		

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 02–3758 Filed 2–15–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7144–6]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Direct final notice of deletion of a portion of the Joslyn Manufacturing and Supply Superfund Site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA), Region V is publishing a direct final notice of deletion of a portion of the Joslyn Manufacturing and Supply, Superfund Site (Site), located in Brooklyn Center, Minnesota, from the National Priorities List (NPL).

The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the State of Minnesota, through the Minnesota Pollution Control Agency, because EPA has determined that all appropriate response actions under CERCLA have been completed for a portion of the the Site and, therefore, further remedial action pursuant to CERCLA on the portion of the Site is not necessary at this time.

DATES: This direct final notice of partial deletion will be effective April 22, 2002 unless EPA receives adverse comments by March 21, 2002. If adverse comments are received, EPA will publish a timely withdrawal of the direct final notice of deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Comments may be mailed, telephoned, or e-mailed to: Gladys Beard, State NPL Deletion Process Manager at (312) 886–7253, *Beard.Gladys@EPA.Gov,* EPA Region V, 77 W. Jackson Boulevard, Mail Code SR–6J, Chicago, IL 60604, or at 1–800–621–8431.

Information Repositories: Comprehensive information about the Site is available for viewing and copying at the Site information repositories located at: EPA Region V Library, 77 W. Jackson Boulevard, Chicago, IL 60604, (312) 353–5821, Monday through Friday 8:00 a.m. to 4:00 p.m.; Minnesota Pollution Control Agency 520 Lafayette, Monday through Friday, 8:00 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Gladys Beard, State NPL Deletion Process Manager at (312) 886–7253, *Beard.Gladys@EPA.Gov* or 1–800–621–8431, EPA Region V, 77 W. Jackson Boulevard, Mail Code SR–6J, Chicago, IL 60604.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

EPA Region V is publishing this direct final notice of deletion of a portion of the Joslyn Manufacturing and Supply, Superfund Site from the NPL.

EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions if conditions at a deleted site warrant such action.

Because EPA considers this action to be non-controversial and routine, EPA is taking it without prior publication of a notice of intent to delete. This action will be effective April 22, 2002, unless EPA receives adverse comments by March 21, 2002 on this document. If adverse comments are received within

the 30-day public comment period on this document, EPA will publish a timely withdrawal of this direct final deletion before the effective date of the deletion and the deletion will not take effect. EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Joslyn Manufacturing and Supply Superfund Site and demonstrates how a portion of the Site meets the deletion criteria. Section V discusses EPA's action to delete a portion of the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. All appropriate Fund-financed (Hazardous Substance Superfund Response Trust Fund) responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Even if a site or portions of a site are deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the deleted site above levels that allow for unlimited use and unrestricted exposure, CERCLA section 121(c), 42 U.S.C. 9621(c), requires that a subsequent review of the site be conducted at least every five years after the initiation of the remedial action at the deleted site to ensure that the action remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to the partial deletion of this Site:

(1) The EPA consulted with Minnesota on the partial deletion of the Site from the NPL prior to developing this direct final notice of deletion.

(2) Minnesota concurred with the partial deletion of the Site from the NPL.

(3) Concurrently with the publication of this direct final notice of partial deletion, a notice of intent to partially delete is published today in the ''Proposed Rules'' section of the **Federal Register**, as well as in a major local newspaper of general circulation at or near the Site, and is being distributed to appropriate federal, state, and local government officials and other interested parties. The newspaper notice announces the 30-day public comment period concerning the notice of intent to partially delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the partial deletion in the site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this document EPA will publish a timely notice of withdrawal of this direct final notice of partial deletion before its effective date and will prepare a response to comments and continue with a decision on the partial deletion based on the notice of intent to partially delete and the comments already received.

Deletion or partial deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion or partial deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions should future conditions warrant such actions.

IV. Basis for Partial Site Deletion

The following information provides EPA's rationale for deleting a portion of this Site from the NPL:

Site Location

The Site is located in Brooklyn Center, Minnesota and consists of 29-acres which were used for wood treating from the 1920s until 1980. On September 21, 1984, the Site was listed by the U. S. Environmental Protection Agency (EPA) on the National Priorities List (NPL) due to extensive soil and groundwater contamination. The western border of the triangular shaped Site is adjacent to Twin Lakes. The south and east sides are bounded by residential areas, and the northwest to southeast border consists of railroad tracks, with industrial and residential areas north of the tracks.

Site History

The primary contaminants of concern at the Site are the wood-treating compounds pentachlorophenol (PCP), and carcinogenic and noncarcinogenic polynuclear aromatic hydrocarbons (cPAHs and nPAHs). All of these compounds are constituents of creosote. Prior to the Remedial Actions, the above referenced compounds were detected in Site groundwater and soil. EPA also evaluated soluble metal salts of copper, chromium and arsenic, used as wood-treating chemicals in later years of operation, and chlorinated dibenzo-p-dioxins and dibenzofurans, which are often found as impurities in PCP. Records indicate that during Site operations, wastes and sludges from wood-treating processes were disposed into on-site waste ponds. Several large spills also occurred. Since 1980, all equipment formerly used for wood-treating operations has been removed from the Site.

The former Joslyn Manufacturing Supply Company, now Joslyn Corporation (Joslyn) operated until its closure in 1980. Operations at the Site consisted of a wood-treating process, which originally used creosote as the wood-preserving compound in a thermal process. In approximately 1965, the process was converted to a pressure treating operation using PCP and later to water-soluble wood-preserving fluids such as chromated copper arsenic (CCA).

Creosote, PCP and CCA contaminated water generated from the cleaning of the storage and thermal treating tanks, boiler blowdown water and wastewater from the wood-treating process were placed in waste disposal ponds located on the Site. In addition, general burial of sludges and at least two large wood-treating solution spills, one in the late 1950's/early 1960's and one in 1968, had occurred at the Site.

In 1961, the city of Brooklyn Center sampled groundwater from a number of private drinking water wells located near the Site and found that some of the wells were contaminated by phenols. In 1980, the Minnesota Pollution Control Agency (MPCA) staff sampled several of the wells and determined that phenols and PCP contamination existed in a number of the wells.

Remedial Investigation and Feasibility Study (RI/FS)

On September 27, 1983, the MPCA Citizens' Board issued a Request for Response Action (RFRA) to Joslyn pursuant to the Minnesota Environmental Response and Liability Act (MERLA) requesting that Joslyn undertake remedial actions to abate the release of hazardous substances at the Site. On May 30, 1985, the MPCA and Joslyn entered into a Response Order by Consent (Consent Order) to continue the investigation and cleanup of the Site.

The Remedial Investigation (RI) for the Joslyn Site was completed in 1986. The Minnesota Department of Health (MDH) conducted a Health Assessment for the Site in 1989 and an updated Health Assessment in 1994.

Two aquifers have been identified at the Site. The upper unconsolidated aquifer is a surficial sand aquifer that extends from the ground surface to depths of 30 to 80 feet and is comprised of Operable Units 1 and 2 (the shallow and middle sand units). The lower aquifer consists of the St. Peter Sandstone, the Prairie du Chien, and a buried sand and gravel unit overlying these bedrock units.

The upper unconsolidated aquifer is divided into a shallow and a middle sand unit. A middle confining unit consisting of a sequence of stratified sand, silt, and clay separated by the upper and lower aquifers lie below approximately the eastern two-thirds of the Site. A buried bedrock valley is located below the western one-third of the site.

The Site soil cleanup began in 1988 with an Interim Response Action when Joslyn excavated, shipped, and disposed of 18,818 tons of contaminated soil, classified as K001 hazardous waste, in a permitted hazardous waste landfill in Oklahoma.

There are several surface water bodies in the vicinity of the Site. Twin Lakes and a small wetland area are on the western border of the Site. Ryan Lake, Ryan Creek, Shingle Creek, and the Mississippi River are all within two and one-half miles (and east and downgradient) of the Site. Groundwater flows across the Site from Twin Lakes to the east-southeast toward the Mississippi River. Groundwater does not impact the surface water of Twin Lakes. In the early 1980's, EPA and Joslyn collected and analyzed surface water samples from Twin Lakes to investigate potential impacts of surface runoff. Results indicated the absence of PCP and suggested other sources of low level PAHs. The MPCA staff concluded that Ryan Lake and Ryan Creek have not been impacted by Site contamination, because they lie above the water table downgradient of the Site.

Record of Decision Findings

A Record of Decision (ROD) included signed by MPCA for this Site on July 31, 1989. The components of the selected remedy included a groundwater pump out system, off-site disposal of heavily contaminated soils, on-site land treatment of contaminated soils and long-term groundwater monitoring.

Characterization of Remaining Risk

Operable Unit 4 (OU4) consists of the visually contaminated soil remaining onsite following the 1988 Interim Response Action. Contaminated soil was excavated and was biologically treated onsite in a nine-acre Land Treatment Unit (LTU) in batches known as lifts. Biological treatment conditions (moisture, nutrient and oxygen levels) were managed to the extent allowed by typical land farming practices. The treated soil was then backfilled onto the Site.

The systems continues to be operational and functional. All of the systems are operating as designed and has proven effective in controlling lateral migration of contaminants. Recent samples of monitoring and pumpout wells indicate that the groundwater from offsite monitoring wells do not exhibit contaminant levels that exceed the cleanup criteria.

Response Actions

At the present time, Operable Unit 1 (OU1) consists of eight pumpout wells. Twenty-six groundwater monitoring wells monitor the condition of the groundwater in OU1. The groundwater pumpout system is designed to remove contaminated groundwater from the upper aquifer and thereby reduce the potential for lateral migration; control the migration of floating oil in the vicinity of the former wood treating area; and capture contaminated groundwater in the upper aquifer at the downgradient Site boundary. Lateral migration of contaminants of concern have been effectively controlled by the groundwater pumpout system. The system is operating as designed and has proven effective in controlling lateral migration of contaminants.

Operable Unit 2 (OU2) consists of two pumpout wells to remove contaminated groundwater in the middle sand portion of the upper aquifer and to prevent downward migration of the contaminants. Two groundwater monitoring wells monitor the condition of groundwater in OU2. This system captures contaminated groundwater from the middle sand portion of the upper aquifer, which is situated below and within the middle confining unit and above the lower aquifer. The system is designed to control vertical migration of contaminants to the lower aquifer. The system is controlling vertical gradients between the middle sands and the lower aquifer and is likewise controlling contaminant migration.

Operable Unit 3 (OU3) consists of a dense non-aqueous phase liquid (DNAPL) recovery well, a DNAPL recovery enhancement well, collection and storage facilities to remove DNAPLs and the contaminated groundwater in the depression area of the upper aquifer. In three years of operation, the DNAPL recovery system has removed approximately 3,000 gallons of DNAPL from the formation.

Operable Unit 4 (OU4) consists of the visually contaminated soil remaining onsite following the 1988 Interim Response Action. Contaminated soil was excavated and was biologically treated onsite in a nine-acre Land Treatment Unit (LTU) in batches known as lifts. Biological treatment conditions (moisture, nutrient and oxygen levels) were managed to the extent allowed by typical land farming practices. Engineered perimeter dikes prevented precipitation run-on. Precipitation run-off was collected and discharged, with water from the groundwater pumpout system, to the sanitary sewer. Air quality was monitored near the working area to determine worker protection requirements. Also particulate air monitoring was conducted during excavation and soil treatment at the property boundary. Evaluation of this data indicated that excavation and soil treatment operations were conducted in a manner that protected the human health of workers and residents.

In 1997, there were soil investigations conducted near the drain line (in what became know as the ''Drainline Area''); the Twin Lakes sediments; and any wetlands or ditches used to receive or convey contaminants of concern from the Site (in what became known as the ''West Area''). In this area 1,200 cubic yards of contaminated soil from the West and Drainline Areas were treated using a chemical oxidation technique. This technique was used to reduce the soil contaminants to the established treatment goals. Chemical oxidation was utilized for the soil contaminants which resulted in the reduction of the cost of treatment. In 1998, this soil met the treatment goals.

On March 24, 1999, the MPCA staff completed a Human Health Limited Risk Assessment (LRA). The LRA concluded that much of the Site was

cleaned up to meet the generalized industrial land use scenario; however, the LRA concluded that unacceptble risks remain in accessible soil (the first three feet below grade) of three Site areas: The West Area, the LTU, and one sampling grid out of a total of 8 grids in the East Area.

In April and June of 1999, Joslyn excavated contaminated soil in all the areas of the Site except the West Area. With the exception of the West Area, all appropriate CERCLA response activities have been completed for OU4 (soil). Although additional contaminated soil and unacceptable risks remain in the West Area, MPCA currently anticipates conducting or requiring the completion of a Remedial Investigation and Feasibility Study (RI/FS) for the West Area. The RI/FS is the first step in the remediation of the West area. No further action is necessary to protect human health and the environment in relation to soil contamination at the Site, with the exception of the West Area. With this in mind, EPA is proposing and MPCA has concurred in only a partial delisting of OU4 of the Site. The area being proposed for deletion relates to real estate parcels decribed as Lots 1, 2, 3, Block 1 Joslyn Addition, according to the plat thereof, and situated in Hennepin County, Minnesota. A complete legal description of the Site is available from the information repositories.

Cleanup Standards

The MPCA staff has verified that the Remedial Actions for Operable Units 1, 2, and 3 are operating as designed and that all visually contaminated soils had been removed in all areas except for the West Area.

Operation and Maintenance

Joslyn has assumed all responsibility for the investigation cleanup and long term monitoring including operation and maintenance of the response actions.

Five-Year Review

EPA concurred on a five-year review prepared by MPCA for this Site on July 22, 1999. As a matter of policy, the EPA decided to conduct this five-year review pursuant to CERCLA 121(c) and as provided in the current guidance of Five Year Reviews: OSWER Directive 9355.7–03B–P, Comprehensive Five-Year Review Guidance, October 1999: OSWER Directive 9322.7–01, Structure and Components of Five-Year Reviews, May 23, 1991; OSWER Directive 9322.7–02A, Supplemental Five-Year Review Guidance, July 26, 1994, The Second Supplemental Five-Year Review Guidance, December 21, 1995 and third Supplemental Five-Year Review Guidance, June 2001. The next five-year review for the Joslyn Manufacturing and Supply Site is scheduled to occur in July 2004. The five-year review will consist of a review of all relevant Site data and newly promulgated environmental laws.

Community Involvement

Public participation activities have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617. Documents in the deletion docket which EPA relied on for recommendation of the partial deletion of this Site from the NPL are available to the public in the information repositories.

V. Deletion Action

The EPA, with concurrence of the State of Minnesota, has determined that all appropriate responses under CERCLA regarding soil contamination (OU4) at the Site (except the West Area) have been completed, and that no further CERCLA response is appropriate to provide protection of human health and the environment. Therefore, EPA is deleting OU4 (except the West Area) of the Site from the NPL.

Because EPA considers this action to be non-controversial and routine, EPA is taking it without prior publication. This action will be effective April 22, 2002 unless EPA receives adverse comments by March 21, 2002. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion and it will not take effect. EPA will prepare a response to comments and as appropriate continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

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

Dated: January 31, 2002.

David A. Ullrich,

Acting Regional Administrator, Region V.

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

PART 300—[AMENDED]

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

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

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended under Minnesota ''MN'' by revising the entry for ''Joslyn Manufacturing & Supply Co.'' and the city ''Brooklyn Center.''

TABLE 1.—GENERAL SUPERFUND SECTION

State	Site name	City/county	(Notes) [a]
* * *	* *	*	*
MN	Joslyn Manufacturing & Supply Co	Brooklyn Center	P
* * *	* *	*	*

(a) * * *
P=Sites with partial deletion(s).

* * * * *

[FR Doc. 02–3653 Filed 2–15–02; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 301

[FTR Amendment 103]

RIN 3090–AH56

Federal Travel Regulation; Maximum Per Diem Rates

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: To improve the ability of the per diem rates to meet the lodging demands of Federal travelers to high cost travel locations, the General Services Administration (GSA) has integrated the contracting mechanism of the new Federal Premier Lodging Program (FPLP) into the per diem rate-setting process.

An analysis of FPLP contracting actions and the lodging rate survey data reveals that the maximum per diem rate for the District of Columbia, Washington, DC, the State of Oregon, city of Portland, and the State of Washington, city of Seattle, should be increased to provide for the reimbursement of Federal employees' lodging expenses covered by the per diem rates. This final rule adjusts the maximum lodging amounts in the prescribed areas.

EFFECTIVE DATE: February 15, 2002.

FOR FURTHER INFORMATION CONTACT: Joddy P. Garner, Office of Governmentwide Policy, Travel Management Policy, at 202–501–4857.

SUPPLEMENTARY INFORMATION:

A. Background

In the past, properties in high cost travel areas have been under no obligation to provide lodging to Federal travelers at the prescribed per diem rate. Thus, GSA established the FPLP to contract directly with properties in high cost travel markets to make available a set number of rooms to Federal travelers at contract rates. FPLP contract results along with the lodging survey data are integrated together to determine reasonable per diem rates that more accurately reflect lodging costs in these areas. In addition, the FPLP will enhance the Government's ability to better meet its overall room night demand, and allow travelers to find lodging close to where they need to conduct business. After an analysis of this additional data, the maximum lodging amounts are being changed in the District of Columbia, Washington, DC, the State of Oregon, city of Portland, and the State of Washington, city of Seattle.

B. Executive Order 12866

GSA has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed revisions do not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 501 *et seq.*

E. Small Business Regulatory Enforcement Fairness Act

This final rule is also exempt from congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects 41 CFR Chapter 301

Government employees, Travel and transportation expenses.

For the reasons set forth in the preamble, under 5 U.S.C. 5701–5709, 41 CFR chapter 301 is amended as follows:

CHAPTER 301—TEMPORARY DUTY (TDY) TRAVEL ALLOWANCES

1. Appendix A to chapter 301 is amended as follows:

a. On the page that includes the entry for the District of Columbia, city of Washington, DC, column three (maximum lodging amount) is revised to read ''150''.

b. On the page that includes entries for the State of Oregon, under the State of Oregon, city of Portland, column three (maximum lodging amount) is revised to read ''91''.

c. On the page that includes entries for the State of Washington, under the State of Washington, city of Seattle, column three (maximum lodging amount) is revised to read ''143''.

The revised pages containing the amendments to the table set forth above read as follows:

Appendix A to Chapter 301—Prescribed Maximum Per Diem Rates for CONUS

* * * * *

Per diem locality: Key city[1]	County and/or other defined location [2, 3]	Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Hartford	Hartford	120		42		162
Lakeville/Salisbury	Litchfield	95		38		133
Middlesex County	Middlesex	78		30		108
New Haven	New Haven	87		38		125
New London/Groton	New London					
(May 1-October 31)		107		34		141
(November 1-April 30)		79		34		113
Putnam/Danielson	Windham	56		30		86
DELAWARE						
Dover	Kent					
(May 25-September 4)		75		34		109
(September 5-May 24)		64		34		98
Lewes	Sussex	120		42		162
Wilmington	New Castle					
(April 1-September 30)		109		34		143
(October 1-March 31)		99		34		133
DISTRICT OF COLUMBIA						
Washington, DC (also the cities of Alexandria, Falls Church, and Fairfax, and the counties of Arlington, Loudoun, and Fairfax, in Virginia; and the counties of Montgomery and Prince George's in Maryland). (See also Maryland and Virginia.)		150		46		196
FLORIDA						
Altamonte Springs	Seminole	71		38		109
Bradenton	Manatee					
(January 1-April 30)		65		30		95
(May 1-December 31)		55		30		85
Cocoa Beach	Brevard	105		34		139
Daytona Beach	Volusia					
(February 1-August 31)		90		38		128
(September 1-January 31)		69		38		107
Fort Lauderdale	Broward					
(December 15-April 30)		100		42		142
(May 1-December 14)		69		42		111
Fort Myers	Lee					
(January 15-April 15)		70		42		112
(April 16-January 14)		55		42		97
Fort Pierce	Saint Lucie					
(December 15-April 30)		70		46		116
(May 1-December 14)		55		46		101
Fort Walton Beach	Okaloosa					
(May 1-October 31)		110		38		148
(November 1-April 30)		80		38		118
Gainesville	Alachua	61		34		95
Gulf Breeze	Santa Rosa					

Per diem locality:		Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city[1]	County and/or other defined location [2], [3]					
Oklahoma City	Oklahoma	65		38		103
OREGON						
Ashland	Jackson	59		42		101
Beaverton	Washington	59		38		97
Bend	Deschutes					
(June 1-September 30)		69		38		107
(October 1-May 31)		59		38		97
Clackamas	Clackamas	66		34		100
Crater Lake	Klamath	74		38		112
Eugene	Lane (except Florence)	62		38		100
Florence	City limits of Florence (see Lane County)	80		34		114
Gold Beach	Curry	58		30		88
Lincoln City/Newport	Lincoln	65		34		99
Portland	Multnomah	91		38		129
Seaside	Clatsop					
(July 1-August 31)		79		34		113
(September 1-June 30)		59		34		93
PENNSYLVANIA						
Allentown	Lehigh	62		30		92
Chester/Radnor/Essington	Delaware (except Wayne)	75		34		109
Easton	Northampton	69		34		103
Erie	Erie	65		30		95
Gettysburg	Adams					
(May 1-October 31)		82		34		116
(November 1-April 30)		55		34		89
Harrisburg	Daulphin (except Hershey)	79		42		121
Hershey	City limits of Hershey (see Daulphin County)					
(June 1-September 15)		125		42		167
(September 16-May 31)		55		42		97
King of Prussia/Ft. Washington/Bala Cynwyd	Montgomery					
(April 1-November 30)		119		42		161
(December 1-March 31)		99		42		141
Lancaster	Lancaster					
(May 1-October 31)		70		38		108
(November 1-April 30)		60		38		98
Malvern/Downington/Valley Forge	Chester	83		38		121
Mechanicsburg	Cumberland	74		34		108
Philadelphia	Philadelphia	118		46		164
Pittsburgh	Allegheny	79		46		125
Reading	Berks	75		38		113
Scranton	Lackawanna	60		30		90
Warminster	Bucks County; Naval Air Development Center	75		42		117
Wayne	City limits of Wayne (see Delaware County)	100		42		142
RHODE ISLAND						
East Greenwich	Kent County; Naval Construction Battalion Center, Davisville	79		38		117
Newport	Newport					

Per diem locality:		Maximum lodging amount **(room rate only—no taxes)** (a)	+	M&IE rate (b)	=	Maximum per diem rate [4] (c)
Key city[1]	County and/or other defined location [2], [3]					
Colonial Heights*		77		30		107
Dinwiddie County	Dinwiddie	77		30		107
Hopewell		77		30		107
Lynchburg*		64		38		102
Manassas/Woodbridge	Prince William	84		34		118
Petersburg		77		30		107
Prince George County	Prince George	77		30		107
Richmond*	Chesterfield and Henrico Counties, also Defense Supply Center	77		38		115
Roanoke*		59		34		93
Virginia Beach*	Virginia Beach (also Norfolk, Portsmouth and Chesapeake)*					
(April 1-October 31)		109		38		147
(November 1-March 31)		55		38		93
Wallops Island	Accomack					
(June 1-September 5)		89		34		123
(September 6-May 31)		69		34		103
Williamsburg*	Williamsburg (also Hampton, Newport News, York County, Naval Weapons Station, Yorktown)*					
(April 1-October 31)		99		38		137
(November 1-March 31)		59		38		97
Wintergreen	Nelson	125		46		171
*Denotes independent cities.						
WASHINGTON						
Anacortes	Skagit and Island	64		38		102
Bremerton	Kitsap	61		34		95
Everett	Snohomish (except Lynnwood)	59		38		97
Friday Harbor	San Juan					
(May 1-September 30)		95		42		137
(October 1-April 30)		65		42		107
Lynnwood	City limits of Lynnwood (see Snohomish County)	89		34		123
Ocean Shores	Grays Harbor					
(April 1-September 30)		82		38		120
(October 1-March 31)		55		38		93
Olympia/Tumwater	Thurston	58		38		96
Port Angeles	City limits of Port Angeles (see Clallam County)	65		38		103
Port Townsend	Jefferson	79		34		113
Seattle	King	143		46		189
Sequim	Clallam (except Port Angeles)					
(June 29 -September 1)		62		34		96
(September 2 -June 28)		55		34		89
Spokane	Spokane	63		38		101
WEST VIRGINIA						
Berkeley Springs	Morgan	69		34		103
Charleston	Kanawha	78		38		116
Martinsburg/Hedgesville	Berkeley	59		30		89

* * * * *

Dated: February 12, 2002.

Stephen A. Perry,

Administrator of General Services.

[FR Doc. 02–3998 Filed 2–15–02; 8:45 am]

BILLING CODE 6820–14–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 54

[CC 96–45; FCC 01–376]

Implementation of Interim Filing Procedures for Filings of Requests for Review; Withdrawal

AGENCY: Federal Communications Commission.

ACTION: Temporary waiver of procedural requirements; withdrawal.

SUMMARY: This document withdraws FR Doc. 02–873 published in the **Federal Register** of January 25, 2002 (67 FR 3620), regarding Implementation of Interim Filing Procedures for Filings of Requests for Review. Withdrawal is necessary because this item is a duplicate of a document published on January 24, 2002 (67 FR 3441).

FOR FURTHER INFORMATION CONTACT: Peter Trachtenberg, Attorney/Advisor, Common Carrier Bureau, (202) 418–7369.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–3723 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 25 and 101

[IB Docket No. 00–203; FCC–02–17]

Partial Band Licensing and Loading Standards for Earth Stations in the FSS That Share Spectrum With Terrestrial Services, Blanket Licensing for Small Aperture Terminals in the C-Band, Routine Licensing of 3.7 Meter Transmit and Receive Stations at C-Band, and Deployment of Geostationary-Orbit FSS Earth Stations in the Shared Portion of the Ka-Band

AGENCY: Federal Communications Commission.

ACTION: Final rule; termination of consideration.

SUMMARY: This document terminates the consideration of issues related to the FWCC request for declaratory ruling and petition for rulemaking in the proceeding in IB Docket No. 00–203. We conclude that the record in this proceeding provides an insufficient basis to impose the proposed conditions upon Fixed-Satellite Service (FSS) earth stations in bands that are shared on a co-primary basis with Fixed Service (FS) operations. Additionally, we defer to a future Order the petition for reconsideration and the request contained in the *ex parte* letter filed by Hughes concerning deployment of geostationary orbit fixed-satellite service earth stations in the shared portion of the Ka-band.

FOR FURTHER INFORMATION CONTACT: Edward R. Jacobs, Planning & Negotiations Division, International Bureau. (202) 418–0624 or via electronic mail: *ejacobs@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Second Report and Order* in IB Docket No. 00–203, adopted January 23, 2002 and released January 30, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, (Room CY–A257), 445 12th Street, SW., Washington, DC and may also be purchased from the Commission copy contractor, International Transcription Services (ITS), Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Summary of the Second Report and Order

1. In this Order the Commission terminates its consideration of the issues raised by the Fixed Wireless Communications Coalition (FWCC). We conclude that the record in this proceeding provides an insufficient basis to impose the FWCC proposed conditions upon Fixed-Satellite Service (FSS) earth stations in bands that are shared on a co-primary basis with Fixed Service (FS) operations.

2. Specifically, the Commission finds that the record lacks necessary information on how to achieve more equitable sharing of the spectrum. As previously noted, the *FWCC/Onsat/Hughes NPRM,* 65 FR 7051, November 24, 2000, rejected FWCC's specific proposals to achieve more equitable sharing. Instead, the *FWCC/Onsat/Hughes NPRM* proposed in essence to achieve greater equity in the sharing of spectrum by amending § 25.203 of the Commission's rules to indicate that, under certain circumstances an FSS earth station licensee must demonstrate that it is using, has recently used, or has plans to use the requested spectrum in the near future. Both the FS and the FSS commenters, however, rejected the proposed rule. The FWCC rejected it because it believed that such procedures may result in disputes over an earth station's ''demonstrated use'' of frequencies at the worst possible time, that is, when an FS applicant is attempting to finalize coordination and begin operations. The FWCC also rejected the proposal in the *FWCC/Onsat/Hughes NPRM* because it would not allow an earth station to reserve specific frequencies to use in the event of satellite or transponder failure. The FSS commenters rejected the proposed rule for other reasons, including that there was no data to back up the claims of problems; that the proposed rules would impose burdensome administrative requirements while decreasing flexibility; and that the proposed rules constrain the provision of emergency services, and provide no relief in the event of satellite failure. The comments of the FWCC include additional proposals for how to achieve more equitable sharing of the spectrum. The Commission agrees, however, with the reply comments of the FSS operators, and concludes that these counter-proposals are unsuitable for substantially the same reasons articulated in the *FWCC/Onsat/Hughes NPRM* for denying the FWCC Petition. That is, FWCC's proposals fail to fully and properly take into account the fact that the FSS and FS services have significantly different requirements for access to the electromagnetic spectrum in order to meet their business needs, and these needs must be recognized and accommodated in the context of the entire interference environment, in any rules that we adopt to address the perceived ''inequities.'' Thus, the Commission finds that this record presents no effective solution that addresses the concerns raised in this proceeding.

3. The Commission is, nonetheless, open to new proposals or approaches that could effectively address concerns that have been raised regarding the equitable sharing of the spectrum. We, therefore, do not foreclose the possibility that changes to our rules could improve the sharing environment and licensing processes for both the FS and FSS services.

4. Finally, the Commission defers to a future Order the petition for reconsideration and the request contained in the *ex parte* letter filed by Hughes concerning deployment of geostationary orbit fixed-satellite service earth stations in the shared portion of the Ka-band.

Ordering Clauses

Pursuant to sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r), this *Second Report and Order* is hereby ADOPTED. The Commission's Consumer Information Bureau, Reference Information Center, SHALL SEND a copy of this *Second Report and Order* to the Chief, Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–3722 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–247; MM Docket No. 01–121, RM–10125]

Radio Broadcasting Services; Manning, Moncks Corner, South Carolina

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission grants a petition for rule making filed by Cumulus Licensing Corp., succeeded by Apex Communications, licensee of Station WHLZ (FM), Manning, South Carolina and reallots Channel 223C from Manning to Moncks Corner, South Carolina, and modifies the license of Station WHLZ to reflect the change of community. Channel 223C can be allotted at Station WHLZ(FM)'s existing site 37.7 kilometers (23.4 miles) north of the community. Coordinates for Channel 223C at Moncks Corner are 33–32–05 NL and 79–59–15 WL.

DATES: Effective March 18, 2002.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–121, adopted January 23, 2002 and released February 1, 2002. The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

2. Section 73.202(b), the Table of FM Allotments under South Carolina, is amended by removing Manning, Channel 233C and adding Moncks Corner, Channel 233C.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 02–3726 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–245; MM Docket No. 01–211, RM–10221; and MM Docket No. 01–213, RM–10226]

Radio Broadcasting Services; Holly Springs, MS, and McBain, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants two proposals that allot new FM channels to Holly Springs, Mississippi, and McBain, Michigan. Filing windows for Channel 243A at Holly Springs, Mississippi, and Channel 300A at McBain, Michigan, will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order. See **SUPPLEMENTARY INFORMATION.**

DATES: Effective March 18, 2002.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in MM Docket No. 01–211 and MM Docket No. 01–213, adopted January 23, 2002, and released February 1, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center at Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC, 20554. The document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202 863–2893, facsimile 202 863–2898, or via e-mail *qualexint@aol.com.*

The Commission, at the request of Holly Springs Radio, allots Channel 243A at Holly Springs, Mississippi, as the community's fourth local aural transmission service. See 66 FR 47433 September 12, 2001). Channel 243A can be allotted at Holly Springs in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.6 kilometers (7.9 miles) southwest of Holly Springs. The coordinates for Channel 243A at Holly Springs are 34–41–32 North Latitude and 89–32–33 West Longitude.

The Commission, at the request of McBain Broadcasting Company, allots Channel 300A at McBain, Michigan, as the community's first local aural transmission service. *See* 66 FR 47433 (September 12, 2001). Channel 300A can be allotted to McBain in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.1 kilometers (5.6 miles) east of McBain. The coordinates for Channel 300A at McBain are 44–12–09 North Latitude and 85–06–02 West Longitude. Since McBain is located within 320 kilometers of the U.S.-Canadian border, concurrence of the Canadian Government in this allotment has been requested. Notification in this regard has not been received. Accordingly, any construction permit that is granted prior to the receipt of formal concurrence of the Candian government will include the following condition: ''Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if specifically objected to by Industry Canada. This condition will be removed once formal approval for the allotment is received from Industry Canada.''

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by adding Channel 243A at Holly Springs.

3. Section 73.202(b), the Table of Allotments under Michigan, is amended by adding McBain, Channel 300A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 02–3725 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–243; MM Docket No.00–63; RM–9837]

Radio Broadcasting Services; Greenville and Cooper, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 228C3 for Channel 228A and reallots Channel 228C3 from Greenville, Texas, to Cooper, Texas, and modifies the authorization for Station KIKT to specify operation on Channel 228C3 at Cooper in response to a petition filed by KRBE LICO, Inc. *See* 65 FR 20936, April 19, 2000. The coordinates for Channel 228C3 at Cooper are 33–14–16 and 95–47–50. This site is located 18.2 kilometers (11.2 miles) southwest of Cooper and 30.9 kilometers (19.2 miles) east of Greenville.

DATES: Effective March 18, 2002.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 00–63, adopted January 23, 2002, and released February 1, 2002. The full text of this Commission document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC, 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC, 20554, telpehone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com*.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Greenville, Channel 228A and adding Cooper, Channel 228C3.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 02–4003 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atomospheric Administration

50 CFR Parts 600 and 660

[Docket No. 011231309-1309-01; I.D. 121301B]

RIN 0648-AO69

Magnuson-Stevens Act Provisions; Fisheries off the West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures; Correction

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

ACTION: Correction to the emergency rule; January through February 2002 Pacific Coast groundfish fishery management measures.

SUMMARY: This document contains a correction to the emergency rule for the January through February 2002 Pacific Coast groundfish fishery management measures published on January 11, 2002.

DATES: Effective February 19, 2002 through February 28, 2002.

FOR FURTHER INFORMATION CONTACT: Yvonne deReynier, NMFS, (206)-526-6140.

SUPPLEMENTARY INFORMATION:

Background

The emergency rule for the January through February 2002 management measures for groundfish taken in the U.S. exclusive economic zone and state waters off the coasts of Washington, Oregon, and California, as authorized by the Pacific Coast Groundfish Fishery Management Plan, was published in the **Federal Register** on January 11, 2002 (67 FR 1540), and corrected on January 28, 2002 (67 FR 3820). This emergency rule contained an additional error that requires correction.

Corrections

In the rule FR Doc. 01-32261, in the issue of Friday, January 11, 2002 (67 FR 1540), make the following corrections:

1. On page 1544, in the first column, paragraph A.(14)(b)(iii), the last sentence is corrected and an additional sentence is added to read as follows:

''If a vessel uses both small footrope gear and midwater gear for a single species during the same cumulative limit period and the midwater gear limit is higher than the small footrope gear limit, the small footrope gear limit may not be exceeded with small footrope gear and counts toward the midwater gear limit. Conversely, if a vessel uses both small footrope gear and midwater gear for a single species during the same cumulative limit period and the small footrope gear limit is higher than the midwater gear limit, the midwater gear limit may not be exceeded with midwater gear and counts toward the small footrope gear limit.''

Dated: February 12, 2002.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Service.

[FR Doc. 02–3978 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 67, No. 33
Tuesday, February 19, 2002

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1219

[FV–01–705–PR#2]

RIN 0581–AB92

Proposed Hass Avocado Promotion, Research, and Information Order

AGENCY: Agricultural Marketing Service, Agriculture.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish an industry-funded promotion, research, and information program for the Hass avocados. This program is authorized under the Hass Avocado Research, Promotion, and Information Act (Act). USDA published four proposals (Proposals 1–4) for comment reflecting all or portions of an Order. This proposed rule adopts Proposal 1 with changes, including appropriate provisions from Proposals 2, 3, and 4. Under the proposed Order, producers and importers would pay an initial assessment of 2.5 cents per pound of Hass domestic and imported avocados to the Hass Avocado Board (Board). The Board would be appointed by USDA to conduct research, promotion, industry information, and consumer information needed for the maintenance, expansion, and development of domestic markets for Hass avocados.

DATES: Agricultural Marketing Service will publish a referendum order and the dates for the referendum in the **Federal Register** at a future date.

FOR FURTHER INFORMATION CONTACT: Julie Morin, Research and Promotion Branch, FV, AMS, USDA, Stop 0244, 1400 Independence Avenue, S.W., Room 2535–S, Washington, D.C. 20250–0244, telephone (202) 720–6930 or (888) 720–9917, fax (202) 205–2800, e-mail *julie.morin@usda.gov.*

SUPPLEMENTARY INFORMATION: This proposed Order is issued under the Hass Avocado Research, Promotion, and Information Act of 2000 (Act) [7 U.S.C. 7801–7813], enacted on October 23, 2000.

Prior documents: A proposed rule was published in the **Federal Register** on July 13, 2001 [66 FR 36870], with a 45-day comment period. Subsequently, the USDA published a notice in the **Federal Register** on August 28, 2001, extending the comment period by 15 days, to September 12, 2001. In addition, USDA published a proposed rule on the referendum procedures in the **Federal Register** on July 13, 2001 [66 FR 36886], with a 45-day comment period. The comment period on this rule was also extended 15 days. These comment periods were extended one day due to mail service being shut down on September 11–12, 2001.

Question and Answer Overview

Why Is USDA Proposing a Program for Hass Avocados?

The U.S. Department of Agriculture (USDA or the Department) received a proposal from the California Avocado Commission and partial proposals from Hass avocado interests in Chile, Mexico, and New Zealand to implement a program under the Act. The USDA issued the proposed rule to obtain comments on the proposals and to obtain information on the potential impact of the proposed program on the Hass avocado industry before developing a final proposed program and conducting a referendum on it.

What Is the Purpose of the Hass Avocado Program?

The purpose of the program is to increase consumption of Hass avocados in the United States.

How Will the Hass Avocado Program Be Implemented?

A referendum will be conducted on the proposed Order. The Order will be implemented if it is approved by a simple majority of the eligible voters in the referendum.

When Will the Referendum Be Held?

A final rule providing referendum procedures will be published in this issue of the **Federal Register**. A referendum order will be published in the **Federal Register** after a bond or irrevocable letter of credit has been posted by the California Avocado Commission. The representative period for eligibility for voting in the referendum and the dates for registration and for voting will be announced in the referendum order.

Who Will Be Covered by the Program?

Producers and importers of Hass avocados will pay assessments under the program, and first handlers will be involved in the assessment collection process.

Who Will Sit on the Board?

The Act provides that there will be a 12-member Board consisting of seven domestic Hass avocado producers, two importers, and three additional members who can either be importers or domestic producers. The three ''swing'' seats will be allocated to producers and importers so as to assure as nearly as possible that the composition of the Board reflects the proportion of domestic production and imports supplying the United States market. The proportion shall be based on the average volume of domestic production and imports in the United States over the previous three years. Each member will have an alternate.

How Will Members of the Board Be Selected?

The Order will provide for a nomination and election process to identify industry members who are interested and willing to serve on the Board. In the initial nomination process, the California Avocado Commission (Commission) will conduct an election to determine who will be nominated for each domestic producer seat. USDA will conduct an election among importers to determine who will be nominated to fill the importer seats. Two names must be submitted for each member and alternate position. From the names submitted, USDA will appoint the members and alternates of the Board.

If the Hass Avocado Program is Implemented and There Are Concerns About How It Is Operating, What Can the Department of Agriculture Do?

Three years after the program is implemented, USDA could conduct a referendum to determine whether the Hass avocado industry supports continuation of the program: (1) At any time; (2) at the request of 30 percent or more of the producers and importers required to pay assessments; or (3) at the request of the Board.

Executive Orders 12866 and 12988

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

This proposed rule has been reviewed under E.O.12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 1212 of the Act states that the Act may not be construed to preempt or supersede any other program relating to Hass avocado promotion, research, industry information, and consumer information organized and operated under the laws of the United States or of a state.

Under Section 1207 of the Act, a person subject to the Order may file a petition with USDA stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order, is not established in accordance with law, and requesting a modification of the Order or an exemption from the Order. Any petition filed challenging the Order, any provision of the Order, or any obligation imposed in connection with the Order, shall be filed within two years after the effective date of the Order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The Act provides that the district court of the United States in any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (RFA) [5 U.S.C. 601 *et seq.*], the Agency has examined the impact of the proposed rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened.

The California avocado industry initiated this program by asking the U.S. Congress (Congress) to pass legislation to authorize USDA to create a generic program of promotion and research for Hass avocados. Congress found that this program is vital to the welfare of Hass avocado producers and other persons concerned with producing, marketing, and processing Hass avocados.

This program is intended to: Develop and finance an effective and coordinated program of research, promotion, industry information, and consumer information regarding Hass avocados; strengthen the position of the Hass avocado industry in U.S. markets; maintain, develop, and expand domestic markets for Hass avocados; and treat persons producing, handling, and importing avocados fairly.

Hass avocado producers and importers must approve the program in a referendum in advance of its implementation and would serve on the Board that would administer the program under the Department of Agriculture's supervision. In addition, any person subject to the program may file with USDA a petition stating that the Order or any provision of the Order is not in accordance with law and requesting a modification of the Order or an exemption from the Order. Administrative proceedings were discussed earlier in this proposed rule.

In this program, first handlers would be required to collect assessments from producers, file reports, and submit assessments to the Board. Importers would be required to remit to the Board assessments not collected by the U.S. Customs Service (Customs) and to file reports with the Board. Exports of U.S. Hass avocados would be exempt from assessment. While the proposed Order would impose certain recordkeeping requirements on producers, handlers, and importers, information required under the proposed Order could be compiled from records currently maintained and would involve clerical or accounting skills. The forms require the minimum information necessary to effectively carry out the requirements of the program, and their use is necessary to fulfill the intent of the Act. There would be an estimated 6,315 respondents providing information to the Board or to USDA: 6,000 producers, 100 first handlers, 200 importers, 10 exempt handlers, and five importer associations. The burden associated with the information collections would be $40,020 for all producers or $6.67 per producer, $6,500 for all first handlers or $65 per first handler, $50 for all importers or $0.25 per importer, $25 for exempt handlers or $2.50 per exempt handler, and $25 for all importer associations or $2.50 per importer association. These totals have been estimated by multiplying total burden hours requested by $10.00 per hour, a sum deemed to be reasonable should the respondents be compensated for their time.

The Department would oversee the operation of the program. Three years after the program is implemented, USDA could conduct a referendum to determine whether the Hass avocado industry supports continuation of the program at any time, at the request of 30 percent or more of the producers and importers required to pay assessments, or at the request of the Board.

There are approximately 6,000 producers, 200 importers, and 100 first handlers of Hass avocados that would be covered by the program. The program would also affect 10 exempt handlers, a state association of avocado producers, and several importer associations.

The Small Business Administration [13 CFR 121.201] defines small agricultural producers as those having annual receipts of $750,000 or less annually and small agricultural service firms as those having annual receipts of $5 million or less. Importers, first handlers, and exempt handlers would be considered agricultural service firms. Using these criteria, most producers and importers to be covered by the proposed program would be considered small businesses, and most handlers would not. The associations affected by this proposed rule consist of producers or importers and would reflect the size of these entities.

According to the USDA's National Agricultural Statistics Service (NASS), total U.S. production of all varieties of avocados during the 2000–2001 season was 234,320 tons, all of which was utilized fresh (except for a small processed quantity that NASS included in fresh utilization to protect the confidentiality of individual operations). The value of the 2000–2001 crop was $321 million. Production in 2000–2001 was up 28 percent from the previous year's total of 183,300 tons, which had a value of $379 million.

In 2000–2001, California accounted for more than 89 percent of U.S. production, followed by Florida (nearly 11 percent) and Hawaii (about 0.1 percent). Hass avocados account for about 85 percent of the total California avocado crop.

Avocados are imported in both fresh and processed forms. In 2000, fresh avocado imports accounted for about 75 percent of the total tonnage of fresh and processed avocados imported. Imported fresh avocados totaled 86,667 tons, up about 42 percent from 1999. Processed avocados accounted for 25,214 tons, up 21 percent from 1999.

The total import value for fresh and processed avocados was $149 million in 2000, up from $105 million in 1999. The total tonnage imported was up 37 percent in 2000, to 111,880 tons. The trend in imports is up, and imports have more than doubled since 1997. Almost all prepared or preserved avocado imports come from Mexico. In recent years, Chile has accounted for more

than 50 percent of fresh imports, followed by Mexico, the Dominican Republic, and New Zealand.

The United States is a net importer of avocados, and exports of avocados are much smaller than imports. In 2000, total exports were 2,756 tons, down 60 percent from the year before, and only about 2 percent as large as imports. The value of exports in 2000 was $3.6 million, down from $7.6 million in 1999. There are just a few major destinations of U.S. exports. Canada, Japan, Spain, and the United Kingdom purchased about 87 percent of the U.S. avocado exports in 2000.

The proposed Hass avocado Order would authorize assessments on producers (to be collected by first handlers) and on importers (collected by Customs) of Hass avocados at an initial rate of 2.5 cents a pound. Exports of domestic Hass avocados are exempt from assessment. At the initial rate of assessment, about $10 million will be collected to administer the program: about 65 percent from domestic production and 35 percent from imports. The Act authorizes assessments on fresh, frozen, and processed Hass avocados. However, initially only fresh Hass avocados will be assessed.

An exempt handler is a person who would otherwise be considered a first handler, except that all Hass avocados purchased by the person have already been subject to assessments under the Order. Others affected by the program would be a state association (currently, the Commission), which would receive 85 percent of the assessments paid by domestic producers, and importer associations which would receive 85 percent of the assessments paid by their members. The state association could use the assessment funds to promote California Hass avocados in the United States, and the importer associations could use the assessments to promote Hass avocados on a country-of-origin basis in the United States. The funds remaining with the Board would be used to promote Hass avocados in the United States. The Board would also enter into contracts with the state association as provided for in the Act.

Associations and related industry media would receive news releases and other information regarding the implementation and referendum process. Furthermore, all the information would be available electronically.

If the program is implemented, the Hass avocado industry would nominate individuals to serve as members and alternates of the Board. USDA would ensure that the nominees represent the Hass avocado industry as specified in the Act.

The Board would develop guidelines for compliance with the program. The Board would recommend changes in the assessment rate; programs, plans, and projects; a budget; and any rules and regulations that might be necessary for the administration of the program. Rules and regulations that might be necessary for the administration of the program would be provisions to assess other types of avocados that are so similar to the Hass variety that they are indistinguishable to consumers in fresh form. The Board could also recommend the assessment of imported frozen and processed Hass avocados. The Board also has the authority to recommend the exemption of certain processed avocado products for sale to a retailer if the avocado portion of the product does not constitute a substantial value of the product. The administrative expenses of the Board are limited by the Act to no more than 10 percent of its assessment income.

There is a federal marketing order program for avocados grown in south Florida [7 CFR Part 915]. According to NASS, in Florida, there is little or no production of Hass avocados. Under the program, Hass avocados are covered by the grade regulations, but not by the maturity regulations. Since California is the source for more than 95 percent of avocados produced in the United States and Florida does not produce Hass avocados, there is little duplication between this Order and the federal marketing order.

There is also a state avocado program in California, which is administered by the Commission. The chief objective of the program is to increase consumer awareness of and demand for avocados on behalf of the state's 6,000 growers. Under the program, growers pay a percentage-of-revenue fee to fund a variety of market development programs. In 1998–1999, California producers paid $13,165,544 in assessments at a rate of 4 cents of the gross dollar value. In 1999–2000, the assessment rate was 3.5 percent of the gross dollar value. The state assessment may not exceed 6.5 percent of the gross dollar value of the year's sales of avocados by all producers to handlers, or which are sold by handlers on behalf of growers. Expenditures for administrative purposes under the program may not exceed 2.5 percent of the gross dollar value of sales. The assessments are collected from the growers by handlers, who remit the money to the Commission.

Paragraph (b)(1) of section 1212 of the Act states that nothing in the Act may be construed to provide for the control of production or otherwise limit the right of any Hass avocado grower, handler, and importer to produce, handle, or import Hass avocados. Paragraph (b)(2) of section 1212 of the Act states that the Order must treat all persons producing, handling, and importing Hass avocados fairly and that the Order must be implemented in an equitable manner. Further, paragraph (c) of section 1212 states that nothing in the Act may be construed to preempt or supersede any other program relating to Hass avocado promotion, research, industry information, and consumer information organized and operated under the laws of the United States or of a state.

Alternatives to the proposed Hass avocado program are limited by the Act. The Act requires USDA to publish proposals received for a Hass avocado program under the Act. USDA published four proposals for comment reflecting all or portions of an Order. The Act is very specific on many provisions which must be included in the programs. However, the Act does include a few alternatives which USDA has included as permissive terms-rather than required-in this proposed rule. These alternatives include the identification and assessment of avocado varieties that are so similar to Hass avocados that they are indistinguishable to consumers in fresh form, the exemption of certain processed Hass avocado products for sale to a retailer if the Hass avocado portion of the product does not constitute a substantial value of the product, and the identification and assessment of imported frozen and processed Hass avocado products.

Paperwork Reduction Act

In accordance with OMB regulations [5 CFR Part 1320] which implements the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35], the information collection and recordkeeping requirements that may be imposed by this Order have been submitted to OMB for approval. These requirements will not become effective prior to OMB approval.

Title: National Research, Promotion, and Consumer Information Programs.

OMB Number: 0581–0197.

Expiration Date of Approval: October 31, 2004.

Type of Request: New information collection for advisory committees and boards and for research and promotion programs.

Abstract: The information collection requirements in this request are

essential to carry out the intent of the Act.

In addition, there will be the additional burden on producers and importers voting in referenda. The information collection requirements relating to referenda are registration for the referendum and the ballot. These burdens are addressed in the final rule on referendum procedures that is published separately in this issue of **Federal Register**.

Under the proposed program, first handlers would be required to collect assessments from producers and file reports with and submit assessments to the Board. While the proposed Order would impose certain recordkeeping requirements on producers, handlers, and importers, information required under the proposed Order could be compiled from records currently maintained.

There are an estimated 6,315 respondents: 6,000 producers, 100 first handlers, 200 importers, 10 exempt handlers, and five importer associations. The burden would be $40,020 for all producers or $6.67 per producer; $6,500 for all first handlers or $65 per first handler; $50 for all importers or $0.25 per importer; $25 for all exempt handlers or $2.50 per exempt handler; and $25 for all importer associations or $2.50 per importer association. These totals have been estimated by multiplying total burden hours requested by $10.00 per hour, a sum deemed to be reasonable should the respondents be compensated for their time. (There are currently no importer associations, but some are expected to be created if the Order is implemented.)

The proposed Order's provisions have been carefully reviewed, and every effort has been made to minimize any unnecessary recordkeeping costs or requirements, including efforts to utilize information already maintained by handlers for the Commission.

The proposed forms would require the minimum information necessary to effectively carry out the requirements of the program, and their use is necessary to fulfill the intent of the Act. Such information can be supplied without data processing equipment or outside technical expertise. In addition, there are no additional training requirements for individuals filling out reports and remitting assessments to the Board. The forms would be simple, easy to understand, and place as small a burden as possible on the person required to file the information. Collecting information monthly coincides with normal business practices.

Collecting information less frequently would hinder the Board from effectively carrying out the provisions of the program. Requiring reports less frequently than monthly would impose additional recordkeeping requirements by requiring information from several months to be consolidated prior to filling out the form rather than just copying end-of-month figures already available onto the forms. The timing and frequency of collecting information are intended to meet the needs of the industry while minimizing the amount of work necessary to fill out the required reports.

Therefore, there is no practical method for collecting the required information without the use of these forms.

Information collection requirements in this proposal are:

(1) A monthly report by each first handler who handles Hass avocados.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.50 hours per each respondent reporting on Hass avocados handled.

Respondents: First handlers.

Estimated Number of Respondents: 100.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 600 hours.

(2) A periodic report by each importer who imports Hass avocados.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hours per each importer respondent reporting on Hass avocados imported.

Respondents: Importers.

Estimated Number of Respondents: 200.

Estimated Number of Responses per Respondent: 1 every ten years (0.10).

Estimated Total Annual Burden on Respondents: 5 hours.

(3) An exemption application for handlers who will be exempt from assessments.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hours per response for each exempt producer and importer.

Respondents: Exempt handlers.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2.5 hours.

(4) Voting in the nomination process.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.5 hours per response.

Respondents: Producers and importers.

Estimated number of Respondents: 6,200.

Estimated Number of Responses per Respondent: 1 every 3 years (0.33).

Estimated Total Annual Burden on Respondents: 1,023 hours.

(5) A background questionnaire for nominees.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.5 hours per response for each producer and importer nominated to the Board.

Respondents: Producers and importers.

Estimated Number of Respondents: 24 for the initial nominations to the Board and approximately 12 respondents annually thereafter.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 12 hours for the initial nominations to the Board and 6 hours annually thereafter.

(6) A requirement to maintain records sufficient to verify reports submitted under the Order for two years.

Estimate of Burden: Public recordkeeping burden for keeping this information is estimated to average 0.5 hours per recordkeeper maintaining such records.

Recordkeepers: Producers, first handlers, and importers.

Estimated number of Recordkeepers: 6,300.

Estimated Total Recordkeeping Hours: 3,150 hours.

(7) A requirement for importer associations to submit information in order to be certified by the Department.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.5 hours per response for each importer association.

Respondents: Importer associations.

Estimated Number of Respondents: 5.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2.5 hours.

Background

The Hass Avocado Research, Promotion, and Information Act (Act) authorizes the Department to establish a Hass avocado research, promotion, and information program. The program would be funded by an assessment of 2.5 cents per pound of Hass avocados levied on producers and importers of Hass avocados. The rate could be raised up to a maximum rate of 5 cents per pound. Exports of U.S. Hass avocados would be exempt from assessment. The Act authorizes assessments on domestic Hass avocados and on imports of fresh, frozen, and processed Hass avocados.

Initially, only fresh domestic and imported Hass avocados will be assessed.

The Hass Avocado Board (Board) would use the funds to pay for research, promotion, industry information, and consumer information; administration, maintenance, and functioning of the Board; and expenses incurred by USDA in implementing and administering the Order, including referendum costs.

The Board would be composed of 12 voting members: 7 producers, 2 importers, and 3 producers and importers (swing seats). The three ''swing'' seats will be allocated to producers and importers so as to assure as nearly possible that the composition of the Board reflects the proportion of domestic production and imports supplying the United States market, based on the three-year average of domestic production and imports.

First handlers would be responsible for the collection of assessments from the producer and payment to the Board. First handlers would be required to maintain records for each producer for whom Hass avocados is handled, including Hass avocados produced by the handler. In addition, first handlers would be required to file reports regarding the collection, payment, or remittance of the assessments and the disposition of exported Hass avocados, which are exempt from assessment. All information obtained through handler reports would be kept confidential.

An exempt handler is a person who would otherwise be considered a first handler, except that all Hass avocados purchased by the person have already been subject to assessments under the Order. Others affected by the program would be a state association of avocado producers (currently, the Commission), which would receive 85 percent of the assessments paid by domestic producers, and importer associations which would receive 85 percent of the assessments paid by their members. The state association could use the assessment funds to promote California Hass avocados in the United States, and the importer associations could use the assessments to promote Hass avocados on a country-of-origin basis in the United States. The funds remaining with the Board would be used to promote Hass avocados generically in the United States. The Board would also enter into contracts with the state association as provided for in the Act.

Customs would collect assessments on imported Hass avocados and would remit those assessments to the Board for a fee.

The Act requires the USDA to conduct a referendum during the 60-day period preceding the proposed Order's effective date. Hass avocado producers and importers would vote in the referendum to determine whether they favor the Order's implementation. The proposed Order must be approved by a majority of the eligible producers and importers voting in the referendum. After the program has been in operation for three years, referenda could be conducted at any time, when requested by 30 percent of the Hass avocado producers and importers covered by the Order, or when requested by the Board.

The Act provides for the submission of proposals for a Hass avocado research, promotion, and information program by industry organizations or any other interested person affected by the Act.

The USDA issued a news release on January 8, 2001, requesting proposals for an initial Order or portions of an initial Order by February 7, 2001. A second news release, extending the deadline for submission of proposals to March 9, 2001, was issued on February 2, 2001.

An entire proposed Order and proposed referendum procedures were submitted by the Commission (Proposal 1). In addition, proposals containing portions of an Order were submitted by the Asociacion de Productores y Empacadores Exportadores de Aguacate de Michoacan (APEAM) (Proposal 2); the Chilean Exporters Association (ASOEX), Chilean Fruit Growers Federation (FEDEFRUTA), and Comite de Paltas de Chile (Proposal 3); and the New Zealand Avocado Growers Association (NZAGA) and the New Zealand Avocado Industry Council (NZAIC) (Proposal 4). The Chilean and New Zealand proposals were considered jointly because they are identical in every respect except for the provision on the importer definition, which is included in the Chilean proposal, but not in the New Zealand proposal. Proposals 2, 3, and 4 contained alternatives to provisions in Proposal 1 as well as provisions not included in Proposal 1.

Upon receipt of the proposals, USDA, the proponents of the four proposals, as well as representatives of the governments of Chile, Mexico, and New Zealand, engaged in an extensive dialogue with multiple opportunities to present views concerning the provisions contained in the submitted proposals. Upon completion of this review process, USDA published a proposed rule on July 13, 2001, for comment.

In the supplementary information section of the proposed rule, USDA summarized the four proposals received, identifying and separating out those provisions that were duplicative of other proposals, as well as those provisions that were not authorized by the Act. That discussion follows.

Proposal 1

The proposed Order submitted by the Commission was summarized as follows: Sections 1219.1 through 1219.26 of the proposed Order define certain terms, such as Hass avocado, handler, producer, and importer, which are used in the proposed Order.

Sections 1219.30 through 1219.42 include provisions relating to the establishment, adjustment, and membership; nominations; appointment; terms of office; vacancies; reimbursement; powers; and duties of the Board.

The Board would be the body organized to administer the Order through the implementation of programs, plans, projects, budgets, and contracts to promote and disseminate information about Hass avocados, under the supervision of USDA. Further, the Board would be authorized to incur expenses necessary for the performance of its duties and to set a reserve fund.

Sections 1219.50 through 1219.57 authorize the collection of assessments, specify who pays them and how, and specifies persons who would be exempt from paying the assessment. The assessment rate may not exceed 5 cents per pound of Hass avocados. The assessment sections also outline the procedures to be followed by first handlers and importers for remitting assessments; and establish interest charges for unpaid or late assessments.

Sections 1219.60 through 1219.64 concern reporting and recordkeeping requirements for persons subject to the Order and protect the confidentiality of information obtained from such books, records, or reports and the maintenance of a list of handlers required by the Act.

Sections 1219.70 through 1214.77 describe the rights of the Secretary of Agriculture (Secretary), the authority for the Department to suspend or terminate the Order, proceedings after termination, the effect of termination or amendment, personal liability of Board members and staff, separability, amendments, and OMB control number.

The Department modified the Commission's proposal to make it consistent with the Act, as necessary as well as provide clarity, consistency, and correctness with respect to word usage and terminology. For example, the Department alphabetized definitions in §§ 1219.1 through 1219.26; organized sections of the Order to be more consistent with current programs and renumbered them accordingly; deleted

redundant provisions; deleted referendum procedures and drafted a separate rule on referendum procedures; and changed the proposal to make it consistent with the Act and USDA policy.

In the definitions section, the definitions of ''crop year'' and ''Association'' were added to provide clarity, and the definition of ''retailer'' was removed because a specific definition was not warranted.

In the apportionment of three swing positions in § 1219.30(b)(3), USDA specified that Customs or USDA may provide import data in order to ensure accuracy. Section 1219.31(a)(3) was changed to indicate that two nominees must be submitted for each producer vacancy and two nominees must be submitted for each alternate vacancy because this is the standard practice for similar national programs. In § 1219.36(d), USDA specified that nominations and replacement shall not be required if the unexpired term is less than six months, and, in § 1219.35, a term of office for alternates was added to enhance administration of the program. In § 1219.36, authority for the Board to select alternates to fill vacant alternate positions by majority vote was revised to state that the Board may select, by majority vote, nominees to submit to the Department for appointment. The Commission's proposal provided for the Board to appoint the replacement members, but only the Department may appoint persons to serve on the Board as members or alternates. A paragraph on bylaws was added to § 1219.38 as paragraph (b) to ensure that the activities of the Board are consistent with the Order. In § 1219.38(k), the citation for the Act which requires periodic evaluations was corrected so that it complies with provisions of the Federal Agricultural Improvement and Reform Act of 1996 [7 U.S.C. 7401 *et. seq.*]

Under § 1219.52, the Department revised the Commission's proposed limitation on administrative expenses of the Board to 10 percent of the funds available for generic promotion and research to reflect the fact that as much as 85 percent of the assessments collected under the program could be remitted to the Association and importer associations. The Act limits the administrative expenses of the Board in carrying out its generic programs, plans, and projects. In addition, the provision for the Board to make payments of assessments to the Association and importer associations within 30 days following the month in which the assessments were received because this language was inconsistent with other provisions which require payments to the Association and importer associations within 30 days of receipt of the assessments by the Board. USDA modified § 1219.56 to specify that the Board will apply overpayments of assessments against the amount due in succeeding months unless the person requests a refund.

A requirement for producers and exempt handlers to maintain records and file reports with the Board or the Department was added to § 1219.60(a) in order to facilitate enforcement of the Order and to make the Order consistent with current practice for similar national programs. In § 1219.61, authority for the Board to use agents to conduct audits—not just Board and USDA employees—was added to increase flexibility. Since agents were added in § 1219.61 for audits, they were also added to § 1219.63(a) on confidentiality to ensure that information obtained in audits is protected.

Lastly, a section on the rights of the Secretary was added so that the program would be consistent with other national programs and specify the rights of the Secretary.

Proposal 2

A partial proposal was submitted by APEAM. APEAM is an association of persons who export avocados produced in Mexico to the United States.

USDA published several of the provisions submitted by APEAM. Other provisions were not published either because they were covered by Proposal 1 or because they were not authorized by the Act.

The provisions that were published for comment were as follows: (1) A definition of first handler; (2) a definition of fiscal period; (3) a provision requiring the Department to use data from import associations, Customs, and the Bureau of the Census for determining the level of imports in making its determination of the composition of the initial Board; (4) a provision defining ''substantial activity'' as it pertains to eligibility requirements for importer members; (5) a provision authorizing importer associations in general or by country of origin; (6) a provision authorizing the Department to certify only one importer association per country of origin; (7) authority for importer associations to include representatives of foreign avocado exporting industries; (8) a provision authorizing importer associations to invest funds received from the Board and conduct promotion and research on a country of origin basis; (9) a provision requiring final payments for a crop year to be received no later than May 31; and (10) a provision requiring the administrative staff of the Board to periodically review the list of Hass avocado producers and requiring the Association to provide a list of producers to the Department or to the administrative staff of the Board.

The following provisions were not published because they were covered by Proposal 1: (1) A provision requiring the Board to remit funds to importer associations no later than 30 days after such funds are received by the Board; (2) a requirement to allocate producer and importer members in the three swing positions in such a manner that, to the extent possible, importers will have proportional representation on the Board as a whole; (3) a requirement to reallocate the three swing positions to producers and importers in such a manner that, to the extent possible, there will be proportional representation on the Board as a whole.

The following provisions were not published because they were not authorized by the Act: (1) Authority for the Department to appoint a board to govern importer associations; (2) authority for Customs to send import assessments directly to importer associations; (3) a requirement for the Board to remit 85 percent of all import assessments to importer associations; (4) authority for importers to pay assessments 30 days after the end of the month in which the imported Hass avocados are sold in the United States; and (5) authority for the Board to enter into a contract or agreement with an importer association.

Proposals 3 and 4

Proposal 3 was submitted by ASOEX and FEDEFRUTA and the Chilean Avocado Committee. ASOEX and FEDEFRUTA are the principal trade associations representing fruit exporters and producers in Chile. Proposal 4 was submitted by NZAGA and NZAIC. NZAGA is a voluntary association of avocado growers representing avocado production in New Zealand. USDA published several of the provisions submitted by ASOEX, FEDEFRUTA, NZAGA, and NZAIC. Other provisions were not published either because they were covered by Proposals 1 and 2 or because they were not authorized by the Act.

The provisions that were published were: (1) An eligibility requirement for importer members on the Board; (2) a requirement for the Board's generic programs to be conducted throughout the year; (3) a requirement for the Board to consult with the Commission and

country-of-origin importer associations when developing generic programs; (4) a provision limiting the Board's administrative expenses for generic programs to 1.5 percent of total assessments; (5) a requirement for importer associations to be formed as soon as possible after the effective date of the Order; (6) a requirement for importer associations to establish bylaws; (7) authority for importer associations to use existing organizations for establishing their associations and their promotional and research programs; and (8) certification requirements for importer associations.

Provisions that were not published because they were covered by Proposals 1 or 2 were: (1) A requirement for overall representation of importers on the Board to be based on the proportion of domestic and import assessments; (2) a requirement for the Department to notify all importer associations on nominations for the initial Board within 30 days of the effective date of the Order; (3) a requirement for the Department to develop nomination procedures for importer members; and (4) a requirement for the Department to prepare a ballot containing the names of all persons nominated by all importer associations.

The provisions that were not published because they were not authorized by the Act were: (1) A requirement for USDA to serve as an advisor to importer associations; (2) a requirement for all importers and foreign producers and exporters to participate in importer associations; (3) authorization for the assessment of all varieties of avocados; (4) a requirement for the Board to contract with importer associations; (5) authority for importers to pay import assessments 60 days after the sale of avocados in the United States; (6) a requirement for importer associations to receive 85 percent of all import assessments, prorated by each country of origin; (7) authority for producers and importers to receive credit toward their assessments under the proposed program for contributions to generic state or country-of-origin promotion programs at a regional, state, or local level; (8) authority for importer associations to use import assessments for reasonable administrative expenses; and (9) a requirement to include a vote by volume in referenda.

Comments

Nine comments were timely received on the proposed rule. The comments contained several recommendations, a number of which have been adopted. There was one late comment.

Two of the comments received were submitted on behalf of the proponent of Proposal 1, the Commission. USDA also received a letter concerning the proponent's opposition to the 15-day extension for comments to be received and its view with regard to the impact of the extension on the rulemaking process. We disagree and continue to believe that the extension was appropriate and to the benefit of all interested parties, including the proponent.

The proponents of Proposals 2, 3, and 4 each commented on the proposed rule published on July 13, 2001, as did representatives of the governments of Chile and New Zealand. Two importers of avocados also submitted comments on the proposed rule. In general, the comments submitted by or on behalf of the Commission were in favor of a Hass Avocado Promotion, Research, and Information Order. The comments from New Zealand representatives were also generally in favor of such a program. Both groups, however, offered their own concerns or changes.

The comments received from the Chilean representatives, APEAM, and the two importers opposed implementation of the Hass avocado program while offering their recommendations for changes if the program was to be implemented. The late comment (from an association of Mexican avocado packers and exporters) generally reflected the issues and concerns raised by the proponents of Proposal 2 and did not contain any issues or comments that were not already raised in the comments that were received by the deadline.

Many of the comments reflected a continuing dialogue in connection with the variety of proposals previously received by USDA. In this regard, the comments compare and contrast the provisions of the proposals as well as the views of and comments submitted by others. Following is a discussion of the comments received that reflects our views with regard to them.

Several of the comments raised constitutional and World Trade Organization (WTO) issues. The constitutional issue is framed in terms of a recent United States Supreme Court (Court) decision *United States* v. *United Foods, Inc.* [121 S. Ct. 2334 (2001)] (*United Foods*). The WTO issues also were discussed in the preliminary phases of this rulemaking process.

In the July 13, 2001, proposed rule, we noted that on June 25, 2001, the Court issued the *United Foods* decision that held that the use of mandatory assessments to fund promotional speech in the mushroom research and promotion program violated the First Amendment of the U.S. Constitution. In general, comments in opposition to the proposed Hass avocado promotion program raised a constitutional argument and objected to the mandatory nature of the program. Such comments recommended that assessments for promotional activities under the proposed Hass avocado program be voluntary. The comment filed on behalf of the Commission, which supported Proposal 1, disagreed with that analysis. USDA believes and continues to be of the view that the Hass avocado program, as previously proposed and with the changes included in this action, is constitutionally sound.

In addition, the New Zealand comment (Proposal 4) suggested that the requirement that all Board members and alternates be domiciled in the United States was probably unconstitutional. We disagree. Further discussion of this requirement will occur later in our subsequent responses to comments.

With regard to the WTO issues raised as to the consistency with international trade obligations, some comments argued that the proposed Hass avocado program was not consistent with these trade obligations. These comments identified a number of provisions as discriminatory. In that regard, comments focused on the timing of payments of assessments on domestic and imported avocados. One comment noted the failure to assess all varieties of avocados. Other examples were also offered. The comment filed on behalf of the Commission argued the contrary. We continue to view this program as consistent with applicable international trade obligations.

Comments discussed individual sections of the four proposals and in a number of instances offered views of provisions that appeared in the alternative, comparing and contrasting such sections. A summary of these comments appears in the following discussion.

A comment was received comparing the definition of first handler in § 1219.9 of Proposal 1 with the definition of that term in Proposal 2. The comment deferred to USDA with regard to this definition. The alternative definition is not substantially different from the definition in Proposal 1. Accordingly, we are adopting the definition from Proposal 1.

Section 1219.10 of Proposal 1 establishes the fiscal period or marketing year as the period beginning on November 1 of any year and extending through the last day of October of the following year. Proposal 2 provides for a period beginning on

April 1 of any year and extending through the last day of March of the following year. A comment pointed out that the period beginning on November 1 corresponded to the domestic marketing season while the period beginning on April 1 corresponded to the growing season in Mexico. The comment argued that the definition in Proposal 1 should be adopted, noting that the Commission has a substantial database on historical U.S. production organized on a November 1 fiscal year basis and that each exporting country may have a different growing season. We agree that the fiscal period or marketing year should begin on November 1. It should also be noted that § 1219.10 provides for changing to another consecutive 12-month period, as recommended by the Board and approved by the Department. Therefore, we are adopting § 1219.10 of Proposal 1. We are also adopting without change the definition of crop year in § 1219.5 of Proposal 1. That section provides for the crop year also to begin on November 1.

The definition of importer appears in § 1219.14. A comment raised concern regarding this section of Proposal 1 as modified by USDA. The comment stated that the language is overly broad and would include non-U.S. residents and non-U.S. citizens. We disagree. There are two definitions of importer in the Act. The one in § 1203(8) of the Act is a general definition, and the other appears in § 1205(c) of the Act as a special definition concerning eligibility for membership on the Board. The provision in the Order at issue implements the general definition of the Act. It is intended to be broad so as to cover all importers subject to assessments. This provision is not applicable to § 1219.30 of the Order, where a special and separate definition for importer appears in connection with an importer's eligibility for membership on the Board.

A number of proposals were published concerning § 1219.30 *Establishment and membership* with language and provisions appearing in Proposals 1, 2, 3, and 4. One comment related to the requirement in § 1219.30(a) that all Board members and alternates be domiciled in the United States. The comment expressed the view that this requirement was undemocratic, probably unconstitutional, and not consistent with the Act. We disagree. We believe that it is more practical and reasonable for effective program administration, management, and participation in this program to include domicile as an eligibility requirement.

One comment compared the language of Proposal 2 with that of Proposal 1 with regard to the apportionment of Board members as specified in § 1219.30(b)(3). The comment noted that the source of data to be used by the Department in determining proportional representation on the initial Board was broad based for both the level of domestic production and the level of imports. The comment further noted that Proposal 2 had provided for different sources of information for domestic production and for imports. The comment stated that all sources of information should be referred to for both. We agree, but we have eliminated references to individual sources of information, as proposed, in favor of a more general statement referring to all sources of information available to the Secretary. An appropriate change to § 1219.30(b)(3) has been made.

In Proposal 1, § 1219.30(d) provides that an importer means a person who is involved in, as a substantial activity, the importation of Hass avocados. The term substantial activity is not further defined. However, in Proposals 2 and 3, a person would be considered to be involved in the importation of Hass avocados as a substantial activity if the person has imported 75 percent or more of the total annual volume of all Hass avocados produced, handled, or imported by such person. Two comments objected to the 75 percent provision in Proposals 2 and 3.

One comment indicated that the purpose of the term substantial activity in the statute was to insure that importers who serve on the Board were not merely people who might import a few boxes of Hass avocados occasionally and that the term was meant to guarantee that importer members on the Board were truly involved in the importation and marketing of Hass avocados. The comment went on to note that: The statute does not provide for a 75 percent or other threshold; a dictionary definition of the word substantial speaks in terms of volume and not proportion; a 75 percent provision was beyond the scope of and contrary to the statute; the provision could have the effect of disqualifying some of the largest importers and most knowledgeable marketers; and the provision would be burdensome on the Department in connection with the auditing the books of importers to determine eligibility.

The other comment that opposed the 75 percent provision in Proposals 2 and 3 noted that the 75 percent provision for imports as a proportion of total Hass avocados handled would prevent almost all of the importers of New Zealand Hass avocados from qualifying now and in the future without changes to commercial relationships with U.S. handlers. The comment went on to recommend the use of Proposal 1 language which does not define substantial activity or more preferably the definition of importer in § 1219.14 of Proposal 1 instead of § 1219.30(d) of Proposals 2 and 3.

We disagree with both comments. Under the statute, the Board is divided between producer and importer members. The Secretary appoints such members to the Board. In determining who is eligible to serve as an importer member on the Board, the statute provides for a substantial activity test. In order to implement such a provision, the Order needs to provide specific detail to enable the Department to measure substantial activity. One comment suggested a quantity basis to compare one potential importer with another that would be indicative of size and knowledge. We believe that a more reasonable application of the substantial activity test would be to base a person's eligibility on the person's individual business activity and which industry function (producing or importing) predominates. This is a reasonable measure and regulatory approach. This also would provide a clear and understandable benchmark for the Department to use to measure substantial activity. Therefore, we are adding to § 1219.30(d) a provision that states ''a substantial activity means that the volume of a person's Hass avocado imports must exceed the volume of the person's production or handling of domestic Hass avocados.''

One comment was received regarding the initial nomination and appointment of producer members and alternates as provided in § 1219.31 of Proposal 1. The comment proposed that the Department be allowed to choose an alternate member from either the nominee for the Board member who is not appointed to the Board or from the two nominees for the alternate member position. This suggested change has merit. Therefore, we have revised § 1219.31 of Proposal 1 accordingly with some modification of the language recommended in the comment. We further believe that similar change to § 1219.32 concerning the initial nomination and appointment of importer members and alternates is appropriate and have accordingly made this change.

Two comments were received on the provisions in § 1219.32 of Proposal 1 that deal with the initial nomination and appointment of importer members and alternates. The comment requested clarification as to whether importers or importer associations would vote in the initial nomination process. The

comment pointed out that there are currently no importer associations representing the interests of Hass avocado importers. As published in the July 13, 2001, proposed rule, the language in § 1219.32 of Proposal 1 included references to both importers and importer associations. The inclusion of importer associations in this provision was incorrect and the applicable reference has been deleted. Individual importers will vote in the nomination process.

One comment also requested that country-of-origin exporter associations be notified by USDA of the nomination process for initial importer members and their alternates. Prior to the nomination process, the Department will use all available resources to help assure that the maximum number of importers are identified, but this does not merit a change in the proposed language for the Order. The comment went on to suggest alternative language for § 1219.32 including changes to the text concerning subsequent nominations. Section 1219.33 addresses subsequent nominations which will be subject to further rulemaking as appropriate. Accordingly, no further changes were made to § 1219.32.

Regarding § 1219.33 of Proposal 1, a comment expressed concern that the Board itself may put procedures in place for subsequent nominations of importer members and alternates of the Board. However, this section provides that any procedures recommended by the Board require the approval of the Department. Prior to implementing any procedures, the Department would engage in rulemaking and publish recommended procedures for public comment before they are approved by the Department.

The comment also requested that § 1219.38(s) of Proposal 1 be revised to require the Board to report annually to importer associations. This section requires the Board to make public reports of its activities at least once each fiscal period. This means that the information would be available to all interested persons, including importer associations. Accordingly, no change is needed in § 1219.38(s).

A comment was submitted on § 1219.40(e) of Proposal 1. The comment requested the deletion of the requirement for the Department to receive advance notice of committee meetings. The comment offered that this requirement is an example of micromanagement and will result in excessive costs for the Department, presumably because the Department would have the opportunity to attend committee meetings which would, in turn, increase the administrative costs billed by the Department to the Board. We disagree. This provision is necessary for proper program administration and will ensure that the Department is appropriately informed of program activities. Therefore, § 1219.40(e) of Proposal 1 is adopted without change.

Two comments were received on § 1219.50(e) of Proposals 3 and 4 that requires the Board's programs be conducted throughout the year to reflect periods when imported and domestic Hass avocados are in the U.S. marketplace. One comment opposed this provision, raising a variety of concerns. These concerns included statutory authority, vagueness, and the diminishment of Board authority by imposing a requirement that substitutes scheduling for strategy. We disagree. In the prior discussion of the definition of fiscal period or marketing year in Proposal 2, this same comment noted that there are different growing seasons in different exporting countries. The provision in § 1219.50(e) reflects this. We believe that it is reasonable to provide in the Order language that programs shall be conducted throughout the year and that the Board will be fully able to accomplish such a result consistent with this provision.

The second comment supported this provision but recommended modifying it to provide that the Board's generic programs may not be conducted predominately during the time that domestic Hass avocados are in the marketplace. We believe that this change is unnecessary. Therefore, we have adopted § 1219.50(e) of Proposals 3 and 4 without change.

Three comments related to § 1219.50(f) of Proposals 3 and 4 which would require the Board to consult with both the state association and importer associations on programs, plans, and projects for generic promotion and research. Two comments supported the requirement, and one comment stated that the consultation should be discretionary rather than mandatory. The Board's generic programs will be carried out by the state association with funds paid by both domestic producers and importers. Therefore, it would be beneficial to provide for and require such consultation. Accordingly, we adopt § 1219.50(f) of Proposals 3 and 4 by adding a new paragraph (f) to § 1219.50 of Proposal 1.

Under the Act, the Board is required to remit 85 percent of domestic assessments to the Commission and may remit up to 85 percent of import assessments to one or more importer associations. If the entire 85 percent of domestic assessments are remitted to the Commission, and the entire 85 percent of import assessments are remitted to importer associations, the Board would retain 15 percent of total assessments to conduct its generic programs. The Act also limits the Board's administrative expenses to 10 percent of its income. The intent of the cap on administrative expenses is to ensure that a majority of the Board's expenditures are program-related. After assessments have been distributed to the Commission and to importer associations, the remaining funds will be used by the Board for generic promotion and research. In order to implement the statutory cap on administrative expenses, § 1219.52(a)(1) of Proposal 1 states that the Board's administrative expenses shall not exceed 10 percent of the funds received by the Board for generic programs. A different approach was taken in Proposals 3 and 4. In § 1219.52(a)(1) of Proposals 3 and 4, the Board's administrative expenses are limited to 1.5 percent of total assessment income. This assumes that only 15 percent of the Board's income would remain with the Board and be available to be used for generic promotion and research.

Comments were received from two parties on the 1.5 percent cap specified in § 1219.52(a)(1) of Proposals 3 and 4. One comment supported this limitation as long as importer associations actually receive 85 percent of the import assessments paid to the Board. In addition, the comment expressed the view that the 1.5 percent limitation should be lowered if importer associations receive less than 85 percent of the import assessments. We are not adopting this recommendation or the provisions of § 1219.52(a)(1) in Proposals 3 and 4 because they would be difficult to administer. The second comment on § 1219.52(a)(1) of Proposals 3 and 4 stated that efforts to control administrative expenses in the program were desirable but the 1.5 percent seemed unreasonably low. The comment suggested a change in the language of the Order to clarify that there would a 10 percent limitation on funds actually retained by the Board. We agree with the substance of the second comment, but no change is needed to § 1219.52(a)(1) of Proposal 1. As noted above, this section already limits administrative expenses to 10 percent of the funds available to or retained by the Board for generic promotion and research.

Comments were received concerning importer association provisions in § 1219.54 of Proposals 1, 3, and 4 and the unnumbered section of Proposal 2. These comments reflected a variety of issues that have been raised in

connection with the establishment and function of importer associations under the Act and the Order. With regard to the unnumbered section in Proposal 2, statutory concerns were raised as to compelled membership and limiting certification to only one importer association per country of origin. The statutory authority for § 1219.54(u) of Proposals 3 and 4 was questioned while the list of information required for certification was not opposed as long as it was considered discretionary and as long as the import association contemplated in § 1219.54(l) of Proposal 1 was applicable rather than that referred to in paragraph (u). In addition, a comment offered support for § 1219.54 (u) and (v) of Proposals 3 and 4 with modifications that included establishing importer associations before the effective date of the Order; limiting one importer association per exporting country; and requiring participation of all importers of Hass avocados in one or more importer associations based on the country of origin of imports. The same comment offered an addition to § 1219.54 in the form of new paragraphs (w) and (x) concerning Board transfers, to importer associations, of 85 percent of all assessments paid on imports, prorating each country of origin, and concerning information required for the Department to certify associations. Paragraph (w) is not authorized by the Act. Paragraph (x) is discussed in relationship to a new § 1219.58 on importer associations.

We have reviewed all relevant provisions of Proposals 1, 2, 3, and 4 concerning importer associations, taking into account the comments received, including modifications and additions to proposed language. We have considered these proposals and comments and created a new § 1219.58 relating to importer associations. Paragraph (a) of the new section adopts the language from paragraph (m) of § 1219.54 from Proposal 1. As a result, paragraph (l) of § 1219.54 of Proposal 1 has been revised to provide a reference to the new § 1219.58, and paragraphs (n) and (o) will be redesignated as paragraphs (m) and (n), respectively.

Further, we are deleting the second sentence of proposed § 1219.54 concerning first handlers and producers who are also handlers. The definition of first handler in § 1219.9 is applicable and, therefore, such a sentence is unnecessary.

Proposal 2 includes an unnumbered section that provides for the establishment of importer associations. One comment supported the adoption of this section, including the sentence in paragraph (a) of the unnumbered section that states that one importer association could represent all importers of Hass avocados or importers from a particular country. We agree with this comment and have adopted this sentence as part of paragraph (b) of § 1219.58, with modifications for clarity.

The unnumbered section also provides that the Department would not certify more than one importer association per country of origin. One comment supported this provision. Another comment opposed the adoption of this requirement. We inadvertently indicated in the July 13, 2001, proposal that an Order could prohibit the Department from certifying more than one importer association per country of origin. The text of this appeared in Proposal 2. Such a provision is not authorized by the statute. Therefore, the sentence in paragraph (a) of the unnumbered section of Proposal 2 that would limit the number of importer associations that could be certified is not adopted.

One comment supported the adoption of paragraph (b) of the unnumbered section in Proposal 2 that provides that an importer association may be composed of importers as well as representatives of the foreign avocado exporting industries. Another comment supported the adoption of a paragraph (u) of § 1219.54 in Proposals 3 and 4. In addition to authorizing importer associations to be composed of importers, foreign producers, and exporters, paragraph (u) provides that importer associations establish their own bylaws and utilize existing organizations for establishment of their associations and coordination of their promotional and research efforts.

We agree that importer associations may be composed of importers as well as representatives of the foreign avocado exporting industries. Therefore, we have adopted paragraph (b) of the unnumbered section of Proposal 2 as part of paragraph (b) of the new § 1219.58. We believe the language in this paragraph is more appropriate than the similar language in paragraph (u). We also agree that importer associations should establish their own bylaws and may utilize existing organization for establishment of their associations and coordination of their promotional and research efforts. Therefore, we have adopted these provisions of paragraph (u) from § 1219.54 of Proposals 3 and 4 as part of paragraph (b) of the new § 1219.58.

Paragraph (u) also provides that importer associations be established within a reasonable amount of time after the effective date of this subpart. This provision was supported by one comment and opposed by another. The comment in opposition of this provision stated that the Act gives no authority to require the establishment of importer associations within a reasonable time. We agree. The timing of the establishment of an importer association is at the discretion of importers. It should not be a requirement of the Order. Therefore, we are not adopting this provision of paragraph (u) of § 1219.54 of Proposals 3 and 4.

Another comment opposed the unpublished provision of Proposal 2 that would require all importers to join an importer association. The comment stated that this provision is not authorized by the Act and goes far beyond the intent of Congress in authorizing the establishment of importer associations. We agree. In identifying in the July 13, 2001, proposed rule the provisions in Proposals 3 and 4 that were not published because they were not authorized by the Act, we included the requirement that all importers join an importer association.

One comment recommended that the proposed Order allow importer associations to be certified by the Department before the effective date of the proposed Order. This would be impractical because importer associations cannot be certified by the Department prior to the effective date of the proposed Order. Therefore, this recommendation is not adopted.

Paragraph (v) of § 1219.54 in Proposals 3 and 4 includes criteria to be used by the Department in determining whether to certify importer associations. One comment included revised language for this section as a new paragraph (x). Paragraph (x)(2) of the comment generally parallels paragraph (v)(2) of § 1219.54 of Proposals 3 and 4. However, the new paragraph (x)(2) would add to the criteria for certification evidence that an importer association is composed not only of importers but of foreign exporters. We disagree with this change. The inclusion of foreign exporters is not a requirement for importer associations under the Order. Therefore, it would not be appropriate to include this criteria, and we have adopted paragraph (v)(2) of § 1219.54 of Proposals 3 and 4 as published on July 13, 2001.

In addition, paragraph (x) does not include paragraph (v)(3) of § 1219.54 of Proposals 3 and 4. We disagree with the removal of this paragraph. The paragraph states that one of the criteria for certification is certification of the importer association's ability and willingness to further the aims and objectives of the Order. We believe this

criteria is of particular importance because importer associations that are certified to receive funds from the Board must agree to utilize the funds in conformance with the provisions of the Order. Therefore, we are adopting paragraph (v) of § 1219.54 in its entirety as paragraph (c) of the new § 1219.58.

Finally, in regard to § 1219.54(l) of Proposal 1, an importer association would receive an amount of assessment funds equal to 85 percent of the assessments paid on the Hass avocados imported by its members. Section 1219.54(1) of Proposal 2 states that an importer association shall receive an amount of assessments equal to the product obtained by multiplying the aggregate amount of assessments attributable to the pounds of Hass avocados imported by its member importers by 85 percent. The language in Proposal 2 and the language in Proposal 1 create the same requirement. Unlike Proposal 1, however, Proposal 2 expresses the requirement in terms of a mathematical calculation. We are adopting the language from § 1219.54(l) of Proposal 1 because it is not necessary to include the mathematical calculation in the Order.

There was one comment on § 1219.61 of Proposal 1 which covers books and records. Citing established research and promotion programs administered by the Department, the comment recommended that producers who are not also first handlers, and who are not responsible for remitting assessments to the Board, should not be subject to the recordkeeping requirement. We disagree. The Act itself provides that, not only first handlers and importers, but also producers are required to maintain books and records and make them available to the Department or the administrative staff of the Board. It may be necessary on occasion for the staff of the Board to audit the records of producers to verify the information provided in handler reports. Therefore, the comment is not adopted.

A comment supported, with modifications, the requirement for a list of importers as provided for in § 1219.64 of Proposal 1. We are not adopting the recommended modification that would require Customs to provide the list to importer associations and for such associations to review the list. Such a requirement is not consistent with section 1205(m)(3) of the Act. However, we are deleting the second sentence of § 1219.65 of Proposal 1 concerning the list of importers and Customs because they are not necessary in view of language in the Act. The Act requires Customs to provide this information to the Department and the staff of the Board on request. Another comment noted that the requirement in § 1219.65 of Proposal 2 was redundant and unnecessary, adding that the Secretary would have the authority to obtain such a list in any event. Section 1219.65 provides that on request of the Secretary or the Board, the Association would provide to the Secretary or the administrative staff of the Board, a list of producers of Hass avocados. We disagree and believe that such a provision is appropriate for inclusion in the Order.

Section 1219.70 *Right of the Secretary* provides that all fiscal matters, plans, projects, contracts, rule or regulations, reports, or other substantive actions proposed and prepared by the Board are required to be submitted to the Secretary for approval. A comment stated that this section should be eliminated. The comment believed the provision was redundant because all necessary provisions requiring submission of materials for the Secretary's approval were already in the Order. The comment particularly objected to inclusion of a requirement that the Secretary approve other substantive actions proposed and prepared by the Board indicating that the requirement was vague and ambiguous, would invite abuse of authority by USDA officials, and invite the subversion of the function of lawfully appointed Board members. We disagree. Research and promotion programs represent a federal and industry partnership that has been affirmed by Congress time and time again. The Department recognizes the expertise of the industry. At the same time, the Department has long-standing experience in administering and enforcing the provisions of these programs. The Department has and will continue to maintain the integrity of such programs. While industries may take advantage of the benefits of research and promotion programs, certain responsibilities attach, including those referenced in § 1219.70. Therefore, no change is made.

In addition, commenters made a number of recommendations which cannot be adopted because they are inconsistent with or not authorized by the Act. These comments appeared in a variety of contexts with some being raised in overall or general concerns and with others in terms of alternatives or modifications and others spanning provisions or a provision of the proposals. These recommendations include amending the proposed Order to provide for the following: a requirement for proportional representation of producers and importers on the Board as a whole; a requirement for all importers and country-of-origin producers and exporters to participate in importer associations; authority for the Board to assess all varieties of avocados; a requirement for the Board to contract with country-of-origin importer associations in the same manner and with the same effect as with the State association; authority for importers to pay import assessment 30 days after the end of the month in which imported Hass avocados are sold in the United States; a requirement for importer associations to receive 85 percent of all import assessments, prorated by each country of origin; and authority for producers and importers to receive credit towards their assessments under the proposed program for contributions to generic state or country-of-origin promotion programs at a regional, state, or local level.

Comments were also received relating to the procedures used in connection with notice and comment rulemaking. For example, one requested that its comments be published in their entirety in the **Federal Register**. All comments were posted in their entirety on the USDA–AMS website at the time they were received by the Department. In addition, comments are discussed and responded to in this rule, as appropriate, in the context of the discussions that appear herein. Another comment raised concerns regarding what is in effect an opportunity for rebuttal of the other comments. In this rulemaking, we have provided opportunity for comment that is consistent with applicable law and made every attempt to include the views of all interested persons as part of this proceeding.

In summary, Proposal 1 is adopted with the following changes: Revising § 1219.30(b)(3), § 1219.30(d), § 1219.31(b), § 1219.32(a)(1) and (2), and § 1219.32(b); correcting a citation in § 1219.42(d); adding new paragraphs (e) and (f) from Proposals 3 and 4 to § 1219.50; revising § 1219.54(b)(3) and (l); deleting paragraph (m) from § 1219.54 and redesignating paragraphs (n) and (o) in that section; adding a new § 1219.58 from Proposals 1, 3, and 4 with modifications; revising § 1219.64; and adding a new § 1219.65 from Proposal 2. Other provisions of Proposals 2, 3, and 4 are not adopted. Miscellaneous changes were also made to the following provisions for the purpose of clarity and consistency: § 1219.12; § 1219.39(c); § 1219.52(a)(1); § 1219.54(m)(3); § 1219.58(b); § 1219.63(a); § 1219.71(a); and § 1219.77.

A referendum will be conducted among eligible Hass avocado producers and importers to determine whether they favor implementation of the Hass Avocado Promotion, Research, and Information Order. The referendum order will be published in the **Federal Register** at a later date following the publication of this proposed order and the final rule providing for referendum procedures. The representative period for eligibility for voting in the referendum and the dates for registration and for voting will be announced in the referendum order.

List of Subjects in 7 CFR Part 1219

Administrative practice and procedure, Advertising, Consumer information, Hass avocados, Marketing agreements, Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS proposes to amend 7 CFR chapter XI as follows:

PART 1219—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

1. The authority citation for part 1219 continues to read as follows:

Authority: 7 U.S.C. 7801–7813.

2. Subpart A is added to part 1219 to read as follows:

Subpart A–Hass Avocado Promotion, Research, and Information Order

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1219.4 Consumer information.
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1219.6 Customs.
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1219.10 Fiscal period or marketing year.
1219.11 Handle.
1219.12 Hass avocado.
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1219.14 Importer.
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The Hass Avocado Board

1219.30 Establishment and membership.
1219.31 Initial nomination and appointment of producer members and alternates.
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1219.34 Failure to nominate.
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1219.39 Board procedure.
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Budgets, Expenses, and Assessments

1219.50 Budgets, programs, plans, and projects.
1219.51 Contracts and agreements.
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1219.53 Budget and expenses.
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Books, Records, and Reports

1219.60 Reports.
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1219.62 Books and records of the Board.
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Miscellaneous

1219.70 Right of the Secretary.
1219.71 Suspension or termination.
1210.72 Proceedings after termination.
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1219.74 Personal liability.
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Subpart A—Hass Avocado Promotion, Research, and Information Order

Definitions

§ 1219.1 Act.

Act means the Hass Avocado Promotion, Research, and Information Act of 2000, Pub. L. 106–387, 7 U.S.C. 7801–7813, and any amendments thereto.

§ 1219.2 Association.

Association means an avocado organization established by State statute in a State with the majority of Hass avocado production in the United States.

§ 1219.3 Conflict of interest.

Conflict of interest means a situation in which a Board member or employee has a direct or indirect financial interest in a person who performs a service for, or enters into a contract with, the Board for anything of economic value.

§ 1219.4 Consumer information.

Consumer information means any action or program that disseminates or otherwise provides information to consumers and other persons, on the use, nutritional attributes, and other information that will assist consumers and other persons in the United States in making evaluations and decisions regarding the purchase, preparation, and use of Hass avocados.

§ 1219.5 Crop year.

Crop year means the period from November 1 of one year through October 31 of the following year, or such other one-year period recommended by the Board and approved by the Secretary.

§ 1219.6 Customs.

Customs means the United States Customs Service.

§ 1219.7 Department.

Department means the United States Department of Agriculture.

§ 1219.8 Exempt handler.

Exempt handler means a person who would otherwise be considered a first handler, except that all Hass avocados purchased by the person have already been subject to assessments under the Order. A person who handles both Hass avocados that have already been subject to assessments under the Order and Hass avocados that have not been subject to assessments under the Order is a first handler.

§ 1219.9 First handler.

First handler means a person operating in the Hass avocado marketing system that sells domestic or imported Hass avocados for consumption in the United States and who is responsible for remitting assessments to the Board. For the purposes of the Order, the term means the first person who handles Hass avocados for sale (except a common or contract carrier of Hass avocados owned by another person), including a producer who handles Hass avocados for sale of the producer's own production.

§ 1219.10 Fiscal period or marketing year.

Fiscal period or *marketing year* means the period beginning on November 1 of any year and extending through the last day of October of the following year, or such other consecutive 12-month period as shall be recommended by the Board and approved by the Secretary.

§ 1219.11 Handle.

Handle means to pack, process, transport, purchase, or in any other way

to place or cause Hass avocados to which one has title or possession to be placed in the current of commerce. Such term shall not include the transportation or delivery of Hass avocados by the producer thereof to a handler.

§ 1219.12 Hass avocado.

Hass avocado means the fruit grown in or imported into the United States of the species *Persea americana* Mill., or other type of avocados that, in the determination of the Board, with approval of the Secretary, is so similar to the Hass variety avocado as to be indistinguishable to consumers in fresh form. The term shall include all fruit in fresh, frozen, or any other processed form.

§ 1219.13 Hass Avocado Board.

Hass Avocado Board or the *Board* means the administrative body established pursuant to § 1219.40.

§ 1219.14 Importer.

Importer means any person who imports Hass avocados into the United States. The term includes a person who holds title to Hass avocados produced outside of the United States immediately upon release by Customs, as well as any person who acts on behalf of others, as an agent, broker, or consignee, to secure the release of Hass avocados from Customs and the introduction of the released Hass avocados into the current of commerce and who is listed in the import records of Customs as the importer of record for such Hass avocados.

§ 1219.15 Industry information.

Industry information means information, programs, and activities that are designed to increase efficiency in processing, enhance the development of new markets and marketing strategies, increase marketing efficiency, and enhance the image of Hass avocados and the Hass avocado industry in the United States.

§ 1219.16 Marketing.

Marketing means any activity related to the sale or other disposition of Hass avocados in any channel of commerce.

§ 1219.17 Order.

Order means this subpart.

§ 1219.18 Part and subpart.

Part means the Order and all rules, regulations, and supplemental orders issued pursuant to the Act and the Order. The Order itself shall be a *subpart* of such part.

§ 1219.19 Person.

Person means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or any other legal entity.

§ 1219.20 Producer.

Producer means any person who is engaged in the business of producing Hass avocados in the United States for commercial use, who owns, or shares the ownership and risk of loss, of such Hass avocados.

§ 1219.21 Programs, plans, and projects.

Programs, plans, and projects means those research, promotion, and information programs, plans, studies, or projects established pursuant to § 1219.50.

§ 1219.22 Promotion.

Promotion means any action to advance the image, desirability, or marketability of Hass avocados in the United States, including paid advertising, sales promotion, and publicity. Promotion activities are designed to improve the competitive position and stimulate sales of Hass avocados in the domestic marketplace.

§ 1219.23 Research.

Research means any type of test, study, or analysis relating to market research, market development, and market efforts, or relating to the use, quality, or nutritional value of Hass avocados, other related food science research, or research designed to advance the knowledge, image, desirability, usage, or marketability of Hass avocados in the United States.

§ 1219.24 Secretary.

Secretary means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

§ 1219.25 State.

State means any of the several 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, and the Federated States of Micronesia.

§ 1219.26 United States.

United States means collectively the several 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, and the Federated States of Micronesia.

Hass Avocado Board

§ 1219.30 Establishment and membership.

(a) A Hass Avocado Board, hereinafter called the Board, is hereby established to administer the terms and provisions of this subpart. The Board shall consist of 12 members nominated by the Hass avocado industry and appointed by the Secretary as provided in this subpart, each of whom shall have an alternate nominated and appointed in the same manner as members of the Board are nominated and appointed. Board members and alternates shall be domiciled in the United States.

(b) The membership of the Board shall be divided as follows:

(1) Seven members and their alternates shall be producers of Hass avocados that are subject to assessments under this subpart;

(2) Two members and their alternates shall be importers of Hass avocados that are subject to assessments under this subpart; and

(3) Three members shall be producers of Hass avocados that are subject to assessments under this subpart or importers of Hass avocados that are subject to assessments under this subpart. Producers and importers shall be allocated to these positions so as to assure as nearly as possible that the composition of the 12-member Board reflects the proportion of domestic production and imports supplying the United States market. Such proportion shall be based on the Secretary's determination of the average volume of domestic production and the average volume of imports into the United States market over the previous three years, based on all information available to the Secretary.

(c) Three years after the assessment of funds commences pursuant to this subpart, and at the end of each three-year period thereafter, the Board shall review the production of domestic Hass avocados in the United States and the volume of imported Hass avocados on the basis of the amount of assessments collected from producers and importers over the immediately preceding three-year period and, if warranted, recommend to the Secretary the reapportionment of the positions authorized in paragraph (b)(3) of this section to reflect changes in the proportion of domestic Hass avocado production to the volume of imported Hass avocados, to the extent possible in the Act. Any adjustment under this paragraph shall be subject to the review and approval of the Secretary.

(d) For purposes of this section, *importer* means a person who is involved in, as a substantial activity, the importation of Hass avocados for sale or marketing in the United States (either directly or as an agent, broker, or consignee of any person that produces Hass avocados outside of the United States for sale in the United States), who is subject to assessments under the Order, and who is listed by Customs as the importer of record for such Hass avocados. A substantial activity means that the volume of a person's Hass avocado imports must exceed the volume of the person's production or handling of domestic Hass avocados.

§ 1219.31 Initial nomination and appointment of producer members and alternates.

(a) The Association will nominate producer members and alternates to serve on the Board in accordance with the following procedures.

(1) Within 30 days of implementation of this subpart, the Association shall establish a list of producers in the United States who are eligible to serve on the Board and notify all producers that they may nominate persons to serve as members and alternates on the Board.

(2) After names are received from the producers, the Association shall prepare a ballot with the names of all persons nominated and mail it to all producers to allow them the opportunity to vote for the persons who will represent their interests on the Board.

(3) After tabulating the vote, the Association shall announce the results and submit two names for each producer member and two names for each alternate producer member to the Secretary from the persons receiving the highest number of votes.

(b) The Secretary shall select the producer members and alternates of the Board from the names submitted by the Association. Following the selection of the producer members, the Secretary shall select the alternate producer members. In selecting the alternate members, the Secretary shall consider the names submitted by the Association for each alternate member position along with the individuals whose names were submitted by the Association for each Board member position but were not selected for that position.

§ 1219.32 Initial nomination and appointment of importer members and alternates.

(a) The Department will conduct the nomination process for the initial importer members and alternates on the Board in accordance with the following procedures.

(1) Within 30 days of implementation of this subpart, the Department shall notify all known importers and importer organizations that they may nominate persons to serve as importer members and alternates on the Board.

(2) After names are received from the importers and importer organizations, the Department shall prepare a ballot with the names of all persons nominated and mail it to all known importers to allow them the opportunity to vote for the persons who will represent their interests on the Board.

(3) After tabulating the vote, the Department shall announce the results and submit two names for each importer member and two names for each alternate importer member to the Secretary from the persons receiving the highest number of votes.

(b) The Secretary shall select the importer members and alternates of the Board from the nominees elected by importers. Following the selection of the importer members, the Secretary shall select the alternate importer members. In selecting the alternate members, the Secretary shall consider the names for each alternate member position along with the individuals who were elected by importers for each Board member position but were not selected for that position.

§ 1219.33 Subsequent nomination and appointment of Board members and alternates.

The Board's staff shall announce at least 150 days in advance of the expiration of members' and alternates' terms that such terms are expiring and shall solicit nominations in accordance with procedures recommended by the Board and approved by the Secretary. Nominations for such positions should be submitted to the Secretary no less than 90 days prior to the expiration of the terms.

§ 1219.34 Failure to nominate.

In any case in which producers or importers fail to nominate individuals for appointment to the Board, the Secretary may appoint individuals to fill vacancies from the appropriate segments of the industry.

§ 1219.35 Term of office.

The members and alternate members of the Board shall serve for terms of three years, except the members of the initial Board shall serve terms as follows: Four members and four alternates shall serve for two-year terms; four members and four alternates shall serve for three-year terms; and four members and four alternates shall serve for four-year terms. No member shall serve more than two consecutive three-year terms. Members and alternates serving initial two-year or four-year terms may serve for one additional three-year term. A Board member may serve as an alternate during the years the member is ineligible for a member position. Each term of office will end on October 31, with new terms of office beginning on November 1.

§ 1219.36 Vacancies.

(a) In the event any member or alternate of the Board ceases to be a member of the category of members from which the member was appointed to the Board, such member or alternate shall be disqualified from serving on the Board and the position shall automatically become vacant.

(b) If a member of the Board consistently refuses to perform the duties of a member of the Board, or if a member of the Board engages in acts of dishonesty or willful misconduct, the Board may recommend to the Secretary that the member be removed from office. If the Secretary finds that the recommendation of the Board shows adequate cause, the member shall be removed from office.

(c) Should any Board member position become vacant in the event of the death, removal, resignation, or disqualification, the alternate of that member shall automatically assume the position of said member. The alternate shall serve until the end of the member's normal term. If there is no alternate member to assume the position of member, the successor member and alternate shall be nominated and selected in the manner specified in §§ 1219.31, 1219.32, or 1219.33.

(d) Should any alternate member become vacant in the event of death, removal, resignation, or disqualification, the Board may nominate persons to serve for the unexpired term of such alternate member. The nomination shall be conducted at a regularly scheduled Board meeting as soon as practicable after the vacancy occurs. The Board may solicit the names of nominees from producers and importers prior to the meeting and from the floor of the meeting. All nominees must meet the qualifications for nomination. The Board shall submit two nominees for each vacancy to the Secretary. A vacancy will not be required to be filled if the unexpired term is less than six months.

§ 1219.37 Alternate members.

An alternate member of the Board, during the absence of the member for whom the person is the alternate, shall act in the place and stead of such

member and perform such duties as assigned. In the event of the death, removal, resignation, or disqualification of any member, the alternate for that member shall automatically assume the position of said member. In the event that both a member of the Board and the alternate are unable to attend a meeting, the Board may not designate any other alternate to serve in such member's or alternate's place and stead for the meeting.

§ 1219.38 Powers and duties.

The Board shall have the following powers and duties in addition to the responsibilities and authorities specified in other sections of this subpart:

(a) To administer the Order in accordance with its terms and conditions and to collect assessments;

(b) To develop and recommend to the Secretary for approval such bylaws as may be necessary for the functioning of the Board and such rules as may be necessary to administer the Order, including activities authorized to be carried out under the Order;

(c) To meet, organize, and select from among the members of the Board a chairperson, other officers, committees, and subcommittees, at the start of each fiscal period, and at such other times as the Board determines to be appropriate;

(d) To recommend to the Secretary rules and regulations to effectuate the terms and conditions of this subpart;

(e) To employ such persons, other than the members, as the Board considers necessary to assist the Board in carrying out its duties and to determine the compensation and specify the duties of such persons;

(f) To appoint from its members an executive committee and to delegate to the committee authority to administer the terms and provisions of this subpart under the direction of the Board and within the policies determined by the Board and approved by the Secretary;

(g) To develop budgets for the implementation of this subpart and submit the budgets to the Secretary for approval and to propose and develop (or receive and evaluate), approve, and submit to the Secretary for approval programs, plans, and projects for Hass avocado promotion, industry information, consumer information, or related research;

(h) To develop and implement after the approval by the Secretary programs, plans, and projects for Hass avocado promotion, industry information, consumer information, or related research, to contract or enter into agreements with appropriate persons to implement the programs, plans, and projects, and to pay the costs of the implementation of contracts and agreements with funds collected under this subpart;

(i) To maintain such records and books and prepare and submit such reports and records from time to time to the Secretary as the Secretary may prescribe; to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it; and to keep records that accurately reflect the actions and transactions of the Board;

(j) To work to achieve an effective, continuous, and coordinated program of promotion, research, consumer information, and industry information designed to strengthen the Hass avocado industry's position in the domestic marketplace; to maintain and expand existing domestic markets and uses for Hass avocados; to create new domestic markets; and to carry out programs, plans, and projects designed to provide maximum benefits to the Hass avocado industry;

(k) To evaluate on-going and completed programs, plans, and projects for Hass avocado promotion, industry information, consumer information, or related research and to comply with the independent evaluation provisions of the Federal Agricultural Improvement and Reform Act of 1996 [7 U.S.C. 7401 *et seq.*];

(l) To receive, investigate, and report to the Secretary complaints of violations of the Order;

(m) To recommend to the Secretary amendments to this Order;

(n) To invest, pending disbursement under a program, plan, or project, funds collected through assessments authorized under this Act only in:

(1) Obligations of the United States or any agency of the United States;

(2) General obligations of any State or any political subdivision of a State;

(3) Any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(4) Obligations fully guaranteed as to principal and interest by the United States, except that income from any such invested funds may be used only for a purpose for which the invested funds may be used;

(o) To borrow funds necessary for the startup expenses of the Order;

(p) To cause the books of the Board to be audited by a qualified independent auditor at the end of each fiscal period and to submit a report of the audit directly to the Secretary;

(q) To give the Secretary the same notice of meetings and teleconferences of the Board and its committees as is given to members in order that the Secretary's representative(s) may attend or participate in the meetings;

(r) To act as intermediary between the Secretary and any producer, first handler, or importer;

(s) To periodically prepare and make public reports of its activities carried out, and at least once each fiscal period, to make public an accounting of funds received and expended; and

(t) To notify Hass avocado producers, first handlers, and importers of all Board meetings through news releases or other means.

§ 1219.39 Board procedure.

(a) At a properly convened meeting of the Board, seven (7) members, including alternates acting in place of members of the Board, shall constitute a quorum: *Provided*, that such alternates shall serve only when the member is absent from a meeting. Any action of the Board shall require the concurring votes of a majority of those present and voting. At assembled meetings, all votes shall be cast in person.

(b) In lieu of voting at a properly convened meeting and, when in the opinion of the chairperson of the Board such action is considered necessary, the Board may take action if supported by one vote more than 50 percent of the members by mail, telephone, electronic mail, facsimile, or other means of communication. Such alternative means for the Board taking action may be undertaken for various reasons. These reasons include the need to address matters of an emergency nature when there is not enough time to call an assembled meeting of the Board. All telephone votes shall be confirmed promptly in writing. In that event, all members must be notified and provided an opportunity to vote. Any action so taken shall have the same force and effect as though such action had been taken at a properly convened meeting of the Board. All votes shall be recorded in the Board minutes.

(c) All Board members and alternates and the Secretary will be notified at least 10 days in advance of all Board meetings, except the chairperson of the Board can waive the 10-day requirement in matters of an emergency nature.

(d) Each member of the Board will be entitled to one vote on any matter put to the Board, and the motion will carry if supported by one vote more than 50 percent of the total votes represented by the Board members present.

(e) There shall be no voting by proxy.

(f) The chairperson shall be a voting member of the Board.

§ 1219.40 Committee procedure.

(a) The Board may establish committees as deemed necessary to carry out the purposes and objectives of the Order.

(b) The chairperson of the Board shall appoint all committee chairpersons and shall appoint all members of each committee after consultation with the committee chairperson affected. Appointments are subject to approval by the Board and may be changed from time to time as determined by the chairperson of the Board with the concurrence of the Board.

(c) The chairperson of the Board may appoint committee members from among the Board members and alternates and from the industry in general.

(d) The rules and procedures under which committees conduct their activities shall be prescribed in the Board's bylaws.

(e) Committee members and the Secretary will be notified at least 10 days in advance of all committee meetings.

(f) It will be considered a quorum at a committee meeting when at least one more than half of those assigned to the committee are present.

(g) There shall be no voting by proxy on committees.

(h) The chairperson of the Board shall be an ex-officio member of all committees.

§ 1219.41 Compensation and expenses.

(a) The members and alternates of the Board and committee members shall serve without compensation but shall be reimbursed for reasonable out-of-pocket expenses, as approved by the Board, incurred by them in the performance of their duties.

(b) The Board shall have in place sufficient internal controls to prevent reimbursements or expenditures for unreasonable or otherwise controversial travel and meeting expenses.

§ 1219.42 Prohibited activities.

The Board may not engage in and shall prohibit its employees and agents from engaging in:

(a) Any action that would be a conflict of interest. For the purposes of this subpart, Board members and employees thereof must disclose any relationship with any organization or company that has a contract with the Board or operates a State promotion program. No member may vote on any matter in which the member or member's business entity has a financial interest.

(b) Using funds collected under this subpart for the purpose of influencing legislation or governmental action or policy, by local, national, and foreign governments, except to develop and make recommendations to the Secretary as provided for in this subpart.

(c) In a program, plan, or project conducted under this subpart:

(1) Making any reference to private brand names or making false, misleading, disparaging, or unwarranted claims on behalf of Hass avocados or

(2) Making any false, misleading, or disparaging statements with respect to the attributes or use of any agricultural product. This section shall not preclude the Board from offering its programs, plans, and projects for use by commercial parties under such terms and conditions as the Board may prescribe as approved by the Secretary.

(d) For the purposes of this section, a reference to State of origin or country of origin does not constitute a reference to a private brand name with regard to any funds credited to or disbursed by the Board to the Association or to any importer association established in accordance with § 1219.54.

Budgets, Expenses, and Assessments

§ 1219.50 Budgets, programs, plans, and projects.

(a) The Board shall submit to the Secretary, on a fiscal period basis, annual budgets of its anticipated expenses and disbursements of the Board in the administration of this subpart, including the projected costs of Hass avocado promotion, industry information, consumer information, and related research programs, plans, and projects. The first budget, which shall be submitted promptly after the effective date of this subpart, shall cover such period as may remain before the beginning of the next fiscal period. If such fiscal period is 90 days or less, the first budget shall cover such period, as well as the next fiscal period. Thereafter, the Board shall submit budgets for each succeeding fiscal period not less than 60 days before the beginning of such fiscal period.

(b) The Board shall receive and evaluate, or on its own initiative develop programs, plans and projects for Hass avocado promotion, industry information, consumer information as well as related research. The Board shall submit to the Secretary for approval any program, plan, or project authorized in this subpart. Such programs, plans or projects shall provide for:

(1) The establishment, implementation, issuance, effectuation, administration, and evaluation of appropriate programs, plans, or projects for advertising, sales promotion, other promotion, and consumer information with respect to Hass avocados directed toward increasing the general demand for Hass avocados in the United States. Funds shall be available as necessary to carry out this section;

(2) The establishment, implementation, issuance, effectuation, administration, and evaluation of appropriate programs, plans, and projects designed to strengthen the position of the Hass avocado industry in the domestic marketplace; to maintain, develop, and expand markets for Hass avocados in the United States; to lead to the development of new marketing strategies; to advance the image and desirability of, increase the efficiency of, and encourage further development of the Hass avocado industry; and to provide for the disbursement of necessary funds for the purposes described in this section;

(3) The establishment, implementation, issuance, effectuation, administration, and evaluation of programs, plans, and projects for marketing development research; research on the sale, distribution, marketing, use, quality, and nutritional value of Hass avocados; and other research with respect to Hass avocado marketing, promotion, industry information, or consumer information, including the creation of new products thereof. Information acquired from such plans and projects shall be disseminated as appropriate. Funds shall be available as necessary to carry out this section; and

(4) The Board to enter into contracts or make agreements for the development and carrying out of research, promotion, and information, and pay for the costs of such contracts or agreements with funds collected pursuant to § 1219.54.

(c) A budget, program, plan, or project for Hass avocados promotion, industry information, consumer information, or related research may not be implemented prior to approval of the budget, program, plan, or project by the Secretary. If the Secretary fails to provide notice to the Board or approval or disapproval of a budget, program, plan, or project within 45 days after receipt, such budget, program, plan, or project shall be deemed approved by the Secretary and may be implemented by the Board.

(d) The Board, from time to time, may seek advice and consult with experts from the production, import, wholesale, and retail segments of the Hass avocado industry to assist in the development of promotion, industry information, consumer information, and related research programs, plans, and projects. For these purposes, the Board may appoint special committees composed

of persons other than Board members. A committee so appointed shall consult directly with the Board.

(e) Programs must be conducted throughout the year to reflect the periods when imported and domestic Hass avocados are in the U.S. marketplace.

(f) The Board shall consult with both the Association and importer associations on programs, plans, and projects for generic promotions.

§ 1219.51 Contracts and agreements.

(a) The Board shall enter into a contract or an agreement with the Association for the implementation of programs, plans, or projects for promotion, industry information, consumer information, or related research with respect to Hass avocados and for the payment of the cost of the contract or agreement with funds received by the Board under this subpart. The Board may disburse such funds as necessary for these purposes after such programs, plans, or projects have been submitted to and approved by the Secretary.

(b) Any contract or agreement entered into shall provide that the contracting or agreeing party shall develop and submit to the Board a program, plan or project, together with a budget that includes the estimated costs to be incurred for the program, plan or project, and such program, plan or project shall become effective on the approval of the Secretary. For such contract or agreement, the contracting or agreeing party shall:

(1) Keep accurate records of all transactions of the party;

(2) Account for funds received and expended;

(3) Make periodic reports to the Board of activities conducted; and

(4) Make such other reports as the Board or the Secretary shall require.

(c) The Secretary may audit the records of the contracting or agreeing party periodically.

(d) Contractors and subcontractors are subject to the provisions of § 1219.42.

(e) The Board may enter into contracts or agreements for administrative services, including contracts for employment, as may be required to conduct its business. To the extent appropriate to the contract involved, contracts or agreements entered into by the Board under the authority of this section shall conform to the provisions described in § 1219.51(b).

§ 1219.52 Control of administrative costs.

(a) As soon as practicable after this subpart becomes effective and after consultation with the Secretary and other appropriate persons, the Board shall implement a system of cost controls based on normally accepted business practices to:

(1) Ensure that the costs incurred by the Board in administering this part in any fiscal period shall not exceed 10 percent of the projected level of assessments and other income received by the Board for generic promotion and research programs for that fiscal period; and

(2) Cover the minimum administrative activities and personnel needed to properly administer and enforce this subpart, and conduct, supervise, and evaluate programs, plans, and projects under this subpart.

(b) Reimbursements to the Secretary required under § 1219.53(b) are excluded from the limitation on spending.

(c) To the extent possible, the Board shall use the resources, staffs, and facilities of existing avocado organizations as provided in § 1219.54(a).

§ 1219.53 Budget and expenses.

(a) The Board is authorized to incur such expenses, including provision for a reasonable reserve for operating contingencies, as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. Such expenses shall be paid from funds received by the Board, including assessments, contributions from any person not subject to assessments under this subpart, and other funds available to the Board.

(b) The Board shall reimburse the Department:

(1) For expenses not to exceed $25,000 incurred by the Secretary in connection with any referendum conducted under the Act;

(2) For administrative costs incurred by the Secretary for supervisory work of up to two employee years annually after the Order or amendment to the Order has been issued and made effective; and

(3) For costs incurred by the Secretary in implementation of the Order, for enforcement of the Act and the order, for subsequent referenda conducted under the Act, and in defending the Board in litigation arising out of action taken by the Board or otherwise in defense of the Order.

(c) The Board shall establish and maintain the minimum level of annual administrative expenses necessary to efficiently and effectively carry out the programs authorized by the Act. The Board shall include its annual administrative expenses as a separate item in its annual report. The Board shall adhere to its fiduciary responsibilities and ensure that all monies are spent in accordance with the Act and the Order.

(d) With the approval of the Secretary, the Board may borrow money for the payment of administrative expenses, subject to the same fiscal, budget, and audit controls as other funds of the Board. Any funds borrowed by the Board shall be expended only for startup costs and capital outlays and are limited to the first period of operation of the Board.

(e) The Board may accept voluntary contributions, but these shall only be used to pay expenses incurred in the conduct of programs, plans, and projects. The contributions shall be free from any encumbrance by the donor, and the Board shall retain complete control of their use.

§ 1219.54 Assessments.

(a) Except as provided in § 1219.55, the initial rate of assessment shall be 2.5 cents per pound on fresh Hass avocados produced and handled in the United States and on fresh Hass avocados imported into the United States. An equivalent rate shall be assessed on processed and frozen Hass avocados on which an assessment has not been paid. Such equivalent rate will be assessed on processed or frozen Hass avocados upon the recommendation of the Board with the approval of the Secretary. The rate of assessment may be increased or decreased as recommended by the Board and approved by the Secretary. Such an increase or decrease may occur not more than once annually. Any change in the assessment rate shall be announced by the Board at least 30 days prior to going into effect and shall not be subject to a vote in a referendum. The maximum assessment rate authorized is 5 cents per pound. No more than one assessment shall be made on any Hass avocados.

(b) *Domestic assessments.* The collection of assessments on domestic Hass avocados will be the responsibility of the first handler.

(1) In the case of a producer acting as the producer's own first handler, the producer will be required to collect and remit the assessments due to the Board.

(2) Each first handler shall collect from the producer and pay to the Board an assessment of 2.5 cents per pound in accordance with this subpart. Assessments shall be remitted by each first handler to the Board or its agent within 30 days after the end of the month in which the sale or non-sale

transfer subject to assessment under this subpart took place.

(3) The first handler shall maintain a separate record of the domestic Hass avocados of each producer whose domestic Hass avocados are handled, including the domestic Hass avocados owned by the handler and domestic Hass avocados that are exported.

(4) Assessment of other types of fresh avocados may be added at the recommendation of the Board with the approval of the Secretary.

(c) *Import assessments.* Each importer of fresh Hass avocados shall pay an assessment to the Board through Customs on fresh Hass avocados imported for marketing in the United States.

(1) The assessment rate for imported fresh Hass avocados shall be the same or equivalent to the rate for fresh Hass avocados produced and handled in the United States.

(2) The import assessment shall be uniformly applied to imported fresh Hass avocados that are identified by the number 08–04.00.00.10 in the Harmonized Tariff Schedule of the United States or any other numbers to identify fresh Hass avocados. Assessments on other types of imported fresh avocados or on processed Hass avocados, such as prepared, preserved, or frozen Hass avocados or Hass avocado paste, puree, and oil will be added at the recommendation of the Board with the approval of the Secretary.

(3) The assessments due on imported Hass avocados shall be paid when they are released from custody by Customs and introduced into the stream of commerce in the United States.

(d) All assessment payments and reports will be submitted to the Board's office. All final payments for a crop year are to be received no later than November 30 of that year, unless the Board determines that assessments due from the first handler shall be paid to the Board at a different time and manner, with approval of the Secretary.

(e) A late payment charge prescribed by the Secretary shall be imposed on any first handler who fails to remit to the Board the total amount for which any such handler is liable on or before the due date. In addition to the late payment charge, an interest charge shall be imposed on the outstanding amount for which the handler is liable. The rate of interest shall be prescribed by the Secretary. The timeliness of a payment to the Board shall be based on the date the payment is actually received by the Board.

(f) Regulations issued by the Secretary may provide for different first handler payment schedules of assessments on domestic Hass avocados, so as to recognize differences in marketing or purchasing practices and procedures.

(g) Persons failing to remit total assessments due in a timely manner may also be subject to actions under federal debt collection procedures.

(h) The Board may authorize other organizations to collect assessments on its behalf with approval of the Secretary.

(i) The collection of assessments shall commence on or after a date established by the Secretary and shall continue until terminated by the Secretary. If the Board is not constituted on the date the first assessments are to be remitted, the Secretary shall have the authority to receive assessments on behalf of the Board and may hold such assessments in an interest-bearing account until the Board is constituted and the funds are transferred to the Board.

(j) To facilitate the payment of assessments under this section, the Board shall publish lists of first handlers required to remit assessments under this subpart and exempt handlers.

(k) The Association shall receive an amount of assessment funds equal to 85 percent of the assessments paid on Hass avocados produced in such State. Such funds shall be remitted to such State organization no later than 30 days after such funds are received by the Board. In addition, such funds and any proceeds from the investment of such funds shall be used by the Association to finance promotion, research, consumer information, and industry information programs, plans, and projects in the United States. However, no such funds shall be used for any administrative expenses incurred by the Association.

(l) An association of Hass avocado importers established pursuant to § 1219.58 shall receive an amount of assessment funds equal to 85 percent of the assessments paid on Hass avocados imported by its members. Such funds shall be remitted to such importer association no later than 30 days after such funds are received by the Board. In addition, such funds and any proceeds from the investment of such funds shall be used by the importer association to finance promotion, research, consumer information, and industry information programs, plans, and projects in the United States. However, no such funds shall be used for any administrative expenses incurred by the importer association.

(m) In general, assessment funds received by the Board shall be used:

(1) For payment of costs incurred in implementing and administering this subpart;

(2) To provide for a reasonable reserve to be maintained from assessments to be available for contingencies; and

(3) To cover the administrative costs incurred by the Secretary in implementing and administering this Act, as set forth in § 1219.53(b).

(n) The Board may establish an operating monetary reserve which may carry over to subsequent fiscal periods: *Provided that,* the funds in the reserve do not exceed one fiscal period's budget. Subject to approval by the Secretary, reserve funds may be used to defray any expenses authorized under this part.

§ 1219.55 Exemption from assessment.

(a) Any sale of Hass avocados for export from the United States is exempt from assessment.

(b) The Board may require persons receiving an exemption from assessments to provide to the Board reports on the disposition of exempt Hass avocados.

§ 1219.56 Adjustments of accounts.

Whenever the Board or the Secretary determines through an audit of a person's reports, records, books, or accounts or by some other means that additional money is due to the Board, the person shall be notified of the amount due. The person shall then remit any amount due the Board by the next date for remitting assessments. Overpayments shall be credited to the account of the person remitting the overpayment and shall be applied against any amounts due in succeeding months unless the person requests a refund of the overpayment.

§ 1219.57 Patents, copyrights, trademarks, publications, and product formulations.

(a) Any patents, copyrights, trademarks, inventions, information, publications, and product formulations developed through the use of funds received by the Board under this subpart shall be the property of the U.S. Government as represented by the Board, and shall, along with any rents, royalties, residual payments, or other income from the rental, sale, leasing, franchising, or other uses of such patents, copyrights, trademarks, inventions, information, publications, or product formulations, inure to the benefit of the Board; shall be considered income subject to the same fiscal, budget, and audit controls as other funds of the Board; and may be licensed subject to approval of the Secretary. Section 1219.72 describes the procedures for termination.

(b) Should patents, copyrights, trademarks, inventions, publications, or

product formulations be developed through the use of funds collected by the Board under this subpart and funds contributed by another organization or person, ownership and related rights to such patents, copyrights, trademarks, inventions, publications, or product formulations shall be determined by agreement between the Board and the party contributing funds towards the development of such patent, copyright, trademark, invention, publication, or product formulation in a manner consistent with paragraph (a) of this section.

§ 1219.58 Importer associations.

(a) An association of avocado importers is eligible to receive assessment funds and any proceeds from the investment of such funds only if such importer association is:

(1) Established pursuant to State law that requires detailed State regulation comparable to that applicable to the State organization of domestic avocado producers, as determined by the Secretary; or

(2) Certified by the Secretary as meeting the requirements applicable to the Board as to its operations and obligations, including budgets, programs, plans, projects, audits, conflicts of interest, and reimbursements for administrative costs incurred by the Secretary.

(b) An importer association may represent any importers of Hass avocados including importers of Hass avocados from a particular foreign country. An importer association may be composed of importers as well as representatives of foreign avocado exporting industries. An importer association should establish it own bylaws and may use existing organizations for the establishment of the association and coordination of the association's promotion and research efforts.

(c) For the purposes of the Order, the information required for certification of the importer associations by the Secretary may include, but is not limited to, the following:

(1) Evidence of incorporation under any state law with all appropriate legal requirements;

(2) Evidence that the association is composed of importers that are located in any state and subject to assessments under the Order, no matter where the association has been incorporated or in which state the importers reside;

(3) Certification of the association's ability and willingness to further the aims and objectives of the Order;

(4) Evidence of stability and permanency; and

(5) A description of the functions of the association.

Books, Records and Reports

§ 1219.60 Reports.

(a) Each first handler of domestic Hass avocados, producer, and importer subject to this subpart shall report to the administrative staff of the Board, at such times and in such manner as the Board may prescribe, such information as may be necessary for the Board to perform its duties.

(b) First handler reports shall include, but shall not be limited to, the following:

(1) Number of pounds of domestic Hass avocados received during the reporting period;

(2) Number of pounds on which assessments were collected;

(3) Assessments collected during the reporting period;

(4) Name and address of person(s) from whom the first handler collected the assessments on each pound handled;

(5) Date collection was made on each pound handled;

(6) Record of assessments paid, including a statement from the handler that assessments have been paid on all domestic Hass avocados handled during the reporting period; and

(7) Number of pounds exported.

(c) Each importer subject to this subpart may be required to report the following:

(1) Number of pounds of Hass avocados imported during the reporting period;

(2) Number of pounds on which an assessment was paid;

(3) Name and address of the importer;

(4) Date collection was made on each pound imported and to whom payment was made; and

(5) Record of each importation of Hass avocados during such period, giving quantity, variety, date, and port of entry.

§ 1219.61 Books and records.

Each producer, first handler, and importer subject to this subpart shall maintain and make available for inspection by the employees and agents of the Board and the Secretary, such books and records as are necessary to carry out the provisions of this subpart, and the regulations issued thereunder, including such records as are necessary to verify any reports required. Books and records shall be retained for at least two years beyond the fiscal period of their applicability.

§ 1219.62 Books and records of the Board.

(a) The Board shall maintain such books and records as the Secretary may require. Such books and records shall be made available upon request by the Secretary for inspection and audit.

(b) The Board shall prepare and submit to the Secretary, from time to time, such reports as the Secretary may require.

(c) The Board shall account for the receipt and disbursement of all the funds entrusted to the Board.

(d) The Board shall cause the books and records of the Board to be audited by an independent auditor at the end of each fiscal period. A report of each audit shall be submitted to the Secretary.

§ 1219.63 Confidential treatment.

(a) All information obtained from the books, records, or reports under this Act, this subpart, and the regulations issued thereunder shall be kept confidential and shall not be disclosed to the public by any person, including all current and former officers, employees, staff and agents of the Department, the Board, and contracting and subcontracting agencies or agreeing parties having access to such information. Only those persons having a specific need for such information to effectively administer the provisions of this subpart shall have access to such information. Only such information so obtained as the Secretary deems relevant shall be disclosed, and then only in a judicial proceeding or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this subpart. Nothing in this subpart shall be deemed to prohibit:

(1) The issuance of general statements based upon the reports of the number of persons subject to this subpart or statistical data collected from such reports, if such statements do not identify the information furnished by any person; or

(2) The publication, by direction of the Secretary, of the name of any person who has been adjudged to have violated this subpart, together with a statement of the particular provisions of this subpart violated by such person.

(b) Any disclosure of any confidential information by any employee or agent of the Board shall be considered willful misconduct.

(c) No information on how a person voted in a referendum conducted under the Act shall be made public.

§ 1219.64 List of importers.

The administrative staff of the Board shall periodically review the list of importers of Hass avocados to determine

whether persons on the list are subject to this subpart.

§ 1219.65 List of producers.

The administrative staff of the Board shall periodically review the list of producers of Hass avocados to determine whether the persons on the list of subject to this subpart. On the request of the Secretary or the Board, the Association shall provide to the Secretary or the administrative staff of the Board the list of producers of Hass avocados.

Miscellaneous

§ 1219.70 Right of the Secretary.

All fiscal matters, programs, plans, and projects, contracts, rules or regulations, reports, or other substantive actions proposed and prepared by the Board shall be submitted to the Secretary for approval.

§ 1219.71 Suspension or termination.

(a) The Secretary shall suspend or terminate this part or subpart or a provision thereof if the Secretary finds that the part or subpart or a provision thereof obstructs or does not tend to effectuate the purposes of the Act, or if the Secretary determines that this part or subpart or a provision thereof is not favored by persons voting in a referendum conducted pursuant to the Order or the Act.

(b) The Secretary shall suspend or terminate this subpart at the end of the marketing year whenever the Secretary determines that its suspension or termination is approved or favored by a majority of the producers and importers voting who, during a representative period determined by the Secretary, have been engaged in the production or importation of Hass avocados.

(c) If, as a result of a referendum, the Secretary determines that this subpart is not approved, the Secretary shall:

(1) Suspend or terminate, as appropriate, the collection of assessments not later than 180 days after making such determination; and

(2) Suspend or terminate, as appropriate, all activities under this subpart in an orderly manner as soon as practicable.

§ 1219.72 Proceedings after termination.

(a) Upon the termination of this subpart, the Board shall recommend to the Secretary not more than five of its members to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all of the funds and property owned, in possession of or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to the Order;

(3) From time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and

(4) Upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such persons title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to the Order.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to the Order shall be subject to the same obligations imposed upon the Board and the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be returned to the persons who contributed such funds, or paid assessments, or, if not practicable, shall be turned over to the Secretary to be distributed to authorized Hass avocado producer and importer organizations in the interest of continuing Hass avocado promotion, research, and information programs.

§ 1219.73 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued thereunder, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any such rule or regulation issued thereunder; or

(b) Release or extinguish any violation of this subpart or of any rule or regulation issued thereunder; or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary or of any person, with respect to any such violation.

§ 1219.74 Personal liability.

No member, alternate member, employee, or agent of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of Association or omission, as such member, alternate, employee, or agent, except for acts of dishonesty or willful misconduct.

§ 1219.75 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this subpart, or the applicability thereof to other persons or circumstances shall not be affected thereby.

§ 1219.76 Amendments.

Amendments to this subpart may be proposed, from time to time, by the Board or by any interested persons affected by the provisions of the Act, including the Secretary. Except for changes in the assessment rate, the provisions of the Act applicable to the Order are applicable to any amendment of the Order.

§ 1219.77 OMB control number.

The control number assigned to the information collection requirements in this part by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, is OMB control number 0581–0197.

Dated: February 12, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–3797 Filed 2–13–02; 2:00 pm]

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DEPARTMENT OF JUSTICE

8 CFR Parts 3 and 280

[AG Order No. 2559–2002]

RIN 1125–AA36; EOIR 131P

Board of Immigration Appeals: Procedural Reforms To Improve Case Management

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Proposed rule.

SUMMARY: This proposed rule will revise the structure and procedures of the Board of Immigration Appeals, provide for an enhanced case management procedure, and expand the number of cases referred to a single Board member for disposition. These procedures are intended to reduce delays in the review process, enable the Board to keep up with its caseload and reduce the existing backlog of cases, and allow the Board to focus more attention on those

cases presenting significant issues for resolution by a three-member panel. After a transition period to implement the new procedures in order to reduce the Board's backlog of pending cases, the size of the Board will be reduced to eleven.

DATES: Written comments must be submitted on or before March 21, 2002.

ADDRESSES: Please submit written comments to Charles K. Adkins-Blanch, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, VA 22041; telephone (703) 305–0470.

FOR FURTHER INFORMATION CONTACT: Charles K. Adkins-Blanch, (703) 305–0470.

SUPPLEMENTARY INFORMATION: This proposed rule will reform the structure and procedures of the Board of Immigration Appeals. Under the new case management procedures, all cases appealed to the Board will be examined by a Board member assigned to the screening panel. Most cases will be resolved through summary decisions issued by a single Board member. The assigned Board member on the screening panel will also identify those cases that warrant review by a three-member panel. The Board will no longer revisit factual determinations of immigration judges on a de novo basis, but will be able to remand cases for further factfinding where necessary. In addition, the rule will set specific time limits for the disposition of cases. The Board's current jurisdiction over appeals from decisions by the Immigration and Naturalization Service (INS) imposing various kinds of administrative fines (see 8 CFR 280) will be transferred to the Office of the Chief Administrative Hearing Officer (OCAHO). After a transition period of operation under the new procedures to eliminate the current backlog of cases, the Board will be reduced in size to eleven members from its present size of 19 members plus four vacancies.

Background

In 1983, the Attorney General created the Executive Office for Immigration Review (EOIR). This reorganization consolidated the Department's immigration review programs by placing the immigration judges (formerly known as special inquiry officers within INS) and the Board of Immigration Appeals into EOIR, a Department component independent from INS. The Board has broad jurisdiction over appeals from decisions of the immigration judges in exclusion, deportation, and removal proceedings, custody appeals, asylum cases, and other specific matters, and it also has authority to review certain final decisions by INS district directors and other officials. *See* 8 CFR part 3, subpart A. Decisions by the Board are subject to review by the Attorney General as provided in 8 CFR 3.1(h).

In 1987, the Attorney General also placed in EOIR the Office of the Chief Administrative Hearing Officer (OCAHO), in order to house similar quasi-judicial administrative adjudications within a single Departmental organization. OCAHO currently adjudicates certain civil penalty proceedings under sections 274A, 274B, and 274C of the Immigration and Nationality Act (Act), relating to violations of the employment verification requirements, immigration-related discrimination claims, and civil document fraud cases, respectively. *See* 28 CFR 68.

Description of the proposed rule

This reform initiative is intended to accomplish four important objectives in the disposition of immigration case appeals: (1) Eliminating the current backlog of cases pending before the Board; (2) Eliminating unwarranted delays in the adjudication of administrative appeals; (3) Utilizing the resources of the Board more efficiently; and (4) Allowing more resources to be allocated to the resolution of those cases that present difficult or controversial legal questions—cases that are most appropriate for searching appellate review.

Under its current structure and procedures, the Board has been unable to adjudicate incoming cases quickly enough to eliminate the unacceptable backlog that has existed for several years. Numerous cases have languished before the Board for more than two years, some for more than five years, frustrating efforts to achieve timely resolution of immigration disputes.

Since 1995, the problem of the mounting backlog of cases has been addressed by incremental increases in the size of the Board. However, in retrospect, it is now clear that the addition of new Board members has not appreciably reduced the backlog of cases. The problem is not one of personnel. Rather, the problem is rooted in the structure and procedures of the Board, which make it nearly impossible for Board members to accomplish their mission. The devotion of the Board's time and resources to cases that present no colorable grounds for appeal has made it extremely difficult to address in a timely manner those cases that most need the Board's review.

The one change in the Board's procedures that has produced positive results in recent years is the streamlining initiative, which allows for summary decisions by a single Board member in several categories of appeals. *See* 64 FR 56135 (Oct. 18, 1999). The Board's existing streamlining process is currently codified at 8 CFR 3.1(a)(7), and would be recodified in this proposed rule at § 3.1(e)(4). The streamlining project has successfully expedited such appeals, and the project was recently assessed favorably by an external auditor. The proposed rule builds upon the success of the streamlining model, expanding the single-member resolution of appeals more broadly for appeals that present no difficult or controversial legal questions. The authority of individual Board members to resolve such cases in expedited fashion is a critical component of the two-phase structure of Board consideration of cases, summarized below.

The proposed rule contains amendments to 8 CFR part 3, subpart A, which combine to substantially alter the structure, procedures, and charge of the Board. These changes may be summarized as follows.

Many of the key features of the proposed rule are codified in the new provisions of § 3.1(e), which directs the Chairman to establish a case management system with specific new standards for the efficient and expeditious resolution of all appeals coming before the Board.

Under § 3.1(e)(1), all appeals will be sent initially to a screening panel of the Board, through which individual Board members will decide the majority of cases. The initial determination is whether the case is appropriate for disposition on the merits. The Board's existing regulations at § 3.1(d)(2) already provide for summary dismissal of appeals for lack of jurisdiction or other specified procedural defaults. That authority is retained in this rule and, as discussed below, this rule also restores a pre-existing ground for summary dismissal of appeals that are filed for an improper purpose or that lack an arguable basis in fact or in law. Section 3.1(e)(2) of the proposed rule reflects the authority currently codified in § 3.1(a)(1) for a single Board member to make various procedural dispositions of cases.

The Board's case management system will arrange for prompt completion of the record on appeal, including simultaneous briefing by the parties, as discussed further below. With each such appeal, as provided in § 3.1(e)(3) of the proposed rule, a single Board member assigned to the screening panel will decide every case, unless the Board

member determines that the case is appropriate for review by a three-member panel under the standards of this rule. A single Board member may summarily affirm without opinion under § 3.1(e)(4), which is very similar to the authority under the Board's existing streamlining regulation. However, the current streamlining process is limited to summary affirmances without opinion; under the existing rules any final decision on the merits that may require a written order to explain the Board's reasoning in affirming, reversing, modifying, or remanding a decision under review must be made by a three-member panel, regardless of whether the issues themselves are substantial. Accordingly, § 3.1(e)(5) would expand the existing streamlining authority to authorize a single Board member to issue a brief order affirming, reversing, modifying, or remanding a decision under review in those cases that do not meet the standards warranting review by a three-member panel. The choice between summary affirmance without opinion and the issuance of a brief order explaining the Board's disposition of the case on the merits would be made on a case-by-case basis after review by the individual Board members to which the cases are assigned.

As the proposed rule stipulates in § 3.1(e)(6), five categories of cases will qualify for review by a three-member panel. To qualify, a case must present one of the following: (1) The need to settle inconsistencies between the rulings of different immigration judges; (2) the need to establish a precedent to clarify ambiguous laws, regulations, or procedures; (3) the need to correct a decision by an immigration judge or by the INS that is plainly not in conformity with the law or with applicable precedents; (4) the need to resolve a case or controversy of major national import; or (5) the need to correct a clearly erroneous factual determination by an immigration judge. The efficient disposition by single Board members of cases that do not present such circumstances will allow the three-member panels to focus their attention and resources on those cases that warrant greater appellate scrutiny.

To facilitate the screening process, this rule amends § 3.3(b) to provide that an appellant who asserts that an appeal warrants review by a three-member panel must identify in the Notice of Appeal the specific factual or legal basis for that contention. Since the usual rule under § 3.1(e)(3) is that all appeals will be assigned to a single Board member for review except as provided in § 3.1(e)(6), the decision in each case whether to assign an appeal to a three-member panel will be made, after consideration of the case, under the standards of this rule according to the judgment of the single Board member on the screening panel to whom the appeal is assigned.

The existing provisions of 8 CFR 3.2(b)(3) already bar a motion for reconsideration based solely on the ground that a case should not have been affirmed without opinion by a single Board member or by a panel. This rule adds an additional sentence to § 3.2(i) (Ruling on motion) to provide that any motion for reconsideration or reopening of a decision issued by a single Board member will be referred to the screening panel for disposition by a single Board member, unless the screening panel member determines, in the exercise of judgment, that the motion for reconsideration or reopening is appropriate for assignment to a three-member panel under the standards of § 3.1(e)(6).

Section 3.1(e)(7) reflects the current authority of the Board to grant or deny requests for oral argument, but it also makes clear that no oral argument will be available in any case assigned to a single Board member for disposition.

In § 3.1(e)(8), as well as §§ 3.3 and 3.5, the proposed rule establishes a series of time limits to expedite the handling of cases by the Board. As proposed in § 3.3(a), a party appealing a decision of an immigration judge or a decision of the Service will have 30 days in which the party may file a notice of appeal. For cases requiring the transcription of the immigration judge's oral opinion, the immigration judge must complete his or her review of the transcript within 14 days after completion, as provided in § 3.5(a), with limited exceptions. After the transcripts are made available to the parties, the parties must simultaneously brief the case within a 21-day period, with reply briefs allowed only by leave of the Board.

After the briefs are submitted, the screening panel of the Board will have 90 days in which a single Board member must either decide the case or designate the case for review by a three-member panel. Once a case is selected for panel review, the panel considering the case must render its decision and opinion within 180 days. In any case, § 3.1(e) directs the Board to assign priority to deciding cases or custody appeals involving detained aliens.

If the Board member who is the author of an opinion for the panel majority is unable to complete the opinion within the 180-day period, § 3.1(e)(8)(ii) of the proposed rule allows the Board member to request an extension of up to 60 days from the Chairman. In order to prevent the delay of the issuance of Board decisions due to uncompleted dissenting or concurring opinions, the proposed rule also requires any dissenting or concurring member of a panel whose separate opinion is not finished at the conclusion of the 180-day period to request an extension of up to 60 days from the Chairman.

If, at the end of the 60-day period, the opinion of the panel majority is still not completed, the Chairman must either decide the case himself and render an opinion within 14 days or refer the case to the Attorney General for a decision. If a dissenting or concurring panel member fails to complete his opinion by the end of the extension period, the decision of the majority will be rendered without his dissent or concurrence attached.

In rare circumstances, when the outcome of a case before the Board may be substantially affected by pending or anticipated litigation before the United States Supreme Court or a United States Court of Appeals, the Chairman may hold the case or group of cases until such decision is rendered, temporarily suspending the time limits described above, as provided in § 3.1(e)(8)(iii).

The proposed rule at § 3.1(e)(8)(iv) also directs the Chairman to notify the Director of EOIR and the Attorney General if any Board member repeatedly fails to meet the assigned deadlines for the disposition of appeals, and to prepare an annual review concerning the timeliness of dispositions by each Board member. Although EOIR has not conducted annual performance reviews for Board members in the recent past—in general, as a reflection of the decisional independence of the Board as to the substantive disposition of appeals—it is appropriate for EOIR to begin to track the timeliness of dispositions of cases under the new case management procedures that incorporate specific performance measures. As this language suggests, the provisions of paragraph (e)(8) establishing time limits for the adjudication of appeals reflect a management directive in favor of timely dispositions, but do not affect the validity of any decision issued by the Board nor create any justiciable right or remedy.

The proposed rule also adds a new § 3.1(d)(3) to eliminate the Board's de novo review of factual issues. Under the proposed rule, the Board must accept the factual findings of the immigration judges, disturbing them only if they are ''clearly erroneous.'' This provision also generally prohibits the introduction and

consideration of new evidence in proceedings before the Board, except for taking administrative notice of current events or the contents of official documents such as country condition reports prepared by the Department of State. Where it is established that an appeal cannot be properly resolved without further findings of fact, the Board will remand the proceeding to the immigration judge or, where appropriate, the INS.

By deleting the existing § 3.1(b)(4), the proposed rule eliminates the Board's jurisdiction over appeals of INS decisions imposing various kinds of administrative fines under part 280 and transfers that review authority to the Chief Administrative Hearing Officer. Although the various administrative fine cases administered under part 280 (for example, a $3,300 fine against an air carrier under section 273 of the Act for transporting to the United States an alien lacking a proper passport or visa) are different than the civil penalty actions currently adjudicated within OCAHO (which are handled by administrative law judges rather than immigration judges), the appellate reviewing role by the Chief Administrative Hearing Officer would nevertheless be much the same since each of the cases involves only the imposition of a specific administrative fine or civil penalty. Accordingly, the proposed rule adds a new provision, 8 CFR 280.61, for review of administrative fines imposed by the Service under part 280. This provision is modeled on the existing provisions for review by the Chief Administrative Hearing Officer of civil money penalties under 28 CFR 68.54, and the Board's existing procedures in § 3.1, 3.3, and 3.5 for the consideration of appeals. Consistent with the time limits for a single Board member to review cases under the proposed rule, the Chief Administrative Hearing Officer will be allowed 90 days to decide the appeal after the completion of the record on appeal. After transfer of appellate jurisdiction from the Board to the Chief Administrative Hearing Officer, the existing precedent decisions issued by the Board in administrative fine cases would continue to be binding except as specifically modified or overruled in new precedent decisions by the Chief Administrative Hearing Officer or by the Attorney General. Decisions of the Chief Administrative Hearing Officer in administrative fine cases under part 280 will be subject to review by the Attorney General under the same procedures as for the Board.

The proposed rule reflects the Attorney General's direction that, once this rule is adopted in final form, the Board will immediately implement the procedural and structural changes described above with respect to all appeals pending before the Board at the time this rule takes effect. During a transition period of 180 days, the Members of the Board are directed to apply these procedures to render opinions expeditiously and particularly to dispose of the oldest cases, so as to reduce the number of pending cases before the Board by the end of the transition period so that no case remains pending more than ten months after the record on appeal was completed. The Chairman may allocate Board members to the screening panel and to three-member panels as may be deemed appropriate to accomplish this objective.

In amendments to § 3.1(a)(1), the proposed rule stipulates that, after the transition period of 180 days has elapsed, the final structural reform of the Board will occur. The number of Board members will be reduced to eleven, with the Attorney General designating the membership of the Board. The Chairman will continue to have the authority to allocate Board members to a screening panel and to three-member panels as may be deemed appropriate for the efficient adjudication of appeals.

In addition to the foregoing changes, the Department is making other modifications to the Board's rules in relation to two other recent rulemaking actions.

First, as noted above, the rule will restore as a ground for summary dismissal the fact that an appeal that is filed for an improper purpose, such as delay, or that lack an arguable basis in fact or in law. That provision, previously codified at § 3.1(d)(1–a)(i)(D) of the Board's rules, and now to be reinstated as § 3.1(d)(2)(i)(D), had been promulgated in response to the statutory directive, first enacted in the Immigration Act of 1990, requiring the Attorney General to specify the circumstances under which an administrative appeal will be considered frivolous and will be summarily dismissed. See section 240(f) of the Act (8 U.S.C. 1229a(f)); former section 242B(d) of the Act (8 U.S.C. 1252b(d) (as in effect prior to April 1, 1997). However, at the time the streamlining initiative was adopted in 1999, EOIR deleted this provision from the Board's rules, citing (1) the fact that this summary dismissal authority was ''virtually never used by the Board,'' and (2) a concern that retaining this authority might lead to confusion with the new process for summary affirmance without opinion. *See* 64 FR 56135, 56137 (Oct. 18, 1999).

On reflection, the Department believes that this paragraph (D) should be retained, in view of the statutory direction for the Attorney General to define cases that are to be summarily dismissed as frivolous. Summary dismissal of appeals that are determined to be frivolous is distinct from a summary affirmance without opinion. The Board's streamlining process is a very effective and valuable process, but it is not a substitute for dealing with appeals that are filed for an improper purpose or that patently lack any factual or legal basis. Simply affirming ''paragraph (D)'' appeals on the merits, without making any effort to identify the frivolous nature of particular appeals, would do little or nothing to deter particular attorneys or representatives from filing future appeals for an improper purpose in other cases. This is particularly true if a primary purpose of the appeal was to gain some additional time through delay—because it would have succeeded in that regard. Although the Board would make a determination that an appeal was frivolous only after completion of its review, each such frivolous appeal requires the preparation of transcripts, opportunity for briefing, review by a Board attorney and a Board member, etc. Even if only a small percentage of the 28,000 appeals filed each year with the Board may be found to be ''frivolous'' within the meaning of paragraph (D), that still amounts to a significant number of cases imposing a substantial aggregate burden on the Board—a burden that the Board should not be expected to bear, given its very large caseload. The Board's screening panel will be expected to implement this process as part of the case management screening of cases.

The EOIR disciplinary rules do specify similar grounds for the imposition of disciplinary sanctions on an attorney or representative. *See* 8 CFR § 3.102(j)(2001), previously codified at § 292.3(a)(15). This existing sanction has apparently not been actively enforced through the disciplinary process. One likely reason for this is that there is no ready mechanism in place for the Board to identify such frivolous appeals. If the Board begins to identify certain appeals as frivolous under the standards of paragraph (D), then the EOIR disciplinary counsel would be able to develop a factual record of such findings in order to support appropriate disciplinary action against attorneys or

representatives who may be identified as repeat offenders.[1]

Second, the Department notes that former Attorney General Reno had published a proposed rule to clarify and strengthen the management authority of the Director of EOIR, the Chairman of the Board, and the Chief Immigration Judge with respect to the efficient disposition of cases pending before the Board and the immigration judges. *See* 65 FR 81434 (Dec. 26, 2000). Among other things, that earlier proposed rule enumerated specific authorities of the Chairman and defined more clearly the role of the Board and the standards governing its proceedings. That proposed rule has not been finalized and remains pending; its provisions were also organized differently than the present proposal. However, because the present proposed rule in some respects overlaps with or complements the previously published proposal, the present proposed rule incorporates some of the provisions that had previously been proposed (certain provisions in § 3.1(a)(1), (a)(2), (a)(3), and (a)(11) of the December 2000 proposal) into § 3.1(a)(2) and (d)(1) of this rule. As reorganized, the provisions of § 3.1(a) focus principally on organizational and procedural matters, and the powers of the Board are set forth in § 3.1(d).

Finally, the proposed rule adds a sentence in § 3.1(a)(5) to the Board's rule on rehearing en banc, taken from Federal Rule of Appellate Procedure 35(a) with respect to rehearing en banc in the courts of appeals, providing that rehearing en banc is disfavored and shall ordinarily be ordered only for questions of exceptional importance or to secure or maintain the uniformity of the Board's decisions. In addition, the proposed rule eliminates the provision of the existing regulations, in § 3.1(a)(4)(ii), for the use of a limited en banc panel nine members. That provision was added at a time when the Board's membership was rapidly expanding. It was rarely used in practice and, in any event, it no longer serves any purpose in view of the decision to reduce the size of the Board to eleven members.

[1] The Board's existing rules already contemplate this kind of reporting process with respect to *other* kinds of appeals that are summarily dismissed because the Board lacks jurisdiction or some other procedural default; § 3.1(d)(2)(iii) provides that the filing of an appeal that is summarily dismissed under § 3.1(d)(2)(i) ''may constitute frivolous behavior under § 3.102(j).'' However, since former ''paragraph (D)'' has been deleted from the summary dismissal grounds in § 3.1(d)(2)(i), there is no similar process for identifying appeals that were filed for an improper purpose and tying that result specifically to the disciplinary rules.

In summary, the proposed rule will restructure the Board to better accomplish its missions of reviewing immigration appeals in a timely and impartial manner, and providing guidance to immigration judges, the INS, and the public on the proper interpretation and administration of the Immigration and Nationality Act and related regulations. The proposed rule will allow the Board to decide simple cases in an expeditious manner, saving time and resources for those cases that most require searching review. The result will be a more efficient body that applies appropriate standards of appellate review to better serve the Department of Justice, the immigrant community, and the country.

Regulatory Flexibility Act

The Attorney General, in accordance with 5 U.S.C. 605(b), has reviewed this proposed rule and, by approving it, certifies that it will affect only Departmental employees, and aliens or their representatives who appear in proceedings before the Board of Immigration Appeals. Therefore, this proposed rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This proposed 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, and it 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 proposed rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. § 804. This rule will not result in an annual effect on the economy of $100 million 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.

Executive Order 12866

This proposed rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department has determined that this proposed rule is a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review. Accordingly, this rule has been submitted to the Office of Management and Budget for review.

Executive Order 13132

This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, the Department of Justice has determined that this rule does not have sufficient federalism implications to warrant a federalism summary impact statement.

Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Plain Language Instructions

We try to write clearly. If you can suggest how to improve the clarity of these regulations, call or write Charles K. Adkins-Blanch, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, VA 22041; telephone (703) 305–0470.

List of Subjects

8 CFR Part 3

Aliens, Immigration.

8 CFR 280

Aliens, Fines and penalties.

Accordingly, for the reasons set forth in the preamble, part 3 and part 280 of chapter I of title 8 of the Code of Federal Regulations are proposed to be amended as follows:

PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

1. The authority citation for 8 CFR part 3 continues to read as follows:

Authority: 5 U.S.C. 301; 8 U.S.C. 1103, 1252 note, 1252b, 1324b, 1362; 28 U.S.C. 509, 510, 1746; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., p. 1002.

2. Amend § 3.1 by:

a. Revising the heading;

b. Revising paragraphs (a)(1) through (6) and paragraph (b) introductory text;

c. Removing and reserving paragraph (b)(4);

d. Revising paragraphs (d)(1), (d)(2)(i) introductory text, (d)(2)(ii), (d)(2)(iii), and (d)(3);

e. Redesignating paragraphs (d)(2)(i)(D) through (G) as paragraphs (d)(2)(i)(E) through (H), respectively, and adding a new paragraph (d)(2)(i)(D);

f. Revising paragraph (d)(4) and adding paragraph (d)(5); and

g. Revising paragraphs (e) and (g), to read as follows:

Subpart A—Board of Immigration Appeals

§ 3.1 Organization, jurisdiction, and powers of the Board of Immigration Appeals.

(a)(1) *Organization*. There shall be in the Department of Justice a Board of Immigration Appeals, subject to the general supervision of the Director, Executive Office for Immigration Review (EOIR). The Board members shall be attorneys appointed by the Attorney General to act as the Attorney General's delegates in the cases that come before them. Within six months of the implementation of the case management screening system as provided in paragraph (e) of this section, or such other time as may be specified by the Attorney General, the Board shall be reduced to eleven members as designated by the Attorney General. A vacancy, or the absence or unavailability of a Board member, shall not impair the right of the remaining members to exercise all the powers of the Board.

(2) *Chairman*. The Attorney General shall designate one of the Board members to serve as Chairman. The Attorney General may designate a Vice Chairman to assist the Chairman in the performance of his duties and to exercise all of the powers and duties of the Chairman in the absence or unavailability of the Chairman.

(i) The Chairman, subject to the supervision of the Director, shall direct, supervise, and establish internal operating procedures and policies of the Board. The Chairman shall have authority to:

(A) Issue operational instructions and policy, including procedural instructions regarding the implementation of new statutory or regulatory authorities;

(B) Provide for appropriate training of Board members and staff on the conduct of their powers and duties;

(C) Direct the conduct of all employees assigned to the Board to ensure the efficient disposition of all pending cases, including the power, in his discretion, to set priorities or time frames for the resolution of cases; to direct that the adjudication of certain cases be deferred, to regulate the assignment of Board members to cases, and otherwise to manage the docket of matters to be decided by the Board;

(D) Evaluate the performance of the Board by making appropriate reports and inspections, and take corrective action where needed;

(E) Adjudicate cases as a Board member; and

(F) Exercise such other authorities as the Director may provide.

(ii) The Chairman shall have no authority to direct the result of an adjudication assigned to another Board member or to a panel; provided, however, that nothing in this section shall be construed to limit the management authority of the Chairman under paragraph (a)(2)(i) of this section.

(3) *Panels*. The Chairman shall divide the Board into three-member panels and designate a presiding member of each panel if the Chairman or Vice Chairman is not assigned to the panel. The Chairman may from time to time make changes in the composition of such panels and of presiding members. Each three-member panel shall be empowered to decide cases by majority vote, and a majority of the Board members assigned to the panel shall constitute a quorum for such panel. In addition, the Chairman shall assign any number of Board members, as needed, to serve on the screening panel to implement the case management process as provided in paragraph (e) of this section.

(4) *Temporary Board members*. The Director may in his discretion designate immigration judges, retired Board members, retired immigration judges, and administrative law judges employed within EOIR to act as temporary, additional Board members for terms not to exceed six months. A temporary Board member assigned to a case may continue to participate in the case to its normal conclusion, but shall have no role in the actions of the Board en banc.

(5) *En banc process*. A majority of the permanent Board members shall constitute a quorum for purposes of convening the Board en banc. The Board may on its own motion by a majority vote of the permanent Board members, or by direction of the Chairman, consider any case en banc, or reconsider as the Board en banc any case that has been considered or decided by a three-member panel. En banc proceedings are not favored, and shall ordinarily be ordered only where necessary to address an issue of exceptional importance or to secure or maintain consistency of the Board's decisions.

(6) *Board staff*. There shall also be attached to the Board such number of attorneys and other employees as the Deputy Attorney General, upon recommendation of the Director, shall from time to time direct.

* * * * *

(b) *Appellate jurisdiction*. Appeals may be filed with the Board of Immigration Appeals from the following:

* * * * *

(d) *Powers of the Board*—(1) *Generally*. The Board shall function as an appellate body charged with the review of those administrative adjudications under the Act that the Attorney General may by regulation assign to it. The Board shall resolve the questions before it in a manner that is timely, impartial, and consistent with the Act and regulations. In addition, the Board, through precedent decisions, shall provide clear and uniform guidance to the Service, the immigration judges, and the general public on the proper interpretation and administration of the Act and its implementing regulations.

(i) The Board shall be governed by the provisions and limitations prescribed by applicable law, regulations, and procedures, and by decisions of the Attorney General (through review of a decision of the Board, by written order, or by determination and ruling pursuant to section 103 of the Act).

(ii) Subject to these governing standards, Board members shall exercise their independent judgment and discretion in considering and determining the cases coming before the Board, and a panel or Board member to whom a case is assigned may take any action consistent with their authorities under the Act and the regulations as is appropriate and necessary for the disposition of the case.

(2) *Summary dismissal of appeals*—(i) *Standards*. A single Board member shall summarily dismiss any appeal or portion of any appeal in any case in which:

* * * * *

(D) The Board is satisfied, from a review of the record, that the appeal is filed for an improper purpose, such as to cause unnecessary delay, or that the appeal lacks an arguable basis in fact or in law unless the Board determines that it is supported by a good faith argument for extension, modification, or reversal of existing law;

* * * * *

(ii) *Action by the Board*. The Board's case management screening plan shall promptly identify cases that are subject to summary dismissal pursuant to this paragraph. Except as provided in this part for review by the Board en banc or by the Attorney General, or for consideration of motions to reconsider

or reopen, an order dismissing any appeal pursuant to this paragraph (d)(2) shall constitute the final decision of the Board.

(iii) *Disciplinary consequences.* The filing by an attorney or representative accredited under § 292.2(d) of this chapter of an appeal that is summarily dismissed under paragraph (d)(2)(i) of this section may constitute frivolous behavior under § 3.102(j). Summary dismissal of an appeal under paragraph (d)(2)(i) of this section does not limit the other grounds and procedures for disciplinary action against attorneys or representatives.

(3) *Review of factual issues.* The Board will not engage in de novo review but will accept the determination of factual issues by an immigration judge, including findings as to the credibility of testimony, unless the determination is clearly erroneous. Except for taking administrative notice of commonly known facts such as current events or the contents of official documents, the Board will not engage in factfinding in the course of deciding appeals. A party asserting that the Board cannot properly resolve an appeal without further factfinding must file a motion for remand. If further factfinding is needed in a particular case, the Board may remand the proceeding to the immigration judge or, as appropriate, to the Service. This paragraph does not preclude the Board from reviewing mixed questions of law and fact, including, without limitation, whether an alien has established a well-founded fear of persecution or has demonstrated extreme hardship, based on the findings of fact made by the immigration judge.

(4) *Rules of practice.* The Board shall have authority, with the approval of the Director, EOIR, to prescribe procedures governing proceedings before it.

(5) *Discipline of attorneys and representatives.* The Board shall determine whether any organization or individual desiring to represent aliens in immigration proceedings meets the requirements as set forth in § 292.2 of this chapter. It shall also determine whether any organization desiring representation is of a kind described in § 1.1(j) of this chapter, and shall regulate the conduct of attorneys, representatives of organizations, and others who appear in a representative capacity before the Board or the Service or any immigration judge.

(e) *Case management system.* The Chairman shall establish a case management system to screen all appeals and to manage the Board's caseload. Unless a case meets the standards for assignment to a three-member panel under paragraph (e)(6) of this section, all appeals shall be assigned to a single Board member for disposition. The Chairman, under the supervision of the Director, shall be responsible for the success of the case management system. The Chairman shall designate, from time to time, a screening panel comprising a sufficient number of Board members who are authorized, acting alone, to screen cases and to adjudicate appeals as provided in this paragraph.

(1) *Initial screening.* All cases shall be referred to the screening panel for review by a single Board member. Appeals subject to summary dismissal as provided in paragraph (d)(2) of this section shall be promptly dismissed.

(2) *Miscellaneous dispositions.* A single Board member may grant an unopposed motion or a motion to withdraw an appeal pending before the Board. In addition, a single Board member may adjudicate a Service motion to remand any appeal before the Board where the Service requests that the matter be remanded for further consideration of the appellant's arguments or evidence raised on appeal; a case where remand is required because of a defective or missing transcript; and other procedural or ministerial issues as provided by the case management plan.

(3) *Merits review.* In any case that has not been summarily dismissed, the screening panel shall arrange for the prompt completion of the record of proceedings and transcript, and shall issue a schedule for simultaneous briefing. The Board member who initially reviewed the appeal (or another Board member assigned under the case management system) shall determine the appeal on the merits as provided in paragraph (e)(4) or (e)(5) of this section, unless the Board member determines that the case is appropriate for review and decision by a three-member panel under the standards of paragraph (e)(6) of this section.

(4) *Affirmance without opinion.* (i) The Board member to whom a case is assigned shall affirm the decision of the Service or the immigration judge, without opinion, if the Board member determines that the result reached in the decision under review was correct; that any errors in the decision under review were harmless or nonmaterial; and that

(A) The issues on appeal are squarely controlled by existing Board or federal court precedent and do not involve the application of precedent to a novel factual situation; or

(B) The factual and legal issues raised on appeal are not so substantial that the case warrants the issuance of a written opinion in the case.

(ii) If the Board member determines that the decision should be affirmed without opinion, the Board shall issue an order that reads as follows: ''The Board affirms, without opinion, the result of the decision below. The decision below is, therefore, the final agency determination. See 8 CFR 3.1(e)(4).'' An order affirming without opinion, issued under authority of this provision, shall not include further explanation or reasoning. Such an order approves the result reached in the decision below; it does not necessarily imply approval of all of the reasoning of that decision, but does signify the Board's conclusion that any errors in the decision of the immigration judge or the Service were harmless or nonmaterial.

(5) *Other decisions on the merits by single Board member.* If the Board member to whom an appeal is assigned determines, upon consideration of the merits, that the decision is not appropriate for affirmance without opinion, the Board member shall issue a brief order affirming, reversing, modifying, or remanding the decision under review, unless the Board member designates the case for decision by a three-member panel under paragraph (e)(6) of this section under the standards of the case management plan. Except as provided in this part for review by the Attorney General, or for consideration of motions to reconsider or reopen, a decision issued by a single Board member shall constitute the final decision of the Board. A motion to reconsider or to reopen a decision that was rendered by a single Board member may be adjudicated by that Board member unless the case is reassigned to a three-member panel as provided under the standards of the case management plan.

(6) *Panel decisions.* Cases shall be assigned for review by a three-member panel only if the case presents one of these circumstances:

(i) The need to settle inconsistencies between the rulings of different immigration judges;

(ii) The need to establish a precedent to clarify ambiguous laws, regulations, or procedures;

(iii) The need to correct a decision by an immigration judge or the Service that is plainly not in conformity with the law or with applicable precedents;

(iv) The need to resolve a case or controversy of major national import; or

(v) The need to correct a clearly erroneous factual determination by an immigration judge.

(7) *Oral argument.* When an appeal has been taken, request for oral argument if desired shall be included in the Notice of Appeal. A three-member

panel or the Board en banc may hear oral argument, as a matter of discretion, at such date and time as is established under the Board's case management plan. The Service may be represented before the Board by an officer of the Service designated by the Service. No oral argument will be allowed in a case that is assigned for disposition by a single Board member.

(8) *Timeliness.* As provided under the case management system, the Board shall promptly enter orders of summary dismissal, denials of review as a matter of discretion, or other miscellaneous dispositions, in appropriate cases. In other cases, after completion of the record on appeal, including any briefs, motions, or other submissions on appeal, the Board member or panel to which the case is assigned shall issue a decision on the merits as soon as practicable, with a priority for cases or custody appeals involving detained aliens.

(i) Except in exigent circumstances as determined by the Chairman, the Board shall dispose of all appeals assigned to a single Board member within 90 days of completion of the record on appeal, or within 180 days after an appeal is assigned to a three-member panel (including any additional opinion by a member of the panel).

(ii) In exigent circumstances, the Chairman may grant an extension in particular cases of up to 60 days as a matter of discretion. Except as provided in paragraph (e)(8)(iii) of this section, in those cases where the panel is unable to issue a decision within the established time limits, as extended, the Chairman shall either assign the case to himself or herself for final decision within 14 days or shall refer the case to the Attorney General for decision. If a dissenting or concurring panel member fails to complete his or her opinion by the end of the extension period, the decision of the majority will be issued without the separate opinion.

(iii) In rare circumstances, when an impending decision by the United States Supreme Court or a United States Court of Appeals may substantially determine the outcome of a case or group of cases pending before the Board, the Chairman may hold the case or cases until such decision is rendered, temporarily suspending the time limits described in this paragraph (e)(8).

(iv) The Chairman shall notify the Director of EOIR and the Attorney General if a Board member consistently fails to meet the assigned deadlines for the disposition of appeals, or otherwise fails to adhere to the standards of the case management system. The Chairman shall also prepare a report assessing the timeliness of the disposition of cases by each Board member on an annual basis.

(v) The provisions of this paragraph (e)(8) establishing time limits for the adjudication of appeals reflect a management directive in favor of timely dispositions, but do not affect the validity of any decision issued by the Board nor create any justiciable right or remedy.

* * * * *

(g) *Decisions of the Board as precedents.* Except as they may be modified or overruled by the Board or the Attorney General, decisions of the Board shall be binding on all officers and employees of the Service or immigration judges in the administration of the Act. By majority vote of the permanent Board members, selected decisions of the Board rendered by a three-member panel or by the Board en banc may be designated to serve as precedents in all proceedings involving the same issue or issues.

* * * * *

3. In § 3.2, paragraph (i) is amended by adding after the first sentence a new sentence, to read as follows:

§ 3.2 Reopening or reconsideration before the Board of Immigration Appeals.

* * * * *

(i) * * * Any motion for reconsideration or reopening of a decision issued by a single Board member will be referred to the screening panel for disposition by a single Board member, unless the screening panel member determines, in the exercise of judgment, that the motion for reconsideration or reopening should be assigned to a three-member panel under the standards of § 3.1(e)(6). * * *

* * * * *

4. In § 3.3, paragraphs (a) and (c) are revised, and paragraph (b) is amended by adding a new sentence at the end thereof, to read as follows:

§ 3.3 Notice of appeal.

(a) *Filing*—(1) *Appeal from decision of an immigration judge.* A party affected by a decision of an immigration judge which may be appealed to the Board under this chapter shall be given notice of the opportunity for filing an appeal. An appeal from a decision of an immigration judge shall be taken by filing a Notice of Appeal to the Board of Immigration Appeals of Decision of Immigration Judge (Form EOIR–26) directly with the Board, within 30 days of the decision being appealed. The appealing parties are only those parties who are covered by the decision of an immigration judge and who are specifically named on the Notice of Appeal. The appeal must reflect proof of service of a copy of the appeal and all attachments on the opposing party. An appeal is not properly filed unless it is received at the Board, along with all required documents, fees or fee waiver requests, and proof of service, within the time specified in the governing sections of this chapter. A Notice of Appeal may not be filed by any party who has waived appeal pursuant to § 3.39.

(2) *Appeal from decision of a Service officer.* A party affected by a decision of a Service officer which may be appealed to the Board under this chapter shall be given notice of the opportunity to file an appeal. An appeal from a decision of a Service officer shall be taken by filing a Notice of Appeal to the Board of Immigration Appeals of Decision of District Director (Form EOIR–29) directly with the office of the Service having administrative control over the record of proceeding within 30 days of the service of the decision being appealed. An appeal is not properly filed until it is received at the appropriate office of the Service, together with all required documents, and the fee provisions of § 3.8 are satisfied.

(3) *General requirements for all appeals.* The appeal must be accompanied by a check, money order, or fee waiver request in satisfaction of the fee requirements of § 3.8. If the respondent/applicant is represented, a Notice of Entry of Appearance as Attorney or Representative Before the Board (Form EOIR–27) must be filed with the Notice of Appeal. The appeal and all attachments must be in English or accompanied by a certified English translation.

(b) * * * An appellant who asserts that the appeal may warrant review by a three-member panel under the standards of § 3.1(e)(6) must identify in the Notice of Appeal the specific factual or legal basis for that contention.

* * * * *

(c) *Briefs*—(1) *Appeal from decision of an immigration judge.* Briefs in support of or in opposition to an appeal from a decision of an immigration judge shall be filed directly with the Board. In those cases that are transcribed, the briefing schedule shall be set by the Board after the transcript is available. All parties shall be provided 21 days in which to file simultaneous briefs, unless a shorter period is specified by the Board, and reply briefs shall be permitted only by leave of the Board. The Board, upon written motion, may extend the period for filing a brief or a reply brief for up to 90 days for good cause shown. In its discretion, the Board may consider a

brief that has been filed out of time. All briefs, filings, and motions filed in conjunction with an appeal shall include proof of service on the opposing party.

(2) *Appeal from decision of a Service officer.* Briefs in support of or in opposition to an appeal from a decision of a Service officer shall be filed directly with the office of the Service having administrative control over the file. The alien and the Service shall be provided 21 days in which to file a brief, unless a shorter period is specified by the Service officer from whose decision the appeal is taken, and reply briefs shall be permitted only by leave of the Board. Upon written request of the alien, the Service officer from whose decision the appeal is taken or the Board may extend the period for filing a brief for good cause shown. The Board may authorize the filing of briefs directly with the Board. In its discretion, the Board may consider a brief that has been filed out of time. All briefs and other documents filed in conjunction with an appeal, unless filed by an alien directly with a Service office, shall include proof of service on the opposing party.

* * * * *

5. In § 3.5, paragraph (a) is revised to read as follows:

§ 3.5 Forwarding of record on appeal.

(a) *Appeal from decision of an immigration judge.* If an appeal is taken from a decision of an immigration judge, the record of proceeding shall be forwarded to the Board upon the request or the order of the Board. Where transcription of an oral decision is required, the immigration judge shall review and approve the transcript within 14 days of receipt, or within 7 days after the immigration judge returns to his or her duty station if the immigration judge was on leave or detailed to another location.

* * * * *

PART 280—IMPOSITION AND COLLECTION OF FINES

6. The authority citation for part 280 continues to read as follows:

Authority: 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, and 1330; 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 104–134, 110 Stat. 1321.

7. Section 280.61 is added to read as follows:

§ 280.61 Administrative review of decisions of the Service imposing an administrative fine or penalty.

(a) *Jurisdiction.* The Chief Administrative Hearing Officer has jurisdiction to consider an appeal from a decision by the Service involving administrative fines and penalties, including mitigation thereof, under this part.

(b) *Appeal.* A party affected by a decision who is entitled to appeal from a decision of a Service officer under this part shall be given notice of his or her right to appeal. An appeal from a decision of a Service officer shall be taken by filing a Notice of Appeal directly with the office of the Service having administrative control over the record of proceeding within 21 days of the issuance of the Service's decision. The Notice of Appeal shall state the reasons for or basis upon which the party seeks review. The statement must specifically identify the findings of fact, the conclusions of law, or both, that are being challenged. If a question of law is presented, supporting authority must be cited. If the dispute is over the findings of fact, the specific facts contested must be identified. The appeal and all attachments must be in English or accompanied by a certified English translation.

(c) *Written and oral arguments.* (1) The parties may file simultaneous briefs or other written statements within 21 days of the filing of the Notice of Appeal.

(2) At the request of a party, or on the Officer's own initiative, the Chief Administrative Hearing Officer may, at the Officer's discretion, permit or require additional filings or may conduct oral argument in person or telephonically.

(d) *Completion of the record on appeal.* The Service officer shall forward the record on appeal to the Chief Administrative Hearing Officer promptly upon receipt of the briefs of the parties, or upon expiration of the time allowed for the submission of such briefs. However, a Service officer need not forward such an appeal to the Board, but may reopen and reconsider any decision made by the officer if the new decision will grant the relief that has been requested in the appeal. The new decision must be served on the appealing party within 45 days of receipt of any briefs or upon expiration of the time allowed for the submission of any briefs. If the new decision is not served within these time limits or the appealing party does not agree that the new decision disposes of the matter, the record of proceeding shall be immediately forwarded to the Chief Administrative Hearing Officer.

(e) *Review by the Chief Administrative Hearing Officer.* Within 90 days after receiving the record on appeal, the Chief Administrative Hearing Officer shall enter an order that affirms, modifies, or vacates the Service's decision, or remands the case to the Service officer for further proceedings consistent with the Chief Administrative Hearing Officer's order. The order shall be in writing and shall be served on the parties. The Chief Administrative Hearing Officer may make technical corrections to the Officer's order up to and including thirty 30 days subsequent to the issuance of that order.

(f) *Remand.* Where it is established that an appeal cannot be properly resolved without further findings of fact, the Chief Administrative Hearing Officer will remand the proceeding to the Service. Except for taking administrative notice of commonly known facts such as agency documents or current events, the Chief Administrative Hearing Officer will not engage in factfinding in the course of deciding appeals. If the Chief Administrative Hearing Officer remands the case to the Service, any administrative review of the Service's subsequent decision shall be conducted in accordance with this section.

(g) *Governing standards.* (1) The Chief Administrative Hearing Officer shall be governed by the provisions and limitations prescribed by applicable law, regulations and procedures, and by decisions of the Attorney General (through review of a decision of the Chief Administrative Hearing Officer, by written order, or by determination and ruling pursuant to section 103 of the Act). The existing precedent decisions issued by the Board of Immigration Appeals in administrative fine cases continue to be binding except as specifically modified or overruled in new precedent decisions by the Chief Administrative Hearing Officer or by the Attorney General.

(2) Except as they may be modified or overruled by the Chief Administrative Hearing Officer or the Attorney General, final orders of the Chief Administrative Hearing Officer shall be binding on all officers and employees of the Service in the administration of fines and penalties under this part.

(h) *Final agency order.* A final order that affirms, modifies or vacates the Service's decision becomes the final agency order 30 days after it is issued, unless the Chief Administrative Hearing Officer's order is referred to the Attorney General pursuant to paragraph (i) of this section.

(i) *Referral of cases to the Attorney General.* (1) The Chief Administrative Hearing Officer shall refer to the Attorney General for review of his decision all cases that:

(i) The Attorney General directs the Chief Administrative Hearing Officer to refer to him;

(ii) The Chief Administrative Hearing Officer believes should be referred to the Attorney General for review; or

(iii) The Commissioner requests be referred to the Attorney General for review.

(2) In any case in which the Attorney General reviews the decision of the Chief Administrative Hearing Officer, the decision of the Attorney General shall be stated in writing and shall be transmitted to the Chief Administrative Hearing Officer for transmittal and service as provided in paragraph (e) of this section.

Dated: February 11, 2002.

John Ashcroft,

Attorney General.

[FR Doc. 02–3801 Filed 2–15–02; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–53–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop and TSE331–3U Series Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) proposes to adopt a new airworthiness directive (AD) that is applicable to Honeywell International Inc. (formerly AlliedSignal Inc., Garrett Engine Division, Garrett Turbine Engine Company, and AiResearch Manufacturing Company of Arizona) TPE331 series turboprop and model TSE331–3U series turboshaft engines. This proposal would require replacing second stage turbine stator assemblies, part numbers (P/N's) 894528–1, –2, –3, –5, –6, –10, and –11, with serviceable turbine stator assemblies. This proposal is prompted by reports of six uncontained separations of the second stage turbine wheels. The actions specified by the proposed AD are intended to reduce fatigue damage of the second stage turbine stator inner seal support, rotating knife seal, and the second and third stage turbine wheels which may result in an uncontained rotor failure and damage to the aircraft.

DATES: Comments must be received by April 22, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–53–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location, by appointment, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: ''9-ane-adcomment@faa.gov''. Comments sent via the Internet must contain the docket number in the subject line.

The service information regarding the replacement and inspection of parts may be obtained from Honeywell Engines, Systems, and Services, Technical Data Distribution, M/S 2101–201, P.O. Box 52170, Phoenix, AZ 85072–2170; telephone: (602) 365–2493 (General Aviation), (602) 365–5535 (Commercial); fax: (602) 365–5577 (General Aviation and Commercial). This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Federal Aviation Administration, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, CA 90712–4137; Telephone (562) 627–5246, Fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NE–53–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–53–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

There have been six reported uncontained separations of second stage turbine wheels associated with obstructed internal cooling holes or passages in the vanes of the second stage turbine stator. The FAA has determined that obstructed cooling holes in the second stage turbine stator will increase turbine cavity temperatures. These elevated temperatures reduce the fatigue endurance capability of the turbine stator components and could cause the seal assembly to separate from the stator housing, or the rotating knife edge seal to separate from the turbine rotor. The stator seal support, stator seal assembly, or the rotating knife edge seal may then contact and rub into the turbine rotor, potentially resulting in an uncontained turbine rotor separation. Elevated cavity temperatures may also cause a reduction in the fatigue life of the turbine rotor and may result in an uncontained turbine rotor separation. In addition, the FAA has approved an air flow inspection and re-identification procedure for the second stage stator assemblies, P/N 894528–10 and –11. The FAA has not approved an air flow inspection of the older configurations of second stage stator assemblies, P/Ns 894528–1, –2, –3, –5, and –6, due to the difficulty to maintain the dimensional integrity of the stator assembly's internal cooling passages after the final braze operation of the stator's inner seal support or after welding of the stator's vanes. The FAA has approved repair procedures for converting the older configuration of second stage turbine

stator assembly's inner seal support to a serviceable configuration. This condition, if not corrected, could result in increased fatigue damage of the second stage turbine stator inner seal support, rotating knife seal, and the second and third stage turbine wheels which may result in an uncontained rotor failure and damage to the aircraft.

FAA's Determination of an Unsafe Condition and Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other Honeywell International Inc. TPE331 series turboprop and TSE331–3U turboshaft engines of the same type design, the proposed AD would require replacing the existing second stage turbine stator assemblies, P/N's 894528–1, –2, –3, –5, –6, –10, and –11, with serviceable assemblies.

Economic Effect

There are approximately 4,700 engines of the affected design in the worldwide fleet. The FAA estimates that 2,350 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 4.0 work hours per engine to do the proposed actions, and that the average labor rate is $60 per work hour. Required replacement parts would cost approximately $8,000 per engine. Based on these figures, the total cost of the proposed AD on U.S. operators is estimated to be $14,958,000.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Honeywell International Inc.: Docket No. 99–NE–53–AD.

Applicability: This airworthiness directive (AD) is applicable to Honeywell International Inc. (formerly AlliedSignal Inc., Garrett Engine Division, Garrett Turbine Engine Company, and AiResearch Manufacturing Company of Arizona) Model TPE331–1, –2, –2UA, –3U, –3UW, –5, –5A, –5AB, –5B, –6, and –6A series turboprop and TSE331–3U Model turboshaft engines with second stage turbine stator assemblies, part numbers (P/N's) 894528–1, –2, –3, –5, –6, –10, and –11. These engines are installed on, but not limited to Ayres S–2R series; Beech 18 and 45 series and model JRB–6, 3N, 3NM, 3TM, and B100 airplanes; Construcciones Aeronauticas, S.A. (CASA) C–212; De Havilland DH104 series 7AXC (Dove); Dornier 228 series; Fairchild SA226 series (Swearingen Merlin and Metro series); Grumman American G–164 series; Mitsubishi MU–2 and MU–2B series; Pilatus PC–6 series (Fairchild Porter and Peacemaker); Prop-Jets, Inc. Model 400; Rockwell Commander S2–R; Schweizer G–164 series; Shorts Brothers and Harland, Ltd. SC7 (Skyvan); and Twin Commander 680 and 690 series (Jetprop Commander) airplanes; and Sikorsky S–55 series (Helitec Corp. S55T) helicopters.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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: Compliance with this AD is required as indicated, unless already done.

To reduce fatigue damage of the second stage turbine stator inner seal support, rotating knife seal, and the second and third stage turbine wheels which may result in an uncontained rotor failure and damage to the aircraft, do the following:

(a) Replace second stage turbine stator assemblies, P/N's 894528–1, –2, –3, –5, –6, –10, and –11, with a new or reworked second stage turbine stator assembly at the next removal of the second stage turbine stator assembly from the engine or at the next turbine section inspection, but do not exceed 3,100 engine operating hours since last turbine section inspection. Information for replacing second stage turbine stator assemblies is available in Honeywell International Inc. Alert Service Bulletin (ASB) TPE331–A72–2082 dated May 16, 2001. Information for reworking second stage turbine stator assemblies is available in Honeywell International Inc. SB TPE331–72–2085RWK dated May 16, 2001.

(b) After the effective date of this AD, do not install any second stage turbine stator assemblyP/N's 894528–1, –2, –3, –5, –6, –10, and –11.

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, Los Angeles Aircraft Certification Office (LAACO). Operators must submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, LAACO.

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

Special Flight Permits

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

Issued in Burlington, Massachusetts, on February 12, 2002.

Francis A. Favara,

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

[FR Doc. 02–3877 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–13–U

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Poison Prevention Packaging Requirements; Proposed Exemption of Hormone Replacement Therapy Products

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to amend its child-resistant packaging

requirements to exempt hormone replacement therapy (''HRT'') products containing one or more progestogen or estrogen substances. Current exemptions cover some HRT products, but not others. This proposal would uniformly exempt all HRT products that rely solely on the activity of one or more progestogen or estrogen substances from child resistant packaging requirements.

DATES: Comments on the proposal should be submitted no later than May 6, 2002.

ADDRESSES: Comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814–4408, telephone (301) 504–0800. Comments may also be filed by telefacsimile to (301) 504–0127 or by email to cpsc-os@cpsc.gov. Comments should be captioned ''Proposed HRT exemption.''

FOR FURTHER INFORMATION CONTACT: Jacqueline Ferrante, Ph.D., Division of Health Sciences, Directorate for Epidemiology and Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0477 ext. 1199.

SUPPLEMENTARY INFORMATION:

A. Background

The Poison Prevention Packaging Act of 1970 (''PPPA''), 15 U.S.C. 1471–1476, provides the Commission with authority to establish standards for the special packaging of household substances, such as drugs, when child resistant packaging is necessary to protect children from serious personal injury or illness due to the substance and the special packaging is technically feasible, practicable, and appropriate for such substance. Accordingly, the Commission requires that oral prescription drugs be in child resistant (''CR'') packaging. 16 CFR 1700.14(a)(10).

The Commission's regulations allow exemptions from this requirement for substances with low acute toxicity. Currently, there are four PPPA exemptions for sex hormones: (1) Oral contraceptives in mnemonic packages containing one or more progestogen or estrogen substances; (2) conjugated estrogen tablets in mnemonic packages; (3) norethindrone acetate tablets in mnemonic packaging; and (4) medroxyprogesterone acetate tablets. 16 CFR 1700.14(a)(10)(iv), (xvii), (xviii) and (xix). Some HRT products fall within these exemptions, but because of the way these exemptions are written, other HRT products currently require CR packaging. The proposed exemption would cover all HRT products that rely solely on the activity of one or more progestogen or estrogen substances.

B. HRT Products

HRT is used to replace the estrogen and progesterone that normally decline following menopause (the cessation of menstruation). Generally, women experience a range of symptoms with some reporting minimal discomfort, while others have more severe effects. Hot flashes are the most frequent symptom and often begin several years before other menopausal symptoms. Additionally, menopause accelerates bone depletion that commonly occurs with aging, leading to osteoporosis.

HRT relieves a number of menopausal symptoms (e.g., hot flashes and vaginitis) and helps to prevent osteoporosis. HRT consists of using estrogen alone or various combinations of estrogens and progestins. The latter regimen is similar to that for oral contraceptive products except the goal of therapy is to replace declining hormone levels rather than to prevent pregnancy.

Because the life expectancy of women in the United States is increasing, it is estimated that 40 million women will go through menopause in the next 20 years. Therefore, the pharmaceutical industry is developing new prescription products specifically designed and marketed for HRT post-menopausal women. Some of these products may not be covered under current PPPA regulations although their toxicity is as low as those products currently exempt.

Sex hormone products contain various estrogens and progestins. Some are natural hormones (e.g., estradiol) and others are semi-synthetic or synthetic (e.g., norgestimate). Synthetic hormones are usually developed to alter bioavailability (e.g., enhance oral absorption) or to reduce side effects. Since available HRT products contain similar estrogen/progestin combinations, it is reasonable and consistent to exempt them like oral contraceptives.

C. Toxicity Data

Human toxic doses for estrogens or progestins have not been defined. Exposure summaries in the Poisindex® for estrogens, progestins, and oral contraceptives state that acute toxicity is unlikely following overdosage. Gastrointestinal effects (e.g., nausea, vomiting, abdominal cramps) may occur after an acute overdose, but typically no treatment is necessary.

There is little information in the medical literature concerning acute overdosage of progestins or estrogens. One case showed that a single dose of 160 mg estradiol valerate (80 tablets/2 mg each), ingested by a 19-year-old woman in a suicide attempt, produced little toxicity. The woman slept easily during the night of the ingestion and the next evening presented in the emergency clinic in generally good condition with nausea and a headache.

Poisoning data from the American Association of Poison Control Centers (''AAPCC'') Toxic Exposure Surveillance System (''TESS''), corroborate the lack of acute toxicity associated with sex hormones. The staff reviewed data showing acute exposures in children less than five years old to estrogens, progestins, and oral contraceptives from 1993 to 1998. There were no deaths and most of the exposures were non-toxic. There was one major outcome out of 37,645 exposures to oral contraceptives, but no details are readily available relating to this case. It is possible that this oral contraceptive formulation contained iron or that the child was exposed to a second substance or product.

D. Impact on Small Business

The Commission's Directorate for Economic Analysis prepared a preliminary assessment of the impact of a rule to exempt HRT products from special packaging requirements. The staff reports that it does not know the universe of companies that would be affected by the proposed exemption or how many companies would be small businesses. However, the exemption is not likely to have a significant impact on a substantial number of companies, regardless of size. The exemption would actually increase the packaging options for manufacturers because it would allow them to package the affected HRT products in non-CR packages. Although the cost to manufacturers of CR packaging is small—usually only a few cents per package—the exemption would allow manufacturers to use slightly cheaper packages and thus reduce the final cost of the HRT products.

Based on this assessment, the Commission preliminarily concludes that the proposed amendment exempting HRT products from special packaging requirements would not have a significant impact on a substantial number of small businesses or other small entities.

E. Environmental Considerations

Pursuant to the National Environmental Policy Act, and in

accordance with the Council on Environmental Quality regulations and CPSC procedures for environmental review, the Commission has assessed the possible environmental effects associated with the proposed PPPA amendment.

The Commission's regulations state that rules requiring special packaging for consumer products normally have little or no potential for affecting the human environment. 16 CFR 1021.5(c)(3). Nothing in this proposed rule alters that expectation. (3) Therefore, because the rule would have no adverse effect on the environment, neither an environmental assessment nor an environmental impact statement is required.

F. Executive Orders

According to Executive Order 12988 (February 5, 1996), agencies must state in clear language the preemptive effect, if any, of new regulations.

The PPPA provides that, generally, when a special packaging standard issued under the PPPA is in effect, ''no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to such household substance, any standard for special packaging (and any exemption therefrom and requirement related thereto) which is not identical to the [PPPA] standard.'' 15 U.S.C. 1476(a). A State or local standard may be excepted from this preemptive effect if (1) the State or local standard provides a higher degree of protection from the risk of injury or illness than the PPPA standard; and (2) the State or political subdivision applies to the Commission for an exemption from the PPPA's preemption clause and the Commission grants the exemption through a process specified at 16 CFR Part 1061. 15 U.S.C. 1476(c)(1). In addition, the Federal government, or a State or local government, may establish and continue in effect a non-identical special packaging requirement that provides a higher degree of protection than the PPPA requirement for a household substance for the Federal, State or local government's own use. 15 U.S.C. 1476(b).

Thus, with the exceptions noted above, the proposed rule exempting HRT products from special packaging requirements would preempt non-identical state or local special packaging standards for those products.

The Commission has also evaluated the proposed rule in light of the principles stated in Executive Order 13132 concerning federalism, even though that Order does not apply to independent regulatory agencies such as CPSC. The Commission does not expect that the proposed rule will have any substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government.

List of Subjects in 16 CFR Part 1700

Consumer protection, Drugs, Infants and children, Packaging and containers, Poison prevention, Toxic substances.

For the reasons given above, the Commission proposes to amend 16 CFR part 1700 as follows:

PART 1700—[AMENDED]

1. The authority citation for part 1700 continues to read as follows:

Authority: Pub. L. 91–601, secs. 1–9, 84 Stat. 1670–74, 15 U.S.C. 1471–76. Secs 1700.1 and 1700.14 also issued under Pub. L. 92–573, sec. 30(a), 88 Stat. 1231. 15 U.S.C. 2079(a).

2. Section 1700.14 is amended by adding new paragraph (a)(10)(xxi) to read as follows (although unchanged, the introductory texts of paragraph (a) and paragraph (10) are included below for context):

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* The Commission has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging meeting the requirements of § 1700.20(a) is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

* * * * *

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except for the following:

* * * * *

(xxi) Hormone Replacement Therapy Products that rely solely upon the activity of one or more progestogen or estrogen substances.

* * * * *

Dated: February 12, 2002.

Todd Stevenson,

Secretary, Consumer Product Safety Commission.

List of Relevant Documents

1. Briefing memorandum from Jacqueline Ferrante, Ph.D., Directorate for Health Sciences, to the Commission, ''Proposed Rule to Exempt HRT Products from the Special Packaging Requirements of the PPPA,'' January 14, 2002.
2. Memorandum from Robert Franklin, Directorate for Economic Analysis, to Jacqueline Ferrante, Ph.D., Project Manager, ''Small Business and Environmental Considerations Related to Exempting HRT Products from PPPA Requirements,'' December 20, 2001.

[FR Doc. 02–3999 Filed 2–15–02; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Los Angeles-Long Beach 02–003]

RIN 2115–AA97

Safety Zone; Long Beach, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone in the navigable waters of Long Beach, California for the National Water Ski Racing Association (NWSRA) Water Ski Race from 8 a.m. to 5 p.m. on March 23 and 24, 2002. This safety zone is necessary to provide for the safety of the crew and participants of the race and to protect the participating vessels. Persons and vessels are prohibited from entering into or transiting through this safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: Comments and related material must reach the Coast Guard on or before March 6, 2002.

ADDRESSES: You may mail comments and related material to U.S. Coast Guard Marine Safety Office/Group Los Angeles-Long Beach, 1001 S. Seaside Avenue, Building 20, San Pedro, California, 90731. U.S. Coast Guard Marine Safety Office/Group Los Angeles-Long Beach maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for

inspection or copying at U.S. Coast Guard Marine Safety Office/Group Los Angeles-Long Beach between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Boatswain's Mate 2 (BM2) Jessica Walsh, Waterways Management Division, at (310) 732–2020.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. You have 15 days to comment on the proposed temporary final rule. This short comment period will permit the Coast Guard to publish a temporary final rule before the event and thus help ensure public safety. To provide additional notice, we will place a notice of our proposed rule in the local notice to mariners. You may request a copy of this notice by calling BM2 Jessica Walsh, Waterways Management Division, at (310) 732–2020.

In our final rule, we will include a concise general statement of the comments received and identify any changes from the proposed rule based on the comments. If, as we expect, we make the final rule effective less than 30 days after publication in the **Federal Register**, we will explain our good cause for doing so as required by 5 U.S.C. 553(d)(3).

In making comments, please include your name and address, identify the docket number for this rulemaking (COTP Los Angeles-Long Beach 02–003), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know your submission reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to MSO/GRU Los Angeles-Long Beach at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a separate notice in the **Federal Register**.

Background and Purpose

This temporary safety zone is needed to provide for the safety of National Water Ski Racing Association (NWSRA) Water Ski Race participants and spectators on March 23 and 24, 2002, from 8 a.m. to 5 p.m. both days. Persons and vessels are prohibited from entering into or transiting through this safety zone unless authorized by the Captain of the Port or his designated representative. By prohibiting persons and vessels from entering the waters surrounding the racecourse, the risk of high-speed collision will be significantly reduced. U.S. Coast Guard personnel will enforce this safety zone with assistance from Coast Guard Auxiliary and event staff.

Discussion of Proposed Rule

The following area will constitute the temporary safety zone: all waters encompassed by lines connecting the following points, beginning at latitude 33°45′50″ N, longitude 118°10′48″ W; thence to 33°44′00″ N, 118°10′05″ W; thence to 33°44′00″ N, 118°09′26″ W; thence to 33°45′28″ N, 118°09′00″ W, and thence returning to the point of origin. This area is approximately 3,000 yards wide and 2,500 yards long and is centered near the oil islands off Long Beach, California.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979) because this zone will encompass a small portion of the waterway for limited periods of time and vessel traffic can pass safely around the affected area.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

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

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

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact BM2 Jessica Walsh, Waterways Management Division, at (310) 732–2020.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a ''tribal implication'' under the Order.

Energy Effects

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

Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (35)(g), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation because it is a safety zone in effect for only 2 days. A ''Categorical Exclusion Determination'' is not required.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add § 165.T11–063 to read as follows:

§ 165.T11–063 Safety Zone; Long Beach, CA.

(a) *Location.* The following area is a safety zone:

All waters encompassed by lines connecting the following points, beginning at latitude 33°45′50″ N, longitude 118°10′48″ W; thence to 33°44′00″ N, 118°10′05″ W; thence to 33°44′00″ N, 118°09′26″ W; thence to 33°45′28″ N, 118°09′00″ W; and thence returning to the point of origin.

(b) *Effective period.* This section is effective from 8 a.m. to 5 p.m. (PST) on March 23, 2002 and from 8 a.m. to 5 p.m. (PST) on March 24, 2002.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through or anchoring within the safety zone is prohibited unless authorized by the Coast Guard Captain of the Port, Los Angeles-Long Beach, or his designated representative.

Dated: February 6, 2002.

J.M. Holmes,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach, California.

[FR Doc. 02–3928 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MA084–7214b; A–1–FRL–7143–8]

Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Commonwealth of Massachusetts; Carbon Monoxide Redesignation Request, Maintenance Plan, and Emissions Inventory for the Cities of Lowell, Springfield, Waltham and Worcester

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts containing a redesignation request, maintenance plan, and emissions inventory for the carbon monoxide (CO) nonattainment areas of Lowell, Springfield, Waltham, and Worcester. Under the Clean Air Act as amended in 1990 (the CAA), designations can be revised if sufficient data is available to warrant such revisions and the redesignation request meets all of the requirements of section 107(d)(E)(3) of the CAA. EPA is proposing to approve the Massachusetts redesignation request and maintenance plan because they meet the applicable requirements and will ensure that the four cities remain in attainment. The approved maintenance plans will become a federally enforceable part of the Massachusetts SIP. In this action, EPA is also proposing to approve the Massachusetts 1996 baseline emission inventory for CO.

In the Final Rules Section of this **Federal Register**, EPA is approving the Massachusetts SIP submittal as a direct final rule without a prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA receives no adverse comments in response to this action rule, we contemplate no further activity. If EPA receives relevant adverse comments, we will withdraw the direct final rule and we will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before March 21, 2002.

ADDRESSES: Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, EPA New England, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of Massachusetts' submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England, One Congress Street, 11th floor, Boston, MA, 02114–2023, and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Butensky, Environmental Planner, Air Quality Planning Unit of the Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, New England office, One Congress Street, Boston, MA 02114–2023, (617) 918–1665 or at *butensky.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION: Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule that is located in the Rules Section of this **Federal Register**.

Dated: January 29, 2002.

Robert W. Varney,

Regional Administrator, EPA New England.

[FR Doc. 02–3759 Filed 2–15–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7145–1]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete the Austin Avenue Radiation Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA), Region III, announces its intent to delete the Austin Avenue Radiation Superfund Site (Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substance Pollution Contingency Plan (NCP). EPA promulgated the NCP pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9605. EPA and the Pennsylvania Department of Environmental Protection (PADEP) have determined that the Site may be deleted from the NPL because all Fund-financed response under CERCLA has been implemented and no further response action by responsible parties is appropriate.

DATES: Comments concerning the proposed deletion of this Site from the NPL may be submitted on or before March 21, 2002.

ADDRESSES: Comments may be mailed to: Mr. David Turner, Remedial Project Manager, U.S. Environmental Protection Agency, Region III, (3HS22), Philadelphia, PA, 19103–2029, e-mail *turner.david@epa.gov*.

INFORMATION REPOSITORIES: Comprehensive information on the Site has been compiled in a public deletion docket which may be reviewed and copied during normal business hours at the following information repositories: U.S. EPA Region III Library (2nd Floor), 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029, telephone 215–814–5254 and the Lansdowne Borough Library, 55 S. Lansdowne Avenue, Lansdowne Pennsylvania 19050, telephone 610–623–0239.

FOR FURTHER INFORMATION CONTACT: Contact Mr. David Turner, Remedial Project Manager, U.S. Environmental Protection Agency, Region III, (3HS22), Philadelphia, PA, 19103–2029, e-mail *turner.david@epa.gov*, telephone 215–814–3216.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion

I. Introduction

The U.S. Environmental Protection Agency (EPA), Region III, announces its intent to delete the Austin Avenue Radiation Superfund Site (CERCLIS No. PAD987341716), located in Lansdowne Borough, Aldan Borough, East Lansdowne Borough, Darby Borough, and Upper Darby Township, Delaware County, Pennsylvania, from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA promulgated the NCP pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9605. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action. EPA and the Pennsylvania Department of Environmental Protection (PADEP) have determined that the remedial action for the site has been successfully executed.

EPA will accept comments on the proposal to delete this Site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the Austin Avenue Radiation Superfund Site and explains how the Site meets the deletion criteria established in the NCP.

II. NPL Deletion Criteria

Section 300.425(e)(1) of the NCP provides that releases may be deleted from, or recategorized on, the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further action by responsible parties is appropriate; or

(iii) The Remedial Investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

If new information becomes available which indicates a need for further action, EPA may initiate additional remedial actions. Whenever there is a significant release from a site which has been deleted from the NPL, the site may be restored to the NPL without application of the Hazard Ranking System.

III. Deletion Procedures

EPA followed these procedures in advance of publishing this Notice: (1) EPA Region III determined that no further response action is necessary in connection with the Site to ensure protection of human health and the environment and that the Site may be deleted from the NPL; (2) EPA consulted with the Pennsylvania Department of Environmental Protection (PADEP (formerly the Pennsylvania Department of Environmental Resources)) regarding EPA's intent to delete the Site, and PADEP concurred with EPA's proposed deletion decision; (3) EPA published, in a major local newspaper of general circulation at or near the Site, and distributed to appropriate State, local, and Federal officials and to other interested parties, a notice announcing the proposed deletion of the Site and the commencement of a 30-day public comment period; and (4) EPA made copies of information supporting the proposed deletion (*i.e.,* the public deletion docket) available for public review in the Site information repositories (the locations of these repositories are identified above).

EPA Region III will accept and evaluate public comments on this Notice before making a final decision to delete the Austin Avenue Radiation Superfund Site from the NPL. In accordance with § 300.425(e)(4) of the NCP, 40 CFR 300.425(e)(4), EPA will prepare a Responsiveness Summary to address any significant public comments received. Deletion occurs upon publication of a final notice in the **Federal Register**. Generally, the NPL will reflect deletion of a site in the final update following publication of the Notice proposing the deletion. Public notices and copies of the Responsiveness Summary will be made available to the public by EPA Region III.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. Section 300.425(e)(3) of the NCP, 40 CFR 300.425(e)(3), makes clear that the deletion of a site from the NPL does not preclude future response actions at that site.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for the proposal to delete the Austin Avenue Radiation Superfund Site from the NPL.

Site Background and History

The Austin Avenue Radiation Superfund Site (Site) is located on and near parcels in Lansdowne Borough, Aldan Borough, East Lansdowne Borough, Darby Borough, Upper Darby Township, and Yeadon Borough, Delaware County, Pennsylvania. These parcels are all within a two-mile radius of the former W. L. Cummings (Cummings) radium refining operation, which was located at the intersection of Austin and South Union Avenues in Lansdowne. The parcels are listed below.

Austin Avenue Site Property Parcels Listing

Lansdowne Borough: 11 Greenwood Avenue, 126 Owen Avenue, 216 Wayne Avenue, 218 Wayne Avenue, 219 Wayne Avenue, 237 North Lansdowne Avenue, 6 East Plumstead Avenue, 10 East Plumstead Avenue, 16 East Plumstead Avenue, 42/44 South Union Avenue, 129 Austin Avenue, 131 Austin Avenue, 133 Austin Avenue, 134 Austin Avenue, and 30/36 S. Union Avenue (the former W. L. Cummings Radium Refinery (Warehouse Property));

East Lansdowne Borough: 25 Beverly Avenue, 28 Lewis Avenue, 34 Lewis Avenue, 210 Lewis Avenue , 246 Melrose Avenue, 211 Penn Boulevard, 25 Lexington Avenue,137 Lexington Avenue, 139 Lexington Avenue, 151 Lexington Avenue and 155 Lexington Avenue;

Upper Darby Township: 500 Harper Avenue, 504 Harper Avenue, 346 Owen Avenue, 310 Shadeland Avenue and 3723 Huey Avenue;

Aldan Borough: 62 South Clifton Avenue and 64 South Clifton Avenue;

Darby Borough: 617 Pine Street, 619 Pine Street, 621 Pine Street and 623 Pine Street;

Yeadon Borough: Yeadon Borough Park and South Union Avenue.

The Site properties were contaminated with radium (Ra226) and thorium (Th230) from tailings generated at the warehouse on South Union Avenue by the defunct W. L. Cummings Radium Processing Co. Cummings operated a radium-refining operation from 1915 to 1925 at this location. In the late 1910's and early 1920's, masonry and building contractors used the sand-like tailings from the Cummings plant as aggregate for, among other things, laying mortar between brick and stone masonry, pointing mortar on stone or brick masonry, applying stucco on building exteriors, applying plaster to building interiors, and laying concrete for sidewalks and basement slabs. The tailings were also used as fill under basement slabs, exterior perimeter foundation walls, and other miscellaneous applications.

In May 1991, PADEP visited the former Cummings' property to monitor for radon. Radioactive contamination had previously been discovered in the back yard of 133 Austin Avenue, a parcel adjacent to the warehouse property. During this visit, radiation instruments further indicated the presence of significant levels of radioactive contamination. On June 7, 1991, PADEP notified EPA of its findings and requested assistance. A joint PADEP/EPA site assessment confirmed the presence of radiological contamination at 133 Austin Avenue at levels that warranted immediate action.

On June 19, 1991, a team of radiation specialists from EPA's National Air and Radiation Environmental Laboratory, Montgomery, Alabama, conducted an assessment using special radiation detection equipment. The warehouse and the adjacent residential dwelling, 133 Austin Avenue, were found to be heavily contaminated with radioactive materials. In November and December of 1991, EPA conducted a survey in a 12.5 square mile area of Delaware County and a small portion of the adjacent City of Philadelphia to detect radiological anomalies using a specially-equipped radiation detection van. EPA subsequently conducted followup surveys at those parcels found to exhibit radiological activity during the van survey. The testing revealed that thirty-seven properties within a two-mile radius of the former Cummings radium processing facility were radiologically contaminated.

On February 7, 1992, EPA proposed the Site to the National Priorities List (NPL) (57 FR 4824) and finalized the listing on October 14, 1992 (57 FR 47180).

Response Actions—Operable Unit One

EPA conducted response actions under the CERCLA removal program at nineteen contaminated properties from June 12, 1991 through August 23, 1995 at a total cost of approximately $23.6 million. The removal actions included temporary relocation of residents of several contaminated properties; the complete dismantlement and disposal of the warehouse structure at South Union and Austin Avenues; dismantlement and disposal of the house at 133 Austin Avenue; excavation and disposal of radiologically contaminated soils; and removal and disposal of contaminated plaster, stucco, concrete, and soils at the other properties.

On June 27, 1994, EPA issued a Record of Decision (ROD) selecting

remedial actions for implementation at the remaining properties. The remedial actions included, among other things, the removal of radiologically contaminated building components and repair/reconstruction of such components at several parcels; permanent off-Site relocation of several homeowners to existing housing followed by demolition and disposal of their original homes; temporary off-Site relocation of several homeowners followed by demolition, disposal, and on-Site reconstruction of their original homes; excavation and disposal of radiologically contaminated soils at the warehouse property; and post-cleanup verification to confirm that cleanup standards established in the ROD were achieved. EPA removed and disposed of approximately 5951.44 tons of radiologically contaminated debris; 150,000 cubic feet of contaminated soils; 1620 cubic feet of asbestos-containing materials; and 1910 tons of non-hazardous construction debris.

Cleanup standards selected by EPA in the ROD required that all Site-related soil contamination at residential and potentially residential properties be removed to 5 pCi/g, averaged over 100 square meters [1]; that Site-related soil contamination at public-use properties (defined by example as streets and railroad rights-of-way) be removed to the residential standard if radium 226 concentrations exceeded 5 pCi/g in the top 15 centimeters and/or 15 pCi/g in subsoils, averaged over 100 square meters; and that institutional controls restricting land use be implemented if cleanup to these standards could not be achieved. The cleanup standards have been achieved and no institutional controls are necessary. There are no operation or maintenance requirements to ensure the continued protectiveness of the remedial actions.

Response Actions—Operable Unit Two

On September 27, 1996, EPA Region III issued a 'No Remedial Action' ROD for Site-related groundwater. The No Action decision was based on EPA's conclusion that the groundwater presented no risks to human health or welfare or to the environment.

Five-Year Review

Section 121(c) of CERCLA, 42 U.S.C. 9621(c), as interpreted by § 300.430(f)(4)(ii) of the NCP, 40 CFR 300.430(f)(4)(ii), requires that EPA conduct a review, no less often than every five years after initiation of remedial action, at sites where hazardous substances or pollutants or contaminants will remain above levels that allow for unlimited use and unrestricted exposure. Attainment of the cleanup standards has resulted in the removal of all Site-related radiological contamination such that restrictions on use and/or exposure are unnecessary. Accordingly, no five-year reviews are required by CERCLA.

Applicable Deletion Criteria

In consultation with PADEP, EPA has determined that all appropriate Fund-financed response under CERCLA has been implemented at the Site and that no further response action by responsible parties is appropriate. Consequently, EPA proposes to delete the Site from the NPL.

State Concurrence

By letter dated December 28, 2001, the Pennsylvania Department of Environmental Protection concurred with the proposed deletion of the Austin Avenue Radiation Superfund Site from the NPL, provided that completion requirements for the Site described in the Final Closeout Report have been met, the cleanup has achieved the objectives established in the ROD and no institutional controls are required, radiologically contaminated soils and structures have been removed, and no action is required for groundwater at the Site. The conditions upon which the State has predicated its concurrence on the deletion of the Site from the NPL have been satisfied.

Dated: January 25, 2002.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 02–3655 Filed 2–15–02; 8:45 am]

BILLING CODE 6560–50–P

[1] A post-ROD memorandum to the Site file clarifies that the 5 pCi/g cleanup standard articulated in the ROD was intended to be averaged over 100 square meters.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7144–7]

National Oil and Hazardous Substance; Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete a portion of the Joslyn Manufacturing and Supply Superfund Site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency, (EPA) Region V is issuing a notice of intent to delete a portion of the Joslyn Manufacturing and Supply Superfund Site (Site) located in Brooklyn Center, Minnesota, from the National Priorities List (NPL) and requests public comments on this notice of intent to delete. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Minnesota, through the Minnesota Pollution Agency, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund. In the **RULES AND REGULATIONS** Section of today's **Federal Register**, we are publishing a direct final notice of deletion of a portion of the Joslyn Manufacturing and Supply Superfund Site without prior notice of intent to delete because we view this as a non-controversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final notice of deletion. If we receive no adverse comment(s) on the direct final notice of deletion, we will not take further action. If we receive timely adverse comment(s), we will withdraw the direct final notice of deletion and it will not take effect. We will, as appropriate, address all public comments in a subsequent final deletion notice based on adverse comments received on this notice of intent to delete. We will not institute a second comment period on this notice of intent to delete. Any parties interested in commenting must do so at this time. For additional information, see the direct final notice of deletion which is located in the Rules section of this **Federal Register**.

DATES: Comments concerning this Site must be received by March 21, 2002.

ADDRESSES: Written comments should be addressed to: Dave Novak, Community Involvement Coordinator, U.S. EPA (P–19J), 77 W. Jackson, Chicago, IL 60604, 312–886–7478 or 1–800–621–8431.

FOR FURTHER INFORMATION CONTACT: Gladys Beard, State NPL Deletion Process Manager at (312) 886–7253 or 1–800–621–8431, Superfund Division, U.S. EPA (SR–6J), 77 W. Jackson, IL 60604.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct

Final Notice of Deletion which is located in the Rules section of this **Federal Register**.

Information Repositories: Repositories have been established to provide detailed information concerning this decision at the following address: EPA Region V Library, 77 W. Jackson, Chicago, IL 60604, (312) 353–5821, Monday through Friday 8:00 a.m. to 4:00 p.m.; the Minnesota Pollution Control Agency, 520 Lafayette Rd. North, St. Paul, Minnesota 55155–4194, (651) 296–6300, Monday through Friday 8:00 a.m. to 4:30 p.m.

List of Subjects in 40 CFR Part 300

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

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

Dated: January 31, 2002.

David A. Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 02–3654 Filed 2–15–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 02–6, FCC 02–8]

Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Commission initiates a focused review of certain Commission rules governing the schools and libraries universal service support mechanism. The Commission initiates this review to ensure the continued efficient and effective implementation of Congress's goals as established in the statute, and to explore a variety of suggestions for improvement offered by schools and libraries, service providers, state and local governments, and other interested parties.

DATES: Comments are due on or before April 5, 2002. Reply comments are due on or before May 6, 2002. Written comments by the public on the proposed information collections are due April 5, 2002. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collection(s) on or before April 22, 2002.

ADDRESSES: All filings sent by U.S. regular, Express or Priority mail must be sent to the Commission's Acting Secretary, William F. Caton, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. Hand-delivered or messenger-delivered paper filings for the Commission's Acting Secretary should be delivered to Vistronix at 236 Massachusetts Ave., NE., Suite 110, Washington, DC 20002 (8:00 a.m. to 5:30 p.m.). Other messenger-delivered or overnight mail documents (other than USPS Express and Priority Mail) must be delivered to 9300 East Hampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.). In addition, parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street, SW., Room 5–B540, Washington, DC 20554, or hand delivered to Sheryl Todd at 236 Massachusetts Ave., NE., Suite 110, Washington, DC 20002. The diskette should be clearly labeled with the commenter's name, proceeding, including the lead docket number in the proceeding (CC Docket No. 02–6), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on diskette. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *jboley@fcc.gov,* and to Jeanette Thornton, OMB Desk Officer, 10236 NEOB, 725 17th Street, NW., Washington, DC 20503 or via the Internet to *Jthornto@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Jonathan Secrest, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418–7400. For additional information concerning the information collection(s) contained in this document, contact Judy Boley at 202–418–0214, or via the Internet at *jboley@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM) in CC Docket No. 02–6 released on January 25, 2002. The full text of this document is available on the Commission's Web site Electronic Comment Filing System and for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC, 20554.

This NPRM contains proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

Paperwork Reduction Act

This NPRM contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections(s) contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due 60 days from date of publication of this NPRM in the **Federal Register**. Comments should address: (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 estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Control Number: None.

Title: Schools and Libraries Universal Service Support Mechanism, CC Docket 02–6, NPRM, Proposed ADA Certification.

Form No.: N/A.

Type of Review: Proposed Collection.

Respondents: Not for Profit Institutions: Business or other for Profit.

Title	Number of respondents	Estimated time per response	Total annual burden (hours)
ADA Certification	30,000	1 minute (.02)	600
Computerized List of Eligible Products and Services	30,000	1 minute (.02)	600

Total Annual Burden: 1,200 hours.

Cost to Respondents: $0.

Needs and Uses: In this NPRM, the Commission is seeking comment on certain rules governing the schools and libraries universal service support mechanism. The Commission goals in the proceeding are to: (1) Consider changes that would fine-tune its rules to improve program operation; (2) ensure that the benefits of the universal service support mechanism for schools and libraries are distributed in a manner that is fair and equitable; and (3) improve its oversight over the program. Among other things, affected respondents may be required to certify to compliance with the Americans with Disabilities Act and related statutes. The NPRM solicits comment on whether the Commission should establish a computerized list accessible online, whereby applicants could select specific project or service as part of their FCC Form 471 application. The information will be used to ensure that schools and libraries are eligible to receive discounted Internet access, telecommunications services, and internal connections and that they are in compliance with the requirements of the ADA and related statutes.

I. Introduction

1. In this Notice of Proposed Rulemaking (NPRM), the Federal Communications Commission (Commission) initiates a focused review of certain rules governing the schools and libraries universal service support mechanism. The Commission initiates this review to ensure the continued efficient and effective implementation of Congress's goals as established in the statute, and to explore a variety of suggestions for improvement offered by schools and libraries, service providers, state and local governments, and other interested parties.

2. The Commission implemented the schools and libraries universal service support mechanism based on the requirement in the Telecommunications Act of 1996 (1996 Act) that ''[a]ll telecommunications carriers serving a geographic area shall, upon a bona fide request for any of its services that are within the definition of universal service under subsection (c)(3), provide such services to elementary schools, secondary schools, and libraries for educational purposes at rates less than the amounts charged for similar services to other parties.'' The schools and libraries community and the participating service providers have now had four years of experience with the program. As of July 2001, the Universal Service Administrative Company (USAC or the Administrator) had committed over $5.958 billion in funds for the first three funding years. Over this period, the schools and libraries mechanism has provided discounts enabling millions of school children and library patrons, including those in many of the nation's poorest and most isolated communities, to obtain access to modern telecommunications and information services for educational purposes, consistent with the statute.

3. During the last four years, numerous parties, including schools and libraries, service providers, and representatives of local and state governments, have approached the Commission with a variety of proposals that they believe will improve the program. In this proceeding, we present those ideas for public comment in order to explore whether these ideas, as well as any additional ideas presented by the public, will help to achieve our stated goals. The Commission continues to seek ways to ensure that the program funds are utilized in an efficient, effective, and fair manner, while preventing waste, fraud, and abuse. The Commission concludes that it is appropriate at this time to ask whether the various suggestions from the public will streamline and improve the program in a manner consistent with section 254. We determine that it is appropriate to review the overall program by reaching out to the constituents of the program and other interested parties for their input. The Commission seeks comment from USAC on the operational and administrative impact of possible changes discussed in this NPRM. The Commission also encourages input from the State members of the Federal-State Joint Board on Universal Service (Joint Board), and commit to ongoing informal consultations with the Joint Board on these issues.

4. Our goals in undertaking this proceeding, consistent with the statute, are three-fold: (1) To consider changes that would fine-tune our rules to improve program operation; (2) to ensure that the benefits of this universal service support mechanism for schools and libraries are distributed in a manner that is fair and equitable; and (3) to improve our oversight over this program to ensure that the goals of section 254 are met without waste, fraud, or abuse. The Commission intends to build on the solid foundation we have established.

5. With these goals in mind, in this NPRM, the Commission seeks comment on several changes to the schools and libraries universal service support mechanism. First, with respect to the application process, we seek comment on (1) issues related to the process for determining eligible services, and the eligibility for schools and libraries universal service support of such services as Wide Area Networks, wireless services, and voice mail; (2) permitting schools and libraries to receive discounts for Internet access that may in certain limited cases contain content, as long as it is the most cost-effective form of Internet access; (3) the 30 percent processing benchmark for reviewing funding requests that include both eligible and ineligible services; (4) whether to require a certification by schools and libraries acknowledging their compliance with the requirements of the Americans With Disabilities Act and related statutes; and (5) modifying our rule governing when members of a consortium may receive service from a tariffed service provider at below-tariff rates.

6. Second, the Commission also seeks comment on several issues that arise once discounts have been committed to applicants: (1) Providing schools and libraries the flexibility either to make up-front payments for services and receive reimbursement via the Billed Entity Applicant Reimbursement (BEAR) form process, or be charged only the non-discounted cost by the service providers, and require that service providers remit BEAR reimbursements to applicants within twenty days; (2) limiting transferability of equipment

obtained with universal service discounts; and (3) allowing members of rural remote communities to use excess capacity from services obtained through the universal service support mechanism in certain limited situations.

7. Third, with respect to the appeals process, the Commission seeks comment on increasing time limits for filing appeals to 60 days, and considering appeals filed as of the day they are post-marked, and on procedures for funding successful appeals. Fourth, we seek comment on measures to strengthen our existing enforcement tools, including adopting a rule explicitly authorizing independent audits, and barring from the program certain applicants, service providers, and others that engage in willful or repeated failure to comply with program rules. Fifth, on the issue of unused program funds, the Commission seeks comment on the reasons for unused funds, and on how the Commission should treat unused funds. We also deny certain petitions for reconsideration relating to unused funds, and seek comment on revising or eliminating outmoded administrative or procedural rules or policies relating to the schools and libraries universal service support mechanism.

II. Notice of Proposed Rule Making

8. By initiating this inquiry, the Commission seeks to further three goals. First, the Commission seeks to streamline and improve the program. Second, we seek to ensure fair and equitable distribution of funds. Third, we seek to protect the schools and libraries mechanism against waste, fraud, and abuse consistent with our goals. In the discussion that follows, the Commission seeks comment on ways in which these goals may be achieved through specific changes to various stages of the application and funding process. The Commission frames the discussion in the context of the yearly program cycle to help commenters understand the changes to the program on which we seek comment. At each stage of the process, the Commission invites parties to address whether and how our specific goals can be met by the changes discussed and to suggest other ways to further these goals.

A. Application Process

1. Eligible Services

9. Applicants under the universal service discount mechanism for schools and libraries may apply for discounts for eligible telecommunications services, Internet access, and internal connections. The Commission currently directs the Administrator to determine whether particular services fall within the eligibility criteria established under the 1996 Act and the Commission's rules and policies. The Administrator evaluates, on an on-going basis, particular services offered by service providers, and determines their eligibility. In order to provide applicants with general guidance, the Administrator makes available on its website a list of categories of service that are eligible or ineligible, though not specific brands or items. Applicants or service providers can appeal a determination by the Administrator that a given service is ineligible for discounts only after a requested service is rejected. Accordingly, in this section, the Commission seeks comment on changes in the application process that relate to eligible services and that will serve to improve program operation and our oversight of the program. The Commission emphasizes that, in this section of the NPRM, we seek comment on changes to eligible services only as they relate to applications under the universal service support mechanism for schools and libraries.

10. Many parties, including schools and libraries as well as service providers, have recommended that the Commission seeks comment on the efficiency and fairness of this process for determining the eligibility of particular products and services. In response, we invite parties to submit proposals for changes that will improve the operation of the eligibility determination process in terms of efficiency, predictability, flexibility, and administrative cost. The Commission notes that GAO has recommended that the Administrator implement stronger measures to ensure that applicants receive funding only for eligible services, and that the Administrator has already implemented changes in response to that recommendation. One possible alternative approach that has been suggested would be to establish a computerized list accessible online, whereby applicants could select the specific product or service as part of their FCC Form 471 application. Because applicants would only select from pre-approved products and services, this presumably would decrease the number of instances in which applicants seek funding for ineligible services. It has also been suggested that such a process would considerably simplify the application review process. Further, by helping to avoid accidental funding of ineligible services, it would further the Commission's goal of preventing fraud and abuse. We seek comment on whether this approach is desired, consistent with our goals, and on the feasibility of such a system. We seek comment on how often such a list would be updated. We also seek comment on how we could ensure that maintaining such a list does not inadvertently limit applicants' ability to take advantage of products and services newly introduced to the marketplace. In addition, we seek comment on how interested parties could best provide input to the Administrator on an ongoing basis regarding what specific products and services should be eligible. Additionally, we seek comment on how to handle services and equipment that are eligible only if used in certain ways.

11. The Commission seeks comment on whether we need to reconsider or modify the current selection of products and services eligible for support under the schools and libraries mechanism. In particular, the Commission seeks comment on whether the mechanism could be improved by changes in our current eligibility policies regarding (a) Wide Area Networks, (b) wireless services, and (c) voice mail.

12. The Commission seeks comment on whether to change our current policy, as set forth in our rules and decisions, regarding Wide Area Networks (WANs). In the Commission's *Fourth Order on Reconsideration,* 63 FR 2094 (December 30, 1997), the Commission concluded that the building and purchasing of WANs to provide telecommunications is not eligible for discounts. The Commission first concluded that the building and purchasing of WANs themselves does not constitute telecommunications services or internal connections. The Commission further found that WANs built and purchased by schools and libraries do not appear to fall within the narrow provision that allows support for access to the Internet because WANs provide broad-based telecommunications. The Commission noted, however, that schools and libraries may receive universal service discounts on WANs provided over leased telephone lines, because such an arrangement constitutes a telecommunications service.

13. In the Commission's *Tennessee Order,* (not published in **Federal Register**) the Commission established that universal service funds may be used to fund equipment and infrastructure build-out associated with the provision of eligible services to eligible schools and libraries. The Commission subsequently affirmed this principle in the *Brooklyn Order,* (not

published in **Federal Register**) but expressed its concern that ''by authorizing unrestricted up-front payments for multiple years of telecommunications service when there is significant infrastructure build-out, [the Commission] could create a critical drain upon the universal service fund, and reach the annual spending caps quickly.'' In attempting to strike a fair and reasonable balance between the desire not to unnecessarily drain available universal service funds by committing large amounts annually to a limited number of applicants, and the desire to ensure that eligible schools and libraries receive supported services, the Commission determined that recipients may receive discounts on the non-recurring charges associated with capital investment in an amount equal to the investment prorated equally over a term of at least three years.

14. Certain state government representatives have suggested that we reconsider whether our policies regarding WANs have resulted in an efficient use of program funds, and, in particular, whether providing discounts on the cost of telecommunications service utilizing WANs has indeed caused a ''critical drain'' on program resources. Leased WAN service is, under our rules, a Priority One service. The costs of leasing WANs therefore decreases funds available for other Priority One services. The Commission seeks comment on the effectiveness and fairness of our WAN policy, and on whether other policies could result in a more equitable distribution of discounts in the program.

15. One possible approach would be to increase the three-year period of time over which WAN-related capital expenses must be recovered through telecommunications service charges, so that the annual burden on available program funds is reduced. The Commission seeks comment on this and other possible approaches.

16. Similarly, the Commission seeks comment on whether our decision in the *Tennessee Order* to consider leased WANs as a Priority One service has led to a fair and equitable distribution of funds. Some parties have suggested that the marked increase in demand for Priority One services arises from applicants leasing equipment from telecommunications providers for which they are likely to receive discounts rather than purchasing the equipment as internal connections, which have a high likelihood of not being funded under the current priority rules. The Commission seeks comment on whether a change in our approach to WAN-related expenses is warranted by this increase in demand, and if so, what changes consistent with the statutory restrictions of section 254 of the Act should be adopted to meet the program's goals of improved operation, a fair and equitable distribution of funds, and effective oversight to prevent waste, fraud and abuse.

17. As wireless service has become more commonplace, we have received numerous recommendations that we reconsider our policies regarding the eligibility of wireless services. Wireless telephone service, for example, is not currently eligible when used by school bus drivers or other non-teaching staff of a school, including security personnel, because we have interpreted the statutory requirement that universal service discounts be provided only for ''educational purposes'' to exclude use by such support staff. We seek comment on whether broadening eligibility for wireless services under the schools and libraries mechanism, consistent with the statute, would improve the application review process and whether it would increase opportunities for fraud and abuse. In addition, in light of changing wireless technologies, the Commission seeks comment on whether we need to modify any rules or policies regarding the eligibility of wireless services for support under the schools and libraries mechanism so that distribution of funds is consistent with our principle of competitive neutrality and does not favor wireline technology over wireless technology.

18. Many parties have recommended that the Commission reconsider its initial determination regarding the eligibility of voice mail for support under the schools and libraries mechanism. In the *Universal Service Order,* 62 FR 32862 (June 17, 1997), the Commission determined that voice mail would not ''at [that] time'' be eligible, based, in part, on the recommendation of the Federal-State Joint Board on Universal Service that such information services not be eligible. The increasing need for, and prevalence of, voice mail as a way of communicating with school and library staff for educational purposes raises the issue of whether voice mail, which serves a similar purpose as email (which is eligible for support under the schools and libraries mechanism), should also be eligible. The Commission also notes that making voice mail eligible may streamline the application review process, by reducing administrative effort and costs associated with determining what portion of a school or library's telecommunications costs are related to voice mail, and ensuring that the school or library does not receive discounts for those costs. Accordingly, the Commission seeks comment on whether a change in voice mail eligibility would improve the operation of the program or otherwise further our goals of preventing fraud, waste and abuse and promoting the fair and equitable distribution of the program's benefits.

2. Discounts for Internet Access When Bundled With Content

19. In the *Universal Service Order,* the Commission concluded that schools and libraries may receive discounts on access to the Internet, but not on separate charges for particular proprietary content or other information services. The Commission held that if it is more cost-effective for a school or library to purchase Internet access provided by a telecommunications carrier that bundles a minimal amount of content with such Internet access, a school or library may obtain discounts on that bundled package. If the telecommunications carrier provides bundled Internet access with proprietary content to a school or library, and also offers content separate from Internet access, the school or library may only obtain discounts on the price of the Internet access, as determined by the price of the bundled access and content less the price of the separately-priced content. Thus, if the only Internet access a provider offers is bundled with content for a total of $50.00 per month, and that provider sells the content separately for $30.00 per month, a school or library purchasing the bundled package would currently be eligible for discounts on $20.00 per month.

20. Various affected applicants have suggested, both to us and to the Administrator, that Internet access that includes content from one provider may provide more cost-effective access to the Internet than another provider's Internet access containing minimal or no content. For example, an applicant may receive bids for Internet access from two providers, each offering service at $50.00 a month. One provider offers access and content bundled together, and separately offers content alone for $30.00, while the second provider just offers Internet access. An applicant might find that the bundled access and content may provide more cost-effective Internet access when considering cost, reliability, and other factors than Internet access without content from the other provider. Under our current rules, a recipient would be eligible for discounts on only $20.00 per month for the package of access and content, but could obtain discounts on the full $50.00 for Internet access without

content from the second provider. In such a case, our rules may create undesirable incentives for an applicant to choose a provider with a similar price but poorer service and reliability.

21. The Commission seeks comment on whether a modification of our rules governing funding of Internet content would improve program operation consistent with our other goals of ensuring a fair and equitable distribution of benefits and preventing waste, fraud and abuse. Specifically, we seek comment on whether, if the only Internet access a provider offers is bundled with content but the provider also offers the content separately without Internet access, an applicant may receive full discounts on that Internet access package (including content) if that package provides the most cost-effective Internet access. Such a modification to our rules may also increase administrative efficiencies, for both applicants and the Administrator, by eliminating effort and costs associated with ensuring that applicants receive no discounts for bundled content. The Commission seek input on the costs and benefits of such a change, including whether providers might take advantage of this approach by adding content to Internet access in order to maximize revenues. We also seek comment on whether, in keeping with our current rules, universal service discounts would continue to be available for a provider only for the cost of access without content, if a service provider offers Internet access to consumers both with and without content.

3. Review of Requests Including Eligible and Non-Eligible Services

22. Currently, acting pursuant to Commission oversight, the Administrator utilizes a 30 percent processing benchmark when reviewing funding requests that include both eligible and ineligible services. If less than 30 percent of the request seeks funding of ineligible services, the Administrator normally will consider the request and issue a funding commitment for the eligible services, denying funding only of the ineligible part. If 30 percent or more of the request is for funding of ineligible services, the Administrator will deny the funding request in its entirety. The 30 percent policy allows the Administrator to efficiently process requests for funding that contain only a small amount of ineligible services without expending significant fund resources working with applicants to determine what part of the discounts requested is associated with eligible services. It also provides an incentive to applicants to eliminate ineligible services from their requests before submitting their applications, further reducing the Administrator's administrative costs. For example, without the procedure, an applicant who has contracted for the construction of a new school for a lump sum might submit a request for the entire amount knowing that the Administrator must then perform the necessary work to identify the costs of any eligible components, such as the telecommunications wiring. Because the Administrator's annual administrative costs are drawn from the same $2.25 billion that supports the award of discounts, an increase in the administrative costs of eligibility review would directly reduce the amount of funds available for actual discounts.

23. The Commission seeks comment on the operational benefits and burdens of this procedure to applicants and to the Administrator. We specifically seek input on whether there are alternatives that would improve program operation or otherwise further the other two goals of preventing fraud, waste, and abuse and promoting the equitable distribution of the program's funds, while still providing appropriate incentives to applicants to seek discounts only for eligible services.

4. Compliance With the Americans With Disabilities Act

24. The Americans With Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. Related statutes, which are referenced by the ADA, include the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act. The current FCC Form 471, on which entities apply for universal service discounts, contains the following notice: ''The Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act, and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.'' The Commission does not, however, explicitly require compliance with these statutory requirements as a condition of receipt of universal service discounts.

25. Some parties have suggested that the Commission require applicants to certify that the services for which they seek discounts will be used in compliance with these acts. The Commission seeks comment on whether we should adopt such a certification requirement. In commenting on such a change, parties should comment on the language of any ADA certification, and on the timing for the ADA certification in the application process. To the extent that we would adopt such a change, we also solicit comment on whether any rule changes are needed to ensure that applicants that fail to comply with the certification no longer receive discounts. The Commission further seeks comment on whether, and how, the Administrator and the Commission would verify and enforce compliance, and the extent that such actions promote our three goals of improving program operation, ensuring a fair and equitable distribution of benefits, and preventing waste, fraud, and abuse.

5. Consortia

26. Section 54.501(d)(1) implements the Commission's determinations in the *Universal Service Order* as to when eligible entities seeking discounts as part of a consortium can obtain interstate telecommunications services at prices below tariffed rates. The Commission found that there was congressional support for allowing eligible schools and libraries to obtain services at pre-discount prices below tariffed rates. However, it concluded that where such eligible entities sought services as members of a consortium including private sector non-eligible members, allowing the private non-eligible businesses to obtain below-tariff rates would compromise federal and state policies of non-discriminatory pricing. The Commission therefore concluded that a consortium that included private sector ineligible members could obtain tariffed services only if ''the pre-discount prices of [the tariffed services] are generally tariffed rates.''

27. The Commission seeks comment on whether a change to section 54.501(d)(1), recommended by consortia members and service providers working with consortia, would improve program operation. We also invite comment on whether changes to other consortia rules might achieve a greater consistency or fairness in our approach to the participation of consortia in the program. The language in the current rule provides that ''[w]ith one exception, eligible schools and libraries participating in consortia with ineligible private sector members shall not be eligible for discounts for interstate services.'' Parties have argued that this language is unclear and could be construed to prohibit such consortia from obtaining services other than tariffed services. The Commission seeks comment on whether to clarify the rule

to establish clearly that only ineligible private sector members seeking services as part of a consortium with eligible members are prohibited from obtaining below-tariffed rates from providers that offer tariffed services (tariffed providers). The Commission specifically requests comment on the impact of this rule on program operation, whether administrative costs would result from the proposed change, what these costs would be, and whether these costs would outweigh the benefits of the change.

28. The Commission also seeks comment on any proposals as to how we might clarify, change or reorganize the other rules and requirements relating to consortia, to help ensure that these rules and requirements reflect a fair and consistent approach to the role and obligations of consortia leaders and the consequences to consortia members of violations by leaders and other members. We seek comment on how we might improve program operation or otherwise further our interest in fairly distributing benefits of the program and limiting fraud, waste, and abuse, by making consortia application and participation requirements more transparent, so that it is clear what consortia may do and what their responsibilities are.

B. Post Commitment Program Administration

1. Choice of Payment Method

29. Under existing law and Commission procedure, the Administrator of the universal service support mechanism does not provide funds directly to schools and libraries, but rather, provides funds to eligible service providers, who then offer discounted services to eligible schools and libraries. Under existing Administrator's procedures, service providers and applicants are advised to work together to determine whether the applicant will either (1) pay the service provider the full cost of services, and subsequently receive reimbursement from the provider for the discounted portion, after the provider receives reimbursement through the Billed Entity Applicant Reimbursement (BEAR) process, or (2) pay only the non-discounted portion of the cost of services, with the service provider seeking reimbursement from the Administrator for the discounted portion. Because it is not clear in our rules whether the provider or the applicant may make the final determination of which of the two payment processes to pursue, the potential exists for service providers to insist that applicants to whom they provide services use the first method of paying the up-front costs, and later seeking reimbursement. Indeed, some large providers require recipients to use the BEAR form.

30. The Commission seeks comment on whether our rules should specify that service providers must offer applicants the option of either making up-front payments for the full cost of services and being reimbursed via the BEAR form process, or paying only the non-discounted portion up-front. We seek comment on the costs and benefits of our proposal to all affected parties and whether it would improve program operation overall.

31. The Commission also seeks comment on whether, to further improve program operation and prevent fraud and abuse, we should incorporate enforcement measures regarding remittal of BEAR payments into our rules. Under current Administrator procedure, service providers reimbursing billed entities via the BEAR process must remit to the billed entity the discount amount authorized by the Administrator to the billed entity within ten days of receiving the reimbursement payment from the Administrator and prior to tendering or making use of the payment from the Administrator. The Administrator has implemented this procedure pursuant to ongoing Commission oversight of the program, but this procedure has not been formally codified in our rules. We have received reports from both the Administrator and from affected schools and libraries that, in certain cases, service providers have failed to remit these payments to applicants until well past the ten-day limit. In order to address this problem, we seek comment on whether service providers should be required to remit these payments to the applicants within twenty days of having received them, and that failure to do so will constitute a rule violation potentially subjecting the service provider to fines and forfeitures under section 503 and/or other law enforcement action.

32. The Commission seeks comment on whether this proposed twenty-day period imposes a significant economic burden on small entity providers (as defined in paragraphs 88 through 98 of the Order). We welcome any suggestions as to how the remittance process might be modified to minimize such impact. We also seek comment on the extent to which a modification such as lengthening the remittance period would have a deleterious impact on eligible schools and libraries that is inconsistent with our three goals of improving program operation, ensuring that the benefits of the program are equitably distributed, and preventing fraud, waste, and abuse.

2. Equipment Transferability

33. The Commissions rules provide that eligible services purchased at a discount ''shall not be sold, resold, or transferred in consideration for money or any other thing of value.'' Nothing in our rules, however, prevents transferring equipment obtained with universal service discounts from the eligible recipient to another entity without consideration for money or anything of value. We have received reports from state authorities, schools and libraries, and the Administrator that some recipients are replacing, on a yearly or almost-yearly basis, equipment obtained with universal service discounts, and transferring that equipment to other schools or libraries in the same district that may not have been eligible for such equipment.

34. Although the Commission recognizes that schools and libraries may legitimately desire to upgrade their equipment frequently as a result of the rapid pace of technological change, we seek comment on whether it is appropriate to balance this desire against the impact of such action on other parties seeking discounts under the program. We seek comment on whether the program's goals would be improved by requiring that schools and libraries make significant use of the discounted equipment that they receive, before seeking to substitute new discounted equipment. In particular, we seek comment on whether there may be insufficient incentives in the schools and libraries mechanism to prevent wasteful or fraudulent behavior, without imposing restrictions on these transfers of equipment. The Commission specifically seeks comment on whether, as a condition of receipt of universal service discounts, we should adopt measures to ensure that discounted internal connections are used at the location and for the use specified in the application process for a certain period of time.

35. One option could be to adopt a rule limiting transfers for three years from the date of delivery and installation of equipment for internal connections other than cabling, and ten years in the case of cabling. Under this option, an applicant could replace only ten percent of its old cabling per year with new discounted internal connections (such as upgrading from copper wire to fiber optics). Otherwise, an applicant seeking discounts on new equipment to replace universal service-funded equipment that has been in

place for less than the specified time periods could do so only if it traded the existing equipment to its service provider for a credit toward the purchase of the cost of the new discounted equipment. The Commission seeks comment on whether this option would achieve the goals of efficient and equitable use of the mechanism's funds, and whether this approach would prevent both waste and fraud. We also seek comment on how this change might most effectively be implemented, and on attendant benefits and costs.

36. An alternate approach could be to deny internal connections discounts to any entity that has already received discounts on internal connections within a specified period of years regardless of the intended use of the new internal connections. The Commission seeks comment on whether we should adopt such a rule, on the appropriate time frame for such a rule, and whether we should impose this limitation only in situations where the applicants have previously received discounts above a specified threshold in the relevant time period. We also seek comment on the administrative costs that would be incurred, both in the application process and in post-disbursement auditing, to ensure compliance with a rule prohibiting an entity from receiving discounts on internal connections if it previously had received such discounts. We seek comment on these and any other proposals to address this issue and thus give us further insight on how, with regard to equipment issues, we might further our goals of improving program operation, ensuring that the mechanism's benefits are fairly and equitably distributed, and eliminating fraud, waste, and abuse.

3. Use of Excess Services in Remote Areas

37. The Act requires that discounts on services be provided for educational purposes to schools and libraries. In the *Universal Service Order,* the Commission implemented this provision by requiring schools and libraries to certify that the services obtained through discounts from the schools and libraries mechanism will be used solely for educational purposes. The Commission determined that the certification rules, including the educational purposes rule, were reasonable and not unnecessarily burdensome, especially in light of the Commission's goals to reduce fraud, waste, and abuse.

38. In some instances, the discounted services received by schools and libraries through the schools and libraries program are provided on a non-usage sensitive basis and are used for educational purposes during hours when the schools and libraries are open, but remain unused during off-hours when the entities are closed. As a result, due to the non-usage sensitive nature of the services, services that could be used after the operating hours of schools and libraries presently go unused.

39. The State of Alaska recently requested a waiver of the restriction in § 54.504(b)(2)(ii) that requires applicants to certify that the services obtained from the schools and libraries mechanism would be used for solely educational purposes. In many communities in Alaska, services from the schools and libraries program have provided the only means to deliver Internet access to communities in rural remote areas. Specifically, the State of Alaska asked to use the telecommunications and Internet access services as an Internet ''point of presence'' in rural remote communities. To the extent that a school or library will not be fully utilizing the services it ordered for educational purposes, and these services would otherwise be wasted, the State of Alaska requested that others in the community be allowed to use these services for non-educational purposes.

40. On December 3, 2001, the Commission granted the State of Alaska a limited waiver of § 54.504(b)(2)(ii) of the Commission's rules. In the *Alaska Order,* 66 FR 67112 (December 28, 2001), the Commission concluded that there is nothing in section 254(h)(1)(B) that prohibits the Commission from granting a waiver of § 54.507(b)(2)(ii) of its rules to expand the use of such services, so long as in the first instance they are used for educational purposes. The Commission further determined that based on the special circumstances outlined in Alaska's petition, there was good cause to waive § 54.504(b)(2)(ii) of the Commission's rules for rural remote communities in Alaska who lack local or toll-free dial-up access to the Internet.

41. The Commission seeks comment more broadly on the types of situations that might warrant utilization of excess service obtained through the universal service mechanism for schools and libraries when services are not in use by the schools and libraries for educational purposes. Although we believe the Commission's current rule relating to educational purposes is appropriate in the overwhelming majority of circumstances, we seek comment on whether the Commission should revise its rules in order to expressly address such situations, and whether such revisions would further the goals of improving program operation, ensuring a fair and equitable distribution of benefits and preventing waste, fraud, and abuse.

42. If the Commission were to modify it's rules expressly to address the use of excess services in limited circumstances, we seek comment on whether to consider conditioning such use on several criteria: (1) That the school or library request only as much discounts for services as are reasonably necessary for educational purposes; (2) the additional use would not impose any additional costs on the schools and libraries program; (3) services to be used by the community would be sold on the basis of a price that is not usage sensitive; (4) the use should be limited to times when the school or library is not using the services; and (5) the excess services are made available to all capable service providers in a neutral manner that does not require or take into account any commitments or promises from the service providers. With respect to the fifth condition, we previously found that such a condition was ''consistent with the Act, which prohibits any discounted services or network capacity from being sold, resold, or transferred by such user in consideration for money or any other thing of value.'' The Commission seeks comment on the legal, operational, and enforcement issues raised by this approach.

43. The Commission believes that, to the extent we should adopt any such change, the resulting policy would need to be carefully circumscribed to prevent fraud, waste, and abuse. In light of these concerns, and our desire to ensure that the appropriate safeguards are in place, we also seek comment regarding how such an arrangement would function. In particular, we seek comment on how to ensure that any revised rule would not indirectly impose costs on the schools and libraries program or that applicants would not request more service than is necessary for educational purposes.

C. Appeals

1. Appeals Procedure

44. In the *Eighth Order on Reconsideration,* (not in **Federal Register**), the Commission established a process by which aggrieved parties could seek review from the Commission of decisions of the Administrator. As of January 1, 2002, the Commission has reviewed 740 appeals from the Administrator's decisions. Of these, 592 were denied or dismissed, 135 were granted, and 13 were granted in part. Of those appeals granted, a number involved situations where the Commission concluded that a close

examination of the rules and policies applicable to the underlying request was warranted. Our history to date thus leads us to conclude that the Administrator is applying existing rules and policies correctly in the vast majority of cases. Nevertheless, the opportunity for Commission review remains an important method by which we provide effective oversight of the Administrator's activities.

45. Our current rules provide that any person aggrieved by a decision of any Division of the Administrator may file an appeal directly with the Commission within 30 days of the date of the issuance of the decision. Alternately, the person may appeal the decision of a Division within 30 days of the date of the decision to the relevant Committee governing that Division, in which case the time for filing an appeal with the Commission is tolled during the pendency of the appeal before the Committee. Once the Committee has issued a decision on the appeal, the person then has up to 30 days to appeal that decision to the Commission. In each case, an appeal is deemed filed on the date that it is received, not the date it is postmarked.

46. Appeals to the Commission are decided by the Common Carrier Bureau, unless they raise novel issues of fact, law, or policy, in which case, they are decided by the full Commission. Whether an appeal is before the Common Carrier Bureau or the full Commission, the standard of review is *de novo*. This review process applies equally to decisions made by the three divisions of the Administrator defined in our regulations, the Schools and Libraries Division, the Rural Healthcare Division, and the High Cost and Low Income Division.

47. Numerous parties have recommended that we increase the time limit for filing an appeal with the Committee of the Schools and Libraries Division and the time limit for filing an appeal with the Commission. As noted above, the time limit in both cases is 30 days, which commences on the date of the decision and runs until the filing of the appeal. The parties have proposed increasing this period to 60 days. In *the Eighth Order on Reconsideration,* the Commission established the 30 day period partly in response to commenters' requests for a streamlined approach. Experience suggests, however, that this time period may be inadequate for parties wishing to appeal an adverse decision. To date, we have dismissed appeals as untimely approximately 22 percent of the time. Parties have suggested that some extension of time for filing appeals will provide aggrieved schools and libraries a greater opportunity to review the relevant decisions, and determine whether there are valid bases for appeal in light of the governing rules and Commission precedent. Moreover, they suggest, additional time would enable applicants to consult with the e-rate assistance offices that many States have now established to advise constituents who are seeking such funding. Nothing in this suggested change would prevent participants from filing appeals before the end of the appeals period.

48. The Commission therefore invites comment on whether this modification to our rules would improve program operation. In addition, we seek comment on the suggestion that we should treat appeals to the Administrator or to the Commission as having been received on the date they are post-marked rather than the date they are filed. This would depart from the Commission practice for filings in general. Such a change, however, would make the appeal procedure consistent with the Administrator's practice of treating FCC Form 471 applications as having been filed as of the post-mark date. Further, it could better ensure that rural and remote applicants will not be disadvantaged if it takes longer to mail an appeal to the Commission. We therefore seek comment on whether we should adopt this modification. Finally, we seek comment on any other changes to our rules or policies concerning the appeals procedure of the Administrator or the Commission that might further the goals of improving program operation, ensuring a fair and equitable distribution of benefits and preventing waste, fraud, and abuse consistent with the 1996 Act.

2. Funding of Successful Appeals

49. Each funding year, the Administrator sets aside a portion of the funds available that year for the schools and libraries universal service mechanism to ensure that sufficient funds will be available for any appeals that may be granted by the Administrator or the Commission. The Administrator calculates this amount in part by generating a prediction of the percentage of its decisions that will be reversed based on historical experience. Because the prediction may underestimate the actual number of reversed decisions, it is possible that the appeal reserve fund in a particular year will ultimately be inadequate to fund all successful appeals in that year.

50. In the *Eleventh Reconsideration Order and Further Notice,* the Commission proposed certain rules establishing funding priorities for the Administrator to apply when distributing funds from the appeal reserve to schools and libraries that successfully appeal decisions of the Administrator. Specifically, the Commission proposed that the Administrator should first fund all Priority One appeals, and then allocate any remaining funds in the appeal reserve to Priority Two appeals in order of descending discount rate. The Commission further proposed that if funds were not available for all Priority One appeals, then all funding should be allocated to Priority One appeals on a pro-rata basis. To ensure correct distribution of funds to Priority One appeals, the Commission proposed that the Administrator should wait until a final decision has been issued on all Priority One service appeals before allocating funds to such services on a pro-rata basis.

51. In response to these proposals, several commenters suggest that it is inappropriate to limit appellants to those funds in the appeal reserve fund because it might result in successful appellants being treated differently from applicants who were awarded funding initially. In some circumstances, two schools or libraries of similar eligibility that file simultaneous applications for identical support might receive different funding merely because one was subject to an erroneous initial funding decision that was subsequently reversed on appeal. To avoid such a result, the Commission now seeks comment on whether, to ensure a fair and equitable distribution of funds, we should instead fully fund successful appeals to the same extent that they would have been funded in the initial application process had they not been initially denied funding.

52. The Commission further seeks comment on what rules should govern if the new proposal were adopted, in the event that the funding year's appeal reserve is depleted. One option, for example, would be for the Administrator to rely on any other funds that remain from the current funding year first, including funds that had never been committed and funds that had been committed but were never used by the original recipients. If these sources are unavailable or insufficient, the Administrator could then use funds from the next funding year as soon as they become available, and reduce the level of discounts available in that next funding year by that amount. We seek comment on this and any other option consistent with our goals of improving program operation, ensuring a fair and equitable distribution of benefits, and

preventing waste, fraud, and abuse consistent with the 1996 Act.

53. Under such an option, it may be unnecessary to withhold funding until all appeals have been decided. Some delay in funding may be unavoidable, however, because if the Administrator must fund successful appeals in one year by drawing funds from the succeeding Funding Year, those funds would not be available until the beginning of that future funding year. The Commission believes that delays in funding of Priority Two internal connections will generally be less burdensome than delays in funding of Priority One services, because the latter services must be purchased by the applicant during the funding year regardless of whether funding for discounts is awarded at that time or not. We therefore seek comment on whether the Administrator should fund successful appellants in the order that decisions on appeal are issued, except that the Administrator should not commit funds to successful applicants requesting support for Priority Two services until the Administrator is certain that sufficient funds remain to fund all successful appellants requesting discounts for Priority One services. We seek comment on all of our current proposals regarding the funding of successful appellants.

D. Enforcement Tools

1. Independent Audits

54. In its December 2000 report, the General Accounting Office proposed strengthening application and invoice review procedures in order to reduce the amount of funds inadvertently spent on ineligible services. The Administrator has implemented a number of procedural changes suggested by the report, and has undertaken numerous measures on its own initiative. Working closely with the Commission's Office of the Inspector General (OIG), the Administrator has significantly stepped up its efforts aimed at detecting and resolving instances of waste, fraud, and abuse. For example, it has increased the number of audits, withheld suspect payments, withdrawn posted FCC Forms 470 from its website and rejected FCC Form 471 applications, and has increasingly coordinated its efforts with federal, state, and local law enforcement to combat fraud and other potentially criminal activity. We, in turn, have examined our rules to consider whether our existing enforcement tools should be strengthened in any way.

55. We seek comment on whether, so as to improve our oversight capacity to guard against waste, fraud, and abuse, our rules should explicitly authorize the Administrator to require independent audits of recipients and service providers, at recipients' and service providers' expense, where the Administrator has reason to believe that potentially serious problems exist, or is directed by the Commission. We specifically seek comment on the impact of such a rule on small entities. We further seek comment on alternatives that might provide other assurances of program integrity consistent with the goals of improving program operation, ensuring a fair and equitable distribution of benefits, and preventing waste, fraud, and abuse.

2. Prohibitions on Participation

56. The Act and our rules permit the Commission to initiate forfeiture proceedings against those that willfully or repeatedly fail to comply with statutory and regulatory requirements. There are no provisions in our current rules, however, to bar entities from participating in the program for periods of time.

57. The Commission seeks comment on whether, so as to further improve our oversight, we can and should adopt rules barring applicants, service providers, and others (such as consultants) that engage in willful or repeated failure to comply with program rules from involvement with the program, for a period of years. Assuming we were to adopt such a rule, we seek input on what standards should apply for barring such entities, and on what an appropriate length of time would be for such a prohibition. We also seek comment on other questions regarding implementation of such a prohibition, including whether the prohibition might apply to individuals, so that those responsible for actions that led to the barring of a particular entity do not evade the purpose of the prohibition by joining or forming another eligible entity.

58. The Commission seeks comment generally on whether to adopt additional measures to reduce potential waste, fraud, and abuse in the schools and libraries support mechanism. Consistent with our intent to continue strengthening program integrity, we seek input on further rules and procedures to address these matters.

E. Unused Funds

1. Overview

59. In each funding year, a portion of the $2.25 billion available under the program cap has gone unused, largely because some applicants do not fully use the funds committed to them in a given year. Under the Administrator's procedures in effect in the first three funding years of the program, the Administrator engaged in various ongoing analyses throughout each funding year to ensure that it did not commit more than the $2.25 billion cap each year. Although this $2.25 billion limit on commitments ensured that the level of funds actually disbursed remained under the $2.25 billion cap, the result, given that applicants do not seek disbursement of all committed funds, has been that some of the $2.25 billion has gone unused by applicants each year.

60. The Administrator issues funding commitment decision letters to applicants once their applications have been approved, but does not authorize payouts of committed funds until it receives valid invoices demonstrating that the applicants have obtained the requested products and services. The Administrator approves the disbursement of funds once it receives a certification from the recipient and invoices from the service provider or applicant, indicating that approved services have begun. In many cases, however, applicants and vendors do not submit the required documentation for all the funding, and therefore receive only partial funding, or none of the committed funds at all. As of June 30, 2001, approximately $940 million of the $3.7 billion in program funds committed to applicants during the first and second funding years was not disbursed because of the failure of applicants and providers to submit the required documentation. In the first funding year, the Administrator disbursed approximately 82 percent of committed funds. In the second funding year through June 30, 2001, the Administrator disbursed approximately 71 percent of committed funds. The Administrator projects that a similar proportion of committed funds will be disbursed in Funding Year 3.

61. The Commission seeks comment on whether there are any administrative modifications to the schools and libraries universal service support mechanism that we should implement to improve program operation, ensure a fair and equitable distribution of funds, or guard against waste, fraud, and abuse. We seek comment generally on whether there are modifications to the application and funding disbursement process that would serve our goals in this proceeding, that could be implemented immediately without need for a rule change.

62. In addition, the existence of unused funds each year raises two

issues that we address in this NPRM. The first issue is how to reduce the level of funds that go unused. The second issue is what to do with undisbursed funds, to the extent that they remain despite our reduction efforts. In the sections that follow, we seek comment on these issues.

2. Reduction of Unused Funds

63. The Commission anticipates that several recent administrative changes to the schools and libraries program should help to reduce the under-utilization of committed funds. Specifically, in May 2000, the Administrator released a new Form 500 that gives applicants a convenient tool to reduce or cancel commitments they will not use so that those funds can be made available for other applicants during the same funding year. Additionally, the Administrator developed new and more flexible procedures for service provider changes, consistent with governing precedent. The Administrator expects those procedures to permit approval of many pending service provider changes and the distribution of more funds each year. Furthermore, in order to address the under-utilization of program resources caused by this gap between committed and disbursed funds, the Administrator, in consultation with the Commission, will begin to base the overall amount of committed funds each year on a formula that takes into consideration past levels of disbursement. We believe that each of these changes will help prevent the likelihood of waste, fraud, and abuse by improving the disbursement of program funds.

64. It is the Commission's goal to reduce the gap between funds that have been committed and those that have been disbursed, in order to most effectively implement the goals of section 254(h) by providing for discounts as close as possible to the level of the annual $2.25 billion cap. We seek to develop a record on the reasons why applicants and providers may fail to fully use committed funds under the program. We also seek comment on whether any other program changes would likely result in an increased percentage of committed funds being disbursed each funding year, which will help to reduce the overall amount of unused funds from the schools and libraries mechanism. In the event we adopt additional measures to reduce the existence of unused funds, we seek comment on whether it is necessary to adopt procedures to address a situation in which more funds are committed and used than are available for disbursement.

3. Treatment of Unused Funds

65. Section 54.507(a) of the Commission's rules codifies the annual $2.25 billion cap on the schools and libraries support mechanism. The rule also provides that ''all *funding authority* for a given funding year that is unused in that funding year shall be carried forward into subsequent funding years for use in accordance with demand.'' Although § 54.507(a) addresses *funding authority,* it is silent as to the treatment of unused *funds, i.e.,* funds that the Administrator had available for disbursement, but that were not disbursed in that funding year. As discussed *infra,* unused funds from Funding Year 1 have been used to reduce the contribution factor for Funding Years 2 and 3, consistent with Commission rules and policies. We believe, however, that we should consider what should be done with unused funds that may occur in future years.

66. In accord with the Commission's efforts to reduce the amount of unused funds from the schools and libraries mechanism, we seek comment on revising the Commission's rules to clarify the appropriate treatment of such unused funds. As stated above, the Commission's rule adopted in accord with the *Universal Service Order* refers to unused *funding authority,* not unused *funds.* Thus, the Commission seeks comment on two options relating to the treatment of unused funds. The first option would be to modify the rule to require expressly that unused funds from the schools and libraries mechanism (beginning with Funding Year 2) should be credited back to contributors through reductions in the contribution factor. The second option would be to modify the rule to require expressly the distribution of the unused funds in subsequent years of the schools and libraries program, in excess of the annual cap. We seek comment on each of the alternatives. We believe that consumers may benefit from reducing the contribution factor with unused funds because it will decrease the contribution amounts that carriers recover from consumers. Alternatively, disbursing unused funds in subsequent funding years of the schools and libraries mechanism would provide additional resources for applicants, thereby assisting efforts to provide affordable telecommunications and information services to schools and libraries.

II. Revising or Eliminating Outmoded Rules

67. The Commission seeks comment on any administrative or procedural rules or policies of the Commission or SLD, relating to the schools and libraries support mechanism, that should be revised or eliminated because they have become outmoded. In the four years since the implementation of the support mechanism, some such rules or policies may have become obsolete through changed circumstances or technologies, or may have been rendered unnecessary or redundant in light of changes made to the program. We therefore seek comment on such rules or policies in order to determine whether any are no longer necessary or in the public interest.

IV. Procedural Matters

A. Paperwork Reduction Act Analysis

68. As part of our continuing effort to reduce paperwork burdens, the Commission invites the general public to take this opportunity to comment on the additional certification collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this NPRM. Comments should address: (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 estimates; (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.

B. Initial Regulatory Flexibility Analysis

69. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this NPRM. 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 provided below in section VI.C. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the Notice and IRFA (or

summaries thereof) will be published in the **Federal Register**.

1. Need for, and Objectives of, the Proposed Rules

70. The Commission is required by section 254 of the Act to promulgate rules to implement the universal service provisions of section 254. On May 8, 1997, the Commission adopted rules to reform our system of universal service support mechanisms so that universal service is preserved and advanced as markets move toward competition. In this NPRM, we seek comment on several changes to the schools and libraries universal service support mechanism. With respect to the application process, we seek comment on (1) issues related to the process for determining eligible services, and the eligibility for schools and libraries universal service support of such services as voice mail, wireless, and Wide Area Networks; (2) permitting schools and libraries to receive discounts for Internet access that may in certain limited cases contain content, as long as it is the most cost-effective form of Internet access; (3) the 30 percent processing benchmark for reviewing funding requests that include both eligible and ineligible services; (4) whether to require a certification by schools and libraries acknowledging their compliance with the requirements of the Americans With Disabilities Act and related statutes; and (5) modifying our rule governing when members of a consortium may receive service from a tariffed service provider at below-tariff rates.

71. Also seek comment on several issues that arise once discounts have been committed to applicants: (1) Providing schools and libraries the flexibility either to make up-front payments for services and receive reimbursement via the Billed Entity Applicant Reimbursement (BEAR) form process, or be charged only the non-discounted cost by the service providers, and require that service providers remit BEAR reimbursements to applicants within twenty days; (2) limiting transferability of equipment obtained with universal service discounts; and (3) allowing members of rural remote communities to use excess capacity from services obtained through the universal service support mechanism in certain limited situations.

72. With respect to the appeals process, the Commission seeks comment on increasing time limits for filing appeals to 60 days, and considering appeals filed as of the day they are post-marked; and procedures for funding successful appeals. Fourth, we seek comment on measures to strengthen our existing enforcement tools, including adopting a rule explicitly authorizing independent audits; and barring from the program certain applicants, service providers, and others that engage in willful or repeated failure to comply with program rules. On the issue of unused program funds, we seek comment on the reasons for unused funds, and on how the Commission should treat unused funds. We also deny certain petitions for reconsideration relating to unused funds, and seek comment on revising or eliminating outmoded administrative or procedural rules or policies relating to the schools and libraries universal service support mechanism.

2. Legal Basis

73. The legal basis for this NPRM is contained in sections 1 through 4, 201 through 205, 254, 303(r), and 403 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. 151 through 154, 201 through 205, 254, 303(r), and 403, and § 1.411 of the Commission's rules, 47 CFR 1.411.

3. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

74. 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 generally 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 that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the 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 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, 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 percent) are small entities.

75. Small entities potentially affected by the proposals herein include eligible schools and libraries and the eligible service providers offering them discounted services, including telecommunications service providers, Internet Service Providers (ISPs) and vendors of internal connections.

a. Schools and Libraries

76. Under the schools and libraries universal service support mechanism, which provides support for elementary and secondary schools and libraries, an elementary school is generally ''a non-profit institutional day or residential school that provides elementary education, as determined under state law.'' A secondary school is generally defined as ''a non-profit institutional day or residential school that provides secondary education, as determined under state law,'' and not offering education beyond grade 12. For-profit schools and libraries, and schools and libraries with endowments in excess of $50,000,000, are not eligible to receive discounts under the program, nor are libraries whose budgets are not completely separate from any schools. Certain other statutory definitions apply as well. The SBA has defined as small entities elementary and secondary schools and libraries having $5 million or less in annual receipts. In funding year 2 (July 1, 1999 to June 20, 2000) approximately 83,700 schools and 9,000 libraries received funding under the schools and libraries universal service mechanism. Although we are unable to estimate with precision the number of these entities that would qualify as small entities under SBA's definition, we estimate that fewer than 83,700 schools and 9,000 libraries would be affected annually by the rules proposed in this NPRM, under current operation of the program.

b. Telecommunications Service Providers

77. The Commission has included small incumbent local exchange carriers in this RFA analysis. A ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not ''national'' in

scope. We have therefore included small incumbent carriers in this RFA analysis, although we emphasize that this RFA action has no effect on the Commission's analyses and determinations in other, non-RFA contexts.

78. *Local Exchange Carriers.* Neither the Commission nor the SBA has developed a definition for small providers of local exchange services. The closest applicable definition under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the most recent *Trends in Telephone Service* report, 1,335 carriers classified themselves as incumbent local exchange carriers. We do not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of local exchange carriers that would qualify as small business concerns under the SBA's definition. Of the 1,335 incumbent carriers, 13 entities are price cap carriers that are not subject to these rules. Consequently, we estimate that fewer than 1,322 providers of local exchange service are small entities or small incumbent local exchange carriers that may be affected.

79. *Interexchange Carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of interexchange services (IXCs). The closest applicable definition under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the most recent *Trends Report,* 204 companies reported that they were engaged in the provision of interexchange services. As some of these carriers have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of IXCs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 204 small entity IXCs that may be affected by the proposals in this NPRM.

80. *Competitive Access Providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to competitive access services providers (CAPs). The closest applicable definition under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the most recent *Trends Report,* 496 competitive service providers reported that they were engaged in the provision of competitive local exchange services. We do not have data specifying the number of these carriers that are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of CAPs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are less than 349 small entity CAPs and 60 other local exchange carriers that may be affected.

81. *Cellular and Wireless Telephony.* Neither the Commission nor the SBA has developed a definition of small entities specifically for wireless telephony. The closest definition is the SBA definition for cellular and other wireless telecommunications. Under this definition, a cellular licensee is a small entity if it employs no more than 1,500 employees. According to the most recent *Trends Report,* 806 providers classified themselves as providers of wireless telephony, including cellular telecommunications, Personal Communications Service, and Specialized Mobile Radio (SMR) Telephony Carriers. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 806 wireless telephony carriers that may be affected.

82. *Other Wireless Services.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to wireless services other than wireless telephony. The closest applicable definition under the SBA rules is again that of cellular and other wireless telecommunications, under which a service provider is a small entity if it employs no more than 1,500 employees. According to the most recent *Trends Report,* 477 providers classified themselves as paging services, wireless data carriers or other mobile service providers. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of wireless service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 477 wireless service providers that may be affected.

c. Internet Service Providers

83. Under the new NAICS codes, SBA has developed a small business size standard for ''On-line Information Services,'' NAICS Code 514191. According to SBA regulations, a small business under this category is one having annual receipts of $18 million or less. According to SBA's most recent data, there are a total of 2,829 firms with annual receipts of $9,999,999 or less, and an additional 111 firms with annual receipts of $10,000,000 or more. Thus, the number of On-line Information Services firms that are small under the SBA's $18 million size standard is between 2,829 and 2,940. Further, some of these Internet Service Providers (ISPs) might not be independently owned and operated. Consequently, we estimate that there are fewer than 2,940 small entity ISPs that may be affected by the decisions and rules of the present action.

d. Vendors of Internal Connections

84. The Commission has not developed a definition of small entities applicable to the manufacturers of internal network connections. The most applicable definitions of a small entity are the definitions under the SBA rules applicable to manufacturers of ''Radio and Television Broadcasting and Communications Equipment'' (RTB) and ''Other Communications Equipment.'' According to the SBA's regulations, manufacturers of RTB or other communications equipment must have 750 or fewer employees in order to qualify as a small business. The most recent available Census Bureau data indicates that there are 1,187 companies with fewer than 1,000 employees in the United States that manufacture radio and television broadcasting and communications equipment, and 271 companies with less than 1,000 employees that manufacture other communications equipment. Some of these manufacturers might not be independently owned and operated. Consequently, we estimate that there are fewer than 1,458 small entity internal connections manufacturers that may be affected by the decisions and rules of the present action.

4. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

85. The NPRM seeks comment on the proposal that all recipients of discounts be required to certify that they are in compliance with the ADA, but does not specify the language or at what point in the process applicants should be required to make this certification. We already require applicants to make several certifications, both when they apply for discounted services and after approval of discounts when they file an FCC Form 486 indicating their receipt of those services. The new certification will merely require them to check one additional box prior to signing the relevant form. Regardless of the precise language of the certification, we estimate that it will take no more than one minute to review and check the appropriate certification box. Aside from this requirement, the specific proposals under consideration in this NPRM would, if adopted, result in no additional reporting or recordkeeping requirements.

5. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

86. 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): (1) The establishment of differing compliance and reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or part thereof, for small entities.

87. The Commission finds that the following proposals will have no significant economic impact on small entities: allowing, under certain circumstances, full discounts on Internet service that includes content, the proposed modification to the appeals process, requiring certification of compliance with the ADA, a proposed alteration to the rules regarding application of tariff rates to consortia, the proposed rule establishing the right of funding for all successful appellants and the funding methodology, and possible rule changes affecting overcommitted funding requests.

88. Requiring that recipients be allowed to choose their payment method could have a significant impact on service providers, including small entities, by depriving them of their full revenues for a period of time when the applicant chooses to pay only the discounted portion up-front. The Commission has considered the alternative of continuing to allow small service providers the discretion to mandate a particular payment method. However, as the Commission noted in *Universal Service Order,* ''requiring schools and libraries to pay [service providers] in full could create serious cash flow problems for many schools and libraries and would disproportionately affect the most disadvantaged schools and libraries.'' In order to comply with the goals of the Act, *i.e.,* to ensure the delivery of affordable telecommunications service to schools and libraries, including small entities, we conclude that we can justify any additional economic impact that might occur to small service providers.

89. However, in seeking to minimize the burdens imposed on small businesses where doing so does not compromise the goals of the universal service mechanism, the Commission has sought comment on whether to increase the current 10-day period for service providers to remit their payments to 20 days, and we invited comment on how the billing process might be made less burdensome for small entities. We further invited comment on whether, in the case of applicants that choose up-front payment of the full pre-discount cost followed by the provider's remittance of the discount fund through the BEAR process, some extension of the standard remittance period for small businesses may be appropriate. We again invite commenters to discuss the benefits of such changes on small businesses and whether these benefits are outweighed by resulting costs to schools and libraries that might also be small entities.

90. The Commission has sought comment on a proposed rule restricting transferability of equipment, which may have an economic impact on small entity schools and libraries. However, we expect that the impact on small entities will be minimal because the overall effect of the proposed rule is to restrict an entity's ability to purchase redundant systems. Thus, it should reduce rather than increase the entity's costs.

91. The Commission has sought comment on two options for the treatment of funds left unused at the end of a Funding Year. The first option, to use these funds to reduce the contribution factor used to calculate a carrier's contribution for universal service support, would temporarily reduce the burden of universal service support on telecommunications service providers, including many small businesses. In the alternative, we have sought comment on a proposal to distribute unused funds to schools and libraries in subsequent funding years, which would improve the opportunities of small entity schools and libraries but conversely would impose a greater burden on small businesses. It is therefore not clear which of these two alternatives would be more appropriate to minimizing the economic impact on small entities. In seeking comment on these two options, we invite commenters to discuss this question.

92. The Commission has further sought comment on numerous other areas of the program, including the reduction of the percentage of unused funds, the eligibility determination process, the specific eligibility of WANs, wireless services, and voice mail, the use of excess capacity in rural areas for non-educational purposes, the rules governing consortia, and the appropriate method of enforcement of our rules in general. We do not seek comment on specific proposals on these issues at this time, and therefore, cannot at this time determine how changes in these areas will impact on small entities in relation to the current regime. We therefore request that commenters, in proposing possible alterations to our rules, discuss the economic impact that those changes will have on small entities.

6. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

93. None.

C. Comment Due Dates and Filing Procedures

94. We invite comment on the issues and questions set forth in the NPRM and Initial Regulatory Flexibility Analysis contained herein. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments as follows: comments are due April 5, 2002 and reply comments are due May 6, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24,121 (1998).

95. 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. If multiple docket or rulemaking

numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. 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 electronic comments by Internet e-mail. To receive 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.

96. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Parties who choose to file by paper are hereby notified that effective December 18, 2001, the Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at a new location in downtown Washington, DC. The address is 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location will be 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. This facility is the only location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. Accordingly, the Commission will no longer accept these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express Mail and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location will be open 8:00 a.m. to 5:30 p.m. The USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The USPS mail addressed to the Commission's headquarters actually goes to our Capitol Heights facility for screening prior to delivery at the Commission.

If you are sending this type of document or using this delivery method . . .	It should be addressed for delivery to . . .
Hand-delivered or messenger-delivered paper filings for the Commission's Secretary.	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (8:00 to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail).	9300 East Hampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.)
United States Postal Service first-class mail, Express Mail, and Priority Mail	445 12th Street, SW, Washington, DC 20554.

All filings must be sent to the Commission's Acting Secretary: William F. Caton, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Suite TW–A325, Washington, DC 20554.

97. Parties who choose to file by paper should also submit their comments on diskette to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street, SW., Room 5–B540, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM-compatible format using Microsoft Word 97 for Windows or a compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read-only'' mode. The diskette should be clearly labeled with the commenter's name, proceeding, including the lead docket number in the proceeding (CC Docket No. 02–6), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase (''Disk Copy Not an Original.'') Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail at *qualexint@aol.com.*

98. Written comments by the public on the proposed and/or modified information collections pursuant to the Paperwork Reduction Act of 1995, Public Law No. 104–13, are due on or before April 5, 2002. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before April 22, 2002. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *jboley@fcc.gov* and to Jeanette Thornton, OMB Desk Officer, 10236 NEOB, 725—17th Street, NW., Washington, DC 20503.

99. Accessible formats (computer diskette, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418–7426, (202) 418–7365 TTY, or at *bmillin@fcc.gov.*

VII. Ordering Clauses

100. Pursuant to the authority contained in sections 1–4, 201–205, 254, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201–205, 254, 303(r), 403, and §§ 0.91, 0.291, 1.3, and 1.411 of the Commission's rules, 47 CFR 0.91, 0.291, 1.3, and 1.411, this notice of proposed rule making is adopted, as described herein.

101. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

102. Pursuant to § 1.106(j) of the Commission's rules, 47 CFR 1.106(j), that the following Petitions for Reconsideration are denied: Petition for Reconsideration of Proposed First Quarter 2000 Universal Service Contribution Factor by Greg Weisiger, filed December 20, 1999; Petition for Reconsideration of Proposed Third Quarter 2000 Universal Service Contribution Factor by Greg Weisiger, filed June 12, 2000; Petition for Reconsideration of Proposed Fourth Quarter 2000 Universal Service Contribution Factor by Greg Weisiger, filed September 18, 2000.

List of Subjects in 47 CFR Part 54

Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Change

For the reason set forth in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 54 as follows:

PART 54—UNIVERSAL SERVICE

1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 1,4(I), 201, 205, 214 and 254 unless otherwise noted.

2. Revise § 54.501 (d)(1) to read as follows:

§ 54.501 Eligibility for services provided by telecommunications carriers.

* * * * *

(d) * * *

(1) For purposes of seeking competitive bids for telecommunications services, Internet access and internal connections, schools and libraries eligible for support under this subpart may form consortia with other customers. When ordering telecommunications and other supported services under this subpart, the consortium may even seek to negotiate for pre-discount prices below tariffed interstate rates on behalf of members that are eligible schools or libraries, health care providers eligible under subpart G, or public sector (governmental) entities, including, but not limited to, state colleges and state universities, state educational broadcasters, counties and municipalities. However, eligible schools and libraries may only receive support for their share of services as part of a consortium that includes ineligible private sector entities if the pre-discount prices of any interstate tariffed services that such ineligible private sector members of the consortium receive are at the tariffed rates.

* * * * *

[FR Doc. 02–3883 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–244; MM Docket No. 01–308; RM–10308]

Radio Broadcasting Services; Wickett, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; withdrawal.

SUMMARY: This document dismisses a petition for rule making filed by Katherine Pyeatt requesting the allotment of Channel 224A at Wickett, Texas. *See* 66 FR 56507, November 8, 2001. Neither Katherine Pyeatt nor any other party filed comments supporting an allotment at Wickett. As it is the Commission's policy to refrain from making an allotment absent supporting comments, we will dismiss the proposal for Wickett.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 01–308, adopted January 23, 2002, and released February 1, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–B402, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 02–4005 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–246; MM Docket No. 01–303; RM–10306]

Radio Broadcasting Services; Birch Tree, Missouri

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; withdrawal.

SUMMARY: This document dismisses a petition for rule making filed by Charles Crawford requesting the allotment of Channel 241A at Birch Tree, Missouri. *See* 66 FR 54972, October 31, 2001. Neither Charles Crawford nor any other party filed comments supporting an allotment at Birch Tree. As it is the Commission's policy to refrain from making an allotment absent supporting comments, we will dismiss the proposal for Birch Tree.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 01–303, adopted January 23, 2002, and released February 1, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–B402, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 02–4004 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 012902C]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Atlantic Coastal Fisheries Cooperative Management; Application for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject EFP application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue EFPs. Therefore, NMFS announces that the Regional Administrator has made a

preliminary decision to issue EFPs that would allow three federally permitted fishing vessels to conduct fishing operations otherwise restricted by the regulations governing the Northeast multispecies fishery. EFPs would allow the federally permitted vessels to compare a standard flounder otter trawl to a modified flounder otter trawl in order to estimate cod bycatch reduction in the modified trawl. EFPs are needed to allow the fishing activities to be conducted in areas of the Gulf of Maine (GOM) otherwise closed to fishing in March and April. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before March 6, 2002.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930–2298. Mark the outside of the envelope ''Comments on EFP Proposal.'' Comments may also be sent via facsimile (fax) to (978) 281–9135. A copy of the proposal and the Environmental Assessment are available from the Northeast Regional Office at the address stated above.

FOR FURTHER INFORMATION CONTACT: Peter Christopher, Fishery Policy Analyst, 978–281–9288.

SUPPLEMENTARY INFORMATION: The Massachusetts Division of Marine Fisheries (MADMF) submitted an application on January 16, 2002, to conduct an experimental fishery using three federally permitted vessels to fish with experimental fishing gear in and near the GOM Rolling Closures during March and April, 2002. The experiment is a continuation of an experiment that the MADMF conducted in 2001.

The continuation of the experiment is necessary to expand the level of information and data that the MADMF has collected on the experimental flounder trawl and to conduct the experimental fishing at a time when, and in areas where, both flounder and cod are in abundance relative to other areas and times of the year. Experimental fishing in 2001 demonstrated a reduction of cod bycatch of between 75 and 90 percent, compared to traditional flounder otter trawl gear. The MADMF anticipates this reduction in bycatch to continue.

The proposed experiment would be conducted in March and April in statistical areas 123 and 124 in the GOM. According to the MADMF, operation of the experiment in statistical areas 123 and 124 in March and April would allow the experiment to occur when concentrations of flounder and cod are high enough to demonstrate sufficiently the gear's effectiveness in catching flounder and reducing cod bycatch. EFPs are required because statistical areas 123 and 124 are closed to fishing during March and April under the GOM Rolling Closure Areas I and II. The participating vessels would be allowed to retain 400 lb (181.4 kg) of cod for each 24–hour period they are fishing, as allowed by the regulations at 50 CFR 648.86(b)(i). Any remaining cod captured during the experiment would be immediately returned to the sea. The MADMF anticipates a 50–percent survival rate of released cod collected, based on research conducted by the MADMF.

The MADMF expects that the experiment this year will allow expansion of the data that they have collected from prior experiments, investigation of daytime and nighttime catches, and comparisons of the data between two different vessels. Information obtained by MADMF (and provided to NMFS after completion) could provide for potential gear modification alternatives to be used in the groundfish fishery to prevent the bycatch of cod in directed flounder fisheries.

Based on the results of this EFP, this action may lead to future rulemaking.

Dated: February 12, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–3980 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 012402A]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that an application to issue EFPs to six longline and tub trawl vessels, submitted by the Maine Department of Marine Resources (Maine DMR), contains all the information required by the regulations governing exempted experimental fishing under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under these EFPs would be consistent with the goals and objectives of the Northeast Multispecies Fishery Management Plan (FMP) and is within the scope of earlier analyses of the impacts. However, further review and consultation may be necessary before a final determination is made to issue six EFPs.

Regulations under the Magnuson-Stevens Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments on this notification must be received at the appropriate address or fax number (see **ADDRESSES**) on or before March 6, 2002.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on EFP Proposal.'' Comments may also be sent via facsimile to (978) 281–9135. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Allison Ferreira, Fishery Management Specialist, 978–281–9103.

SUPPLEMENTARY INFORMATION: NMFS announces that the Regional Administrator intends to issue EFPs to allow six federally permitted vessels to fish for, land, and possess Atlantic halibut (*Hippoglossus hippoglossus*) in excess of the allowable landing and possession limit specified at 50 CFR 648.86(c) within a portion of the Gulf of Maine/Georges Bank Regulated Mesh Area (GOM/GB RMA). The EFPs would also allow these vessels to possess temporarily Atlantic halibut less than the minimum size requirement specified at § 648.83(a)(1) for purposes of collecting scientific information.

Maine DMR submitted a proposal on November 6, 2001, to conduct an experimental Atlantic halibut fishery in a portion of the GOM/GB RMA. The

industry collaborative experiment involves Maine DMR, with consultation provided by the NMFS Northeast Fisheries Science Center (Center). The purpose of the experiment is to continue the collection of data on the distribution, relative abundance, migration, stock definition, mortality rates, stock size, yield, and other significant biological reference points of the Atlantic halibut resource to be used in the long-term management of the species. In addition, the experiment proposes to collect information on age and growth, size and sex composition, and rate and onset of sexual maturity. The proposed experiment is a continuation of experimental fisheries conducted by Maine DMR in 2000 and 2001.

The study would occur from April 1 through May 31, 2002, and would take place in a portion of the GB/GOM RMA defined by the following coordinates:

Area Point	N. Latitude	W. Longitude
HAL 1	Mainland Maine Coastline	69° 00″
HAL 2	43° 12.3″	69° 00″
HAL 3	43° 58.3″	67° 21.5″
HAL 4*	Mainland Maine Coastline and U.S./Canada Maritime Boundary	Mainland Maine Coastline and U.S./Canada Maritime Boundary

*Between points HAL 3 and HAL 4, the area follows the U.S. /Canada maritime boundary.

A maximum of six traditional longline and tub trawl vessels would be authorized to participate in the experiment at any given time. These vessels would be limited to a maximum number of 700 hooks per boat, and would be restricted to using circle hooks no smaller than 14/0 in size. Each of the six participating vessels would also be limited to a total allowable catch (TAC) of 50 halibut, with no possession or landing limit. Once this TAC is reached by an individual vessel, that vessel would be restricted to possessing and landing no more than six legal-sized halibut per day. The maximum number of Atlantic halibut that could be harvested as part of this study would be 1,080 halibut, the amount established for the 2000 and 2001 experimental fisheries.

Logbooks supplied by Maine DMR would be used to record information on length of all halibut caught, whether retained or released, time and place of all halibut caught, tag number (if applicable), amount of gear used, and bait type. In addition, species identification and length of all species caught as bycatch during the course of the study would be recorded. For all halibut that are retained, participants would be required to preserve stomachs, gonads, and any other biological samples (including scale and otolith samples) requested by scientists from Maine DMR and the NMFS for further analyses. All halibut less than 36 inches (91.4 cm) total length would be measured, tagged and released. Only legal-sized halibut would be retained for commercial sale. Training in the procedures for collecting this information would be provided by Maine DMR or Center personnel. In addition, participants would be required to complete a training program in the tagging and release of halibut.

Vessels may be required to carry onboard observers as requested by NMFS and Maine DMR. Onboard observers will consist primarily of Maine DMR staff and possibly University of Maine students. Maine DMR or Center personnel would train observers in the protocols of the experiment.

The 2001 experimental Atlantic halibut fishery took place from April 12—May 31, 2001, within the same study area as the proposed 2002 experimental fishery. Although six vessels were permitted to fish in the 2001 experimental fishery, only four actively participated. Over the course of 50 days, 152 Atlantic halibut were caught, of which 126 were kept and 26 were tagged and released. Most of the kept halibut were sold for consumption, but 45 of the 126 kept halibut were sold live to the University of Maine for use as brood stock. Two of the fish that were caught were recaptured from the 2000 experimental fishery. One of the recaptured fish was re-released, while the other was sold live to the University of Maine. Otolith and gonad samples were taken from all fish retained, except for the 45 fish sold live to the University of Maine.

The 2000 experimental Atlantic halibut fishery took place from April 15 to June 15, 2000. Three vessels participated in this experimental fishery capturing 234 halibut, of which 162 were kept. At an average weight of 40 lb (based on data from the 2000 and 2001 experimental fisheries), this equates to 6,480 lb (2.9 mt) of halibut caught. Compared to a total of 11 mt (24,250 lb) of Atlantic halibut landed from the Gulf of Maine and Georges Bank during 2000, the experimental fishery was responsible for approximately 27 percent of total Atlantic halibut landings in 2000. Furthermore, the amount of Atlantic halibut landed in 2000 from the Gulf of Maine and Georges Bank was 1 mt less than the Atlantic halibut landed from this region in 1999.

As stated previously, 126 Atlantic halibut were landed during the 2001 Atlantic halibut experimental fishery. This is approximately 22 percent less than the halibut landed during the 2000 experimental fishery. Commercial 2001 halibut landings data are not yet available. However, the percentage of halibut retained during the 2001 experimental fishery in relation to total 2001 halibut landings is not expected to exceed the percentage for 2000, or 27 percent. Based on this information, NMFS believes that the catch rates for the 2002 experimental fishery will not exceed those of the 2000 and 2001 studies. Therefore, the impact of the proposed 2002 experimental halibut fishery on the Atlantic halibut resource as a whole is expected to be minimal. Furthermore, the Center intends to closely monitor the catch rates of vessels participating in this experimental fishery. If the Center determines that catch rates are declining, indicating a significant impact to the resource, NMFS would have the authority to terminate the experimental fishery.

Up to six EFPs would be issued at any one time to exempt these vessels from the landing and possession limit for Atlantic halibut established under the FMP. The EFPs would also authorize the participating vessels to temporarily possess Atlantic halibut less than the minimum size requirement of 36 in. (91.4 cm) TL for purposes of scientific data collection.

Based on the results of this EFP, this action may lead to future rulemaking.

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

Dated: February 11, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–3981 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 012802D]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery off the Southern Atlantic States; Amendment 6

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

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

SUMMARY: The South Atlantic Fishery Management Council (Council) intends to prepare a DSEIS to assess the impacts on the natural and human environment of the management measure being developed in its draft Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of South Atlantic Region (FMP).

DATES: Written comments on the scope of issues to be addressed in the preliminary DSEIS will be accepted through March 21, 2002.

ADDRESSES: Comments and requests for copies of the scoping documents should be sent to Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, FAX: 843-769-4520; email: robert.mahood@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Office; 843-571-4366 or kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION: The shrimp fishery off the South Atlantic States in the exclusive economic zone (EEZ) is managed under the FMP. Following Council preparation, the FMP was approved and implemented by NMFS under the authority of the Magnuson Fishery Conservation and Management Act in June of 1993. Currently, the Council is preparing draft FMP Amendment 6 and a DSEIS as an integrated part of the Amendment. The DSEIS will discuss the proposed Amendment 6 management measures in conjunction with reasonable alternatives. Each alternative will be assessed in relation to the environmental consequences with a no-action alternative considered as one of the options.

The South Atlantic shrimp fishery consists of white (*Penaeus setiferus*), brown (*Penaeus aztecus*), pink (*Penaeus duorarum*), rock (*Sicyonia brevirostris*), and royal red shrimp (*Hymenopenaeus robustus*). The FMP applies to the shrimp fishery in the South Atlantic EEZ from the southeast coast of Florida to the North Carolina/Virginia border. The management unit consists of white and rock shrimp, which were added under the original FMP and amendment 1 respectively. Amendment 2 added both brown and pink shrimp.

Current management measures are intended to reduce and protect shrimp populations and habitat. One key element of the management plan allows the states bordered by the South Atlantic EEZ to request a closure in Federal waters adjacent to closed state waters for white shrimp following severe cold weather that results in an 80-percent or greater reduction in the population of white shrimp (whiting, royal red and rock shrimp fisheries are exempt from a Federal closure for white shrimp). During such closure, no trawling is allowed with a net having less than 4 inches (10.16 cm) stretch mesh within a zone extending seaward from shore 25 nautical miles.

The FMP has curbed the potential negative effects of trawling through the protection of bottom habitat in specific areas and by requiring the use of bycatch reduction devices (BRD) by all penaeid shrimp trawlers. A crucial component for habitat protection was established in Amendment 1 with the prohibition of rock shrimp trawling within the *Oculina* Bank Habitat Area of Particular Concern. In addition, NMFS is currently reviewing the Council's proposed Amendment 5, which would require vessel monitoring systems and standard mesh sizes on all rock shrimp vessels.

Through Amendment 6, the Council is considering adjusting the overfishing definitions; establishing minimum stock size thresholds (MSSTs) and maximum fishing mortality thresholds (MFMTs); and modifying the requirements for testing and approving BRDs (BRD protocol).

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that FMPs include overfishing definitions and criteria for determining when overfishing is occurring. NMFS has published guidance on using tools such as MSST and MFMT to assess the condition of a fishery and avoid overfished situations. The Council is reviewing its overfishing definitions in light of current information and is considering establishing values for MSST and MFMT.

In addition, the Magnuson-Stevens Act requires FMPs to minimize bycatch to the extent practicable. The Council believes that by revising the BRD protocol, they could facilitate development of improved BRD technology that could lead to further reductions in bycatch. Following the mandates set by Shrimp FMP Amendment 2 to develop a protocol for BRD testing, the Bycatch Reduction Device Testing Protocol Manual was developed in 1997. In this manual, the specifications test the effectiveness of any new or modified BRD in reducing bycatch of targeted species. The Council is considering modification of the protocol, and how it is administered, to insure that more efficient BRDs are allowed in the fishery.

A scoping meeting to determine the scope of significant issues to be addressed in the DSEIS and the associated Amendment 6 will be conducted at the Council's March 4-8, 2002, meeting in Savannah, GA.

Authority: 6 U.S.C. 1801 *et seq.*

Dated: February 12, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–3979 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 020702E]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; South Atlantic Fishery Management Council; Public Hearing

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

ACTION: Notice of public hearings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will convene a public hearing to consider additional alternatives for the Sargassum Fishery Management Plan (FMP). The Secretary of Commerce has prepared a Draft Supplemental

Environmental Impact Statement (DSEIS) that identifies and analyzes additional alternatives that the Council had not previously analyzed. See **SUPPLEMENTARY INFORMATION** for more information.

DATES: The public hearing will be held March 6, 2002, at 1:30 p.m. Written comments must be received in the Council office by March 6, 2002.

ADDRESSES: The hearing will be held at the Hilton Savannah DeSoto, 15 East Liberty Street, Savannah, Georgia 31401; phone 800–426–8483 or 912–232–9000. Written comments should be sent to Bob Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699, or via email to safmc@safmc.net. Copies of the SDEIS are available from Kim Iverson, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699; telephone: 843–571–4366.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699; telephone: 843–571–4366; fax: 843–769–4520; email address: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: Both the Sargassum FMP and the Fishery Management Plan for the Calico Scallop Fishery in the South Atlantic Region (Calico Scallop FMP) were originally incorporated in the Comprehensive Amendment Addressing Essential Fish Habitat in the Fishery Management Plans for the South Atlantic Region (EFH FMP). A Draft Environmental Impact Statement (DEIS) on the Comprehensive EFH Amendment, including the Sargassum and Calico Scallop measures, was filed with the Environmental Protection Agency (EPA) in July 1998 (63 FR 38643, July 17, 1998). On advice from the National Marine Fisheries Service (NMFS), the Council subsequently removed both the Sargassum FMP and the Calico Scallop FMP from the EFH FMP and created stand alone documents.

NMFS prepared a Supplemental Draft Environmental Impact Statement in order to analyze additional alternatives for the Sargassum FMP and to give the public additional opportunity to comment on the proposed actions. The notice of availability of the SDEIS published in the **Federal Register** January 11, 2002 (67 FR 1461) with the comment period ending February 25, 2002. At the March meeting, the Council intends to review NMFS' SDEIS as well as comments received during the comment period and consider whether modification to the FMP is appropriate.

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 March 1, 2002.

Dated: February 12, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–3982 Filed 2–15–02; 8:45 am]

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Proposed Rules

Federal Register
Vol. 67, No. 33
Tuesday, February 19, 2002

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1219

[FV–01–705–PR#2]

RIN 0581–AB92

Proposed Hass Avocado Promotion, Research, and Information Order

AGENCY: Agricultural Marketing Service, Agriculture.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish an industry-funded promotion, research, and information program for the Hass avocados. This program is authorized under the Hass Avocado Research, Promotion, and Information Act (Act). USDA published four proposals (Proposals 1–4) for comment reflecting all or portions of an Order. This proposed rule adopts Proposal 1 with changes, including appropriate provisions from Proposals 2, 3, and 4. Under the proposed Order, producers and importers would pay an initial assessment of 2.5 cents per pound of Hass domestic and imported avocados to the Hass Avocado Board (Board). The Board would be appointed by USDA to conduct research, promotion, industry information, and consumer information needed for the maintenance, expansion, and development of domestic markets for Hass avocados.

DATES: Agricultural Marketing Service will publish a referendum order and the dates for the referendum in the **Federal Register** at a future date.

FOR FURTHER INFORMATION CONTACT: Julie Morin, Research and Promotion Branch, FV, AMS, USDA, Stop 0244, 1400 Independence Avenue, S.W., Room 2535–S, Washington, D.C. 20250–0244, telephone (202) 720–6930 or (888) 720–9917, fax (202) 205–2800, e-mail *julie.morin@usda.gov.*

SUPPLEMENTARY INFORMATION: This proposed Order is issued under the Hass Avocado Research, Promotion, and Information Act of 2000 (Act) [7 U.S.C. 7801–7813], enacted on October 23, 2000.

Prior documents: A proposed rule was published in the **Federal Register** on July 13, 2001 [66 FR 36870], with a 45-day comment period. Subsequently, the USDA published a notice in the **Federal Register** on August 28, 2001, extending the comment period by 15 days, to September 12, 2001. In addition, USDA published a proposed rule on the referendum procedures in the **Federal Register** on July 13, 2001 [66 FR 36886], with a 45-day comment period. The comment period on this rule was also extended 15 days. These comment periods were extended one day due to mail service being shut down on September 11–12, 2001.

Question and Answer Overview

Why Is USDA Proposing a Program for Hass Avocados?

The U.S. Department of Agriculture (USDA or the Department) received a proposal from the California Avocado Commission and partial proposals from Hass avocado interests in Chile, Mexico, and New Zealand to implement a program under the Act. The USDA issued the proposed rule to obtain comments on the proposals and to obtain information on the potential impact of the proposed program on the Hass avocado industry before developing a final proposed program and conducting a referendum on it.

What Is the Purpose of the Hass Avocado Program?

The purpose of the program is to increase consumption of Hass avocados in the United States.

How Will the Hass Avocado Program Be Implemented?

A referendum will be conducted on the proposed Order. The Order will be implemented if it is approved by a simple majority of the eligible voters in the referendum.

When Will the Referendum Be Held?

A final rule providing referendum procedures will be published in this issue of the **Federal Register**. A referendum order will be published in the **Federal Register** after a bond or irrevocable letter of credit has been posted by the California Avocado Commission. The representative period for eligibility for voting in the referendum and the dates for registration and for voting will be announced in the referendum order.

Who Will Be Covered by the Program?

Producers and importers of Hass avocados will pay assessments under the program, and first handlers will be involved in the assessment collection process.

Who Will Sit on the Board?

The Act provides that there will be a 12-member Board consisting of seven domestic Hass avocado producers, two importers, and three additional members who can either be importers or domestic producers. The three ''swing'' seats will be allocated to producers and importers so as to assure as nearly as possible that the composition of the Board reflects the proportion of domestic production and imports supplying the United States market. The proportion shall be based on the average volume of domestic production and imports in the United States over the previous three years. Each member will have an alternate.

How Will Members of the Board Be Selected?

The Order will provide for a nomination and election process to identify industry members who are interested and willing to serve on the Board. In the initial nomination process, the California Avocado Commission (Commission) will conduct an election to determine who will be nominated for each domestic producer seat. USDA will conduct an election among importers to determine who will be nominated to fill the importer seats. Two names must be submitted for each member and alternate position. From the names submitted, USDA will appoint the members and alternates of the Board.

If the Hass Avocado Program is Implemented and There Are Concerns About How It Is Operating, What Can the Department of Agriculture Do?

Three years after the program is implemented, USDA could conduct a referendum to determine whether the Hass avocado industry supports continuation of the program: (1) At any time; (2) at the request of 30 percent or more of the producers and importers required to pay assessments; or (3) at the request of the Board.

Executive Orders 12866 and 12988

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

This proposed rule has been reviewed under E.O.12988, Civil Justice Reform. It is not intended to have retroactive effect. Section 1212 of the Act states that the Act may not be construed to preempt or supersede any other program relating to Hass avocado promotion, research, industry information, and consumer information organized and operated under the laws of the United States or of a state.

Under Section 1207 of the Act, a person subject to the Order may file a petition with USDA stating that the Order, any provision of the Order, or any obligation imposed in connection with the Order, is not established in accordance with law, and requesting a modification of the Order or an exemption from the Order. Any petition filed challenging the Order, any provision of the Order, or any obligation imposed in connection with the Order, shall be filed within two years after the effective date of the Order, provision, or obligation subject to challenge in the petition. The petitioner will have the opportunity for a hearing on the petition. Thereafter, USDA will issue a ruling on the petition. The Act provides that the district court of the United States in any district in which the petitioner resides or conducts business shall have the jurisdiction to review a final ruling on the petition, if the petitioner files a complaint for that purpose not later than 20 days after the date of the entry of USDA's final ruling.

Regulatory Flexibility Act

In accordance with the Regulatory Flexibility Act (RFA) [5 U.S.C. 601 *et seq.*], the Agency has examined the impact of the proposed rule on small entities. The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be disproportionately burdened.

The California avocado industry initiated this program by asking the U.S. Congress (Congress) to pass legislation to authorize USDA to create a generic program of promotion and research for Hass avocados. Congress found that this program is vital to the welfare of Hass avocado producers and other persons concerned with producing, marketing, and processing Hass avocados.

This program is intended to: Develop and finance an effective and coordinated program of research, promotion, industry information, and consumer information regarding Hass avocados; strengthen the position of the Hass avocado industry in U.S. markets; maintain, develop, and expand domestic markets for Hass avocados; and treat persons producing, handling, and importing avocados fairly.

Hass avocado producers and importers must approve the program in a referendum in advance of its implementation and would serve on the Board that would administer the program under the Department of Agriculture's supervision. In addition, any person subject to the program may file with USDA a petition stating that the Order or any provision of the Order is not in accordance with law and requesting a modification of the Order or an exemption from the Order. Administrative proceedings were discussed earlier in this proposed rule.

In this program, first handlers would be required to collect assessments from producers, file reports, and submit assessments to the Board. Importers would be required to remit to the Board assessments not collected by the U.S. Customs Service (Customs) and to file reports with the Board. Exports of U.S. Hass avocados would be exempt from assessment. While the proposed Order would impose certain recordkeeping requirements on producers, handlers, and importers, information required under the proposed Order could be compiled from records currently maintained and would involve clerical or accounting skills. The forms require the minimum information necessary to effectively carry out the requirements of the program, and their use is necessary to fulfill the intent of the Act. There would be an estimated 6,315 respondents providing information to the Board or to USDA: 6,000 producers, 100 first handlers, 200 importers, 10 exempt handlers, and five importer associations. The burden associated with the information collections would be $40,020 for all producers or $6.67 per producer, $6,500 for all first handlers or $65 per first handler, $50 for all importers or $0.25 per importer, $25 for exempt handlers or $2.50 per exempt handler, and $25 for all importer associations or $2.50 per importer association. These totals have been estimated by multiplying total burden hours requested by $10.00 per hour, a sum deemed to be reasonable should the respondents be compensated for their time.

The Department would oversee the operation of the program. Three years after the program is implemented, USDA could conduct a referendum to determine whether the Hass avocado industry supports continuation of the program at any time, at the request of 30 percent or more of the producers and importers required to pay assessments, or at the request of the Board.

There are approximately 6,000 producers, 200 importers, and 100 first handlers of Hass avocados that would be covered by the program. The program would also affect 10 exempt handlers, a state association of avocado producers, and several importer associations.

The Small Business Administration [13 CFR 121.201] defines small agricultural producers as those having annual receipts of $750,000 or less annually and small agricultural service firms as those having annual receipts of $5 million or less. Importers, first handlers, and exempt handlers would be considered agricultural service firms. Using these criteria, most producers and importers to be covered by the proposed program would be considered small businesses, and most handlers would not. The associations affected by this proposed rule consist of producers or importers and would reflect the size of these entities.

According to the USDA's National Agricultural Statistics Service (NASS), total U.S. production of all varieties of avocados during the 2000–2001 season was 234,320 tons, all of which was utilized fresh (except for a small processed quantity that NASS included in fresh utilization to protect the confidentiality of individual operations). The value of the 2000–2001 crop was $321 million. Production in 2000–2001 was up 28 percent from the previous year's total of 183,300 tons, which had a value of $379 million.

In 2000–2001, California accounted for more than 89 percent of U.S. production, followed by Florida (nearly 11 percent) and Hawaii (about 0.1 percent). Hass avocados account for about 85 percent of the total California avocado crop.

Avocados are imported in both fresh and processed forms. In 2000, fresh avocado imports accounted for about 75 percent of the total tonnage of fresh and processed avocados imported. Imported fresh avocados totaled 86,667 tons, up about 42 percent from 1999. Processed avocados accounted for 25,214 tons, up 21 percent from 1999.

The total import value for fresh and processed avocados was $149 million in 2000, up from $105 million in 1999. The total tonnage imported was up 37 percent in 2000, to 111,880 tons. The trend in imports is up, and imports have more than doubled since 1997. Almost all prepared or preserved avocado imports come from Mexico. In recent years, Chile has accounted for more

than 50 percent of fresh imports, followed by Mexico, the Dominican Republic, and New Zealand.

The United States is a net importer of avocados, and exports of avocados are much smaller than imports. In 2000, total exports were 2,756 tons, down 60 percent from the year before, and only about 2 percent as large as imports. The value of exports in 2000 was $3.6 million, down from $7.6 million in 1999. There are just a few major destinations of U.S. exports. Canada, Japan, Spain, and the United Kingdom purchased about 87 percent of the U.S. avocado exports in 2000.

The proposed Hass avocado Order would authorize assessments on producers (to be collected by first handlers) and on importers (collected by Customs) of Hass avocados at an initial rate of 2.5 cents a pound. Exports of domestic Hass avocados are exempt from assessment. At the initial rate of assessment, about $10 million will be collected to administer the program: about 65 percent from domestic production and 35 percent from imports. The Act authorizes assessments on fresh, frozen, and processed Hass avocados. However, initially only fresh Hass avocados will be assessed.

An exempt handler is a person who would otherwise be considered a first handler, except that all Hass avocados purchased by the person have already been subject to assessments under the Order. Others affected by the program would be a state association (currently, the Commission), which would receive 85 percent of the assessments paid by domestic producers, and importer associations which would receive 85 percent of the assessments paid by their members. The state association could use the assessment funds to promote California Hass avocados in the United States, and the importer associations could use the assessments to promote Hass avocados on a country-of-origin basis in the United States. The funds remaining with the Board would be used to promote Hass avocados in the United States. The Board would also enter into contracts with the state association as provided for in the Act.

Associations and related industry media would receive news releases and other information regarding the implementation and referendum process. Furthermore, all the information would be available electronically.

If the program is implemented, the Hass avocado industry would nominate individuals to serve as members and alternates of the Board. USDA would ensure that the nominees represent the Hass avocado industry as specified in the Act.

The Board would develop guidelines for compliance with the program. The Board would recommend changes in the assessment rate; programs, plans, and projects; a budget; and any rules and regulations that might be necessary for the administration of the program. Rules and regulations that might be necessary for the administration of the program would be provisions to assess other types of avocados that are so similar to the Hass variety that they are indistinguishable to consumers in fresh form. The Board could also recommend the assessment of imported frozen and processed Hass avocados. The Board also has the authority to recommend the exemption of certain processed avocado products for sale to a retailer if the avocado portion of the product does not constitute a substantial value of the product. The administrative expenses of the Board are limited by the Act to no more than 10 percent of its assessment income.

There is a federal marketing order program for avocados grown in south Florida [7 CFR Part 915]. According to NASS, in Florida, there is little or no production of Hass avocados. Under the program, Hass avocados are covered by the grade regulations, but not by the maturity regulations. Since California is the source for more than 95 percent of avocados produced in the United States and Florida does not produce Hass avocados, there is little duplication between this Order and the federal marketing order.

There is also a state avocado program in California, which is administered by the Commission. The chief objective of the program is to increase consumer awareness of and demand for avocados on behalf of the state's 6,000 growers. Under the program, growers pay a percentage-of-revenue fee to fund a variety of market development programs. In 1998–1999, California producers paid $13,165,544 in assessments at a rate of 4 cents of the gross dollar value. In 1999–2000, the assessment rate was 3.5 percent of the gross dollar value. The state assessment may not exceed 6.5 percent of the gross dollar value of the year's sales of avocados by all producers to handlers, or which are sold by handlers on behalf of growers. Expenditures for administrative purposes under the program may not exceed 2.5 percent of the gross dollar value of sales. The assessments are collected from the growers by handlers, who remit the money to the Commission.

Paragraph (b)(1) of section 1212 of the Act states that nothing in the Act may be construed to provide for the control of production or otherwise limit the right of any Hass avocado grower, handler, and importer to produce, handle, or import Hass avocados. Paragraph (b)(2) of section 1212 of the Act states that the Order must treat all persons producing, handling, and importing Hass avocados fairly and that the Order must be implemented in an equitable manner. Further, paragraph (c) of section 1212 states that nothing in the Act may be construed to preempt or supersede any other program relating to Hass avocado promotion, research, industry information, and consumer information organized and operated under the laws of the United States or of a state.

Alternatives to the proposed Hass avocado program are limited by the Act. The Act requires USDA to publish proposals received for a Hass avocado program under the Act. USDA published four proposals for comment reflecting all or portions of an Order. The Act is very specific on many provisions which must be included in the programs. However, the Act does include a few alternatives which USDA has included as permissive terms-rather than required-in this proposed rule. These alternatives include the identification and assessment of avocado varieties that are so similar to Hass avocados that they are indistinguishable to consumers in fresh form, the exemption of certain processed Hass avocado products for sale to a retailer if the Hass avocado portion of the product does not constitute a substantial value of the product, and the identification and assessment of imported frozen and processed Hass avocado products.

Paperwork Reduction Act

In accordance with OMB regulations [5 CFR Part 1320] which implements the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35], the information collection and recordkeeping requirements that may be imposed by this Order have been submitted to OMB for approval. These requirements will not become effective prior to OMB approval.

Title: National Research, Promotion, and Consumer Information Programs.

OMB Number: 0581–0197.

Expiration Date of Approval: October 31, 2004.

Type of Request: New information collection for advisory committees and boards and for research and promotion programs.

Abstract: The information collection requirements in this request are

essential to carry out the intent of the Act.

In addition, there will be the additional burden on producers and importers voting in referenda. The information collection requirements relating to referenda are registration for the referendum and the ballot. These burdens are addressed in the final rule on referendum procedures that is published separately in this issue of **Federal Register**.

Under the proposed program, first handlers would be required to collect assessments from producers and file reports with and submit assessments to the Board. While the proposed Order would impose certain recordkeeping requirements on producers, handlers, and importers, information required under the proposed Order could be compiled from records currently maintained.

There are an estimated 6,315 respondents: 6,000 producers, 100 first handlers, 200 importers, 10 exempt handlers, and five importer associations. The burden would be $40,020 for all producers or $6.67 per producer; $6,500 for all first handlers or $65 per first handler; $50 for all importers or $0.25 per importer; $25 for all exempt handlers or $2.50 per exempt handler; and $25 for all importer associations or $2.50 per importer association. These totals have been estimated by multiplying total burden hours requested by $10.00 per hour, a sum deemed to be reasonable should the respondents be compensated for their time. (There are currently no importer associations, but some are expected to be created if the Order is implemented.)

The proposed Order's provisions have been carefully reviewed, and every effort has been made to minimize any unnecessary recordkeeping costs or requirements, including efforts to utilize information already maintained by handlers for the Commission.

The proposed forms would require the minimum information necessary to effectively carry out the requirements of the program, and their use is necessary to fulfill the intent of the Act. Such information can be supplied without data processing equipment or outside technical expertise. In addition, there are no additional training requirements for individuals filling out reports and remitting assessments to the Board. The forms would be simple, easy to understand, and place as small a burden as possible on the person required to file the information. Collecting information monthly coincides with normal business practices.

Collecting information less frequently would hinder the Board from effectively carrying out the provisions of the program. Requiring reports less frequently than monthly would impose additional recordkeeping requirements by requiring information from several months to be consolidated prior to filling out the form rather than just copying end-of-month figures already available onto the forms. The timing and frequency of collecting information are intended to meet the needs of the industry while minimizing the amount of work necessary to fill out the required reports.

Therefore, there is no practical method for collecting the required information without the use of these forms.

Information collection requirements in this proposal are:

(1) A monthly report by each first handler who handles Hass avocados.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.50 hours per each respondent reporting on Hass avocados handled.

Respondents: First handlers.

Estimated Number of Respondents: 100.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 600 hours.

(2) A periodic report by each importer who imports Hass avocados.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hours per each importer respondent reporting on Hass avocados imported.

Respondents: Importers.

Estimated Number of Respondents: 200.

Estimated Number of Responses per Respondent: 1 every ten years (0.10).

Estimated Total Annual Burden on Respondents: 5 hours.

(3) An exemption application for handlers who will be exempt from assessments.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.25 hours per response for each exempt producer and importer.

Respondents: Exempt handlers.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2.5 hours.

(4) Voting in the nomination process.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.5 hours per response.

Respondents: Producers and importers.

Estimated number of Respondents: 6,200.

Estimated Number of Responses per Respondent: 1 every 3 years (0.33).

Estimated Total Annual Burden on Respondents: 1,023 hours.

(5) A background questionnaire for nominees.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.5 hours per response for each producer and importer nominated to the Board.

Respondents: Producers and importers.

Estimated Number of Respondents: 24 for the initial nominations to the Board and approximately 12 respondents annually thereafter.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 12 hours for the initial nominations to the Board and 6 hours annually thereafter.

(6) A requirement to maintain records sufficient to verify reports submitted under the Order for two years.

Estimate of Burden: Public recordkeeping burden for keeping this information is estimated to average 0.5 hours per recordkeeper maintaining such records.

Recordkeepers: Producers, first handlers, and importers.

Estimated number of Recordkeepers: 6,300.

Estimated Total Recordkeeping Hours: 3,150 hours.

(7) A requirement for importer associations to submit information in order to be certified by the Department.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.5 hours per response for each importer association.

Respondents: Importer associations.

Estimated Number of Respondents: 5.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 2.5 hours.

Background

The Hass Avocado Research, Promotion, and Information Act (Act) authorizes the Department to establish a Hass avocado research, promotion, and information program. The program would be funded by an assessment of 2.5 cents per pound of Hass avocados levied on producers and importers of Hass avocados. The rate could be raised up to a maximum rate of 5 cents per pound. Exports of U.S. Hass avocados would be exempt from assessment. The Act authorizes assessments on domestic Hass avocados and on imports of fresh, frozen, and processed Hass avocados.

Initially, only fresh domestic and imported Hass avocados will be assessed.

The Hass Avocado Board (Board) would use the funds to pay for research, promotion, industry information, and consumer information; administration, maintenance, and functioning of the Board; and expenses incurred by USDA in implementing and administering the Order, including referendum costs.

The Board would be composed of 12 voting members: 7 producers, 2 importers, and 3 producers and importers (swing seats). The three ''swing'' seats will be allocated to producers and importers so as to assure as nearly possible that the composition of the Board reflects the proportion of domestic production and imports supplying the United States market, based on the three-year average of domestic production and imports.

First handlers would be responsible for the collection of assessments from the producer and payment to the Board. First handlers would be required to maintain records for each producer for whom Hass avocados is handled, including Hass avocados produced by the handler. In addition, first handlers would be required to file reports regarding the collection, payment, or remittance of the assessments and the disposition of exported Hass avocados, which are exempt from assessment. All information obtained through handler reports would be kept confidential.

An exempt handler is a person who would otherwise be considered a first handler, except that all Hass avocados purchased by the person have already been subject to assessments under the Order. Others affected by the program would be a state association of avocado producers (currently, the Commission), which would receive 85 percent of the assessments paid by domestic producers, and importer associations which would receive 85 percent of the assessments paid by their members. The state association could use the assessment funds to promote California Hass avocados in the United States, and the importer associations could use the assessments to promote Hass avocados on a country-of-origin basis in the United States. The funds remaining with the Board would be used to promote Hass avocados generically in the United States. The Board would also enter into contracts with the state association as provided for in the Act.

Customs would collect assessments on imported Hass avocados and would remit those assessments to the Board for a fee.

The Act requires the USDA to conduct a referendum during the 60-day period preceding the proposed Order's effective date. Hass avocado producers and importers would vote in the referendum to determine whether they favor the Order's implementation. The proposed Order must be approved by a majority of the eligible producers and importers voting in the referendum. After the program has been in operation for three years, referenda could be conducted at any time, when requested by 30 percent of the Hass avocado producers and importers covered by the Order, or when requested by the Board.

The Act provides for the submission of proposals for a Hass avocado research, promotion, and information program by industry organizations or any other interested person affected by the Act.

The USDA issued a news release on January 8, 2001, requesting proposals for an initial Order or portions of an initial Order by February 7, 2001. A second news release, extending the deadline for submission of proposals to March 9, 2001, was issued on February 2, 2001.

An entire proposed Order and proposed referendum procedures were submitted by the Commission (Proposal 1). In addition, proposals containing portions of an Order were submitted by the Asociacion de Productores y Empacadores Exportadores de Aguacate de Michoacan (APEAM) (Proposal 2); the Chilean Exporters Association (ASOEX), Chilean Fruit Growers Federation (FEDEFRUTA), and Comite de Paltas de Chile (Proposal 3); and the New Zealand Avocado Growers Association (NZAGA) and the New Zealand Avocado Industry Council (NZAIC) (Proposal 4). The Chilean and New Zealand proposals were considered jointly because they are identical in every respect except for the provision on the importer definition, which is included in the Chilean proposal, but not in the New Zealand proposal. Proposals 2, 3, and 4 contained alternatives to provisions in Proposal 1 as well as provisions not included in Proposal 1.

Upon receipt of the proposals, USDA, the proponents of the four proposals, as well as representatives of the governments of Chile, Mexico, and New Zealand, engaged in an extensive dialogue with multiple opportunities to present views concerning the provisions contained in the submitted proposals. Upon completion of this review process, USDA published a proposed rule on July 13, 2001, for comment.

In the supplementary information section of the proposed rule, USDA summarized the four proposals received, identifying and separating out those provisions that were duplicative of other proposals, as well as those provisions that were not authorized by the Act. That discussion follows.

Proposal 1

The proposed Order submitted by the Commission was summarized as follows: Sections 1219.1 through 1219.26 of the proposed Order define certain terms, such as Hass avocado, handler, producer, and importer, which are used in the proposed Order.

Sections 1219.30 through 1219.42 include provisions relating to the establishment, adjustment, and membership; nominations; appointment; terms of office; vacancies; reimbursement; powers; and duties of the Board.

The Board would be the body organized to administer the Order through the implementation of programs, plans, projects, budgets, and contracts to promote and disseminate information about Hass avocados, under the supervision of USDA. Further, the Board would be authorized to incur expenses necessary for the performance of its duties and to set a reserve fund.

Sections 1219.50 through 1219.57 authorize the collection of assessments, specify who pays them and how, and specifies persons who would be exempt from paying the assessment. The assessment rate may not exceed 5 cents per pound of Hass avocados. The assessment sections also outline the procedures to be followed by first handlers and importers for remitting assessments; and establish interest charges for unpaid or late assessments.

Sections 1219.60 through 1219.64 concern reporting and recordkeeping requirements for persons subject to the Order and protect the confidentiality of information obtained from such books, records, or reports and the maintenance of a list of handlers required by the Act.

Sections 1219.70 through 1214.77 describe the rights of the Secretary of Agriculture (Secretary), the authority for the Department to suspend or terminate the Order, proceedings after termination, the effect of termination or amendment, personal liability of Board members and staff, separability, amendments, and OMB control number.

The Department modified the Commission's proposal to make it consistent with the Act, as necessary as well as provide clarity, consistency, and correctness with respect to word usage and terminology. For example, the Department alphabetized definitions in §§ 1219.1 through 1219.26; organized sections of the Order to be more consistent with current programs and renumbered them accordingly; deleted

redundant provisions; deleted referendum procedures and drafted a separate rule on referendum procedures; and changed the proposal to make it consistent with the Act and USDA policy.

In the definitions section, the definitions of ''crop year'' and ''Association'' were added to provide clarity, and the definition of ''retailer'' was removed because a specific definition was not warranted.

In the apportionment of three swing positions in § 1219.30(b)(3), USDA specified that Customs or USDA may provide import data in order to ensure accuracy. Section 1219.31(a)(3) was changed to indicate that two nominees must be submitted for each producer vacancy and two nominees must be submitted for each alternate vacancy because this is the standard practice for similar national programs. In § 1219.36(d), USDA specified that nominations and replacement shall not be required if the unexpired term is less than six months, and, in § 1219.35, a term of office for alternates was added to enhance administration of the program. In § 1219.36, authority for the Board to select alternates to fill vacant alternate positions by majority vote was revised to state that the Board may select, by majority vote, nominees to submit to the Department for appointment. The Commission's proposal provided for the Board to appoint the replacement members, but only the Department may appoint persons to serve on the Board as members or alternates. A paragraph on bylaws was added to § 1219.38 as paragraph (b) to ensure that the activities of the Board are consistent with the Order. In § 1219.38(k), the citation for the Act which requires periodic evaluations was corrected so that it complies with provisions of the Federal Agricultural Improvement and Reform Act of 1996 [7 U.S.C. 7401 *et. seq.*]

Under § 1219.52, the Department revised the Commission's proposed limitation on administrative expenses of the Board to 10 percent of the funds available for generic promotion and research to reflect the fact that as much as 85 percent of the assessments collected under the program could be remitted to the Association and importer associations. The Act limits the administrative expenses of the Board in carrying out its generic programs, plans, and projects. In addition, the provision for the Board to make payments of assessments to the Association and importer associations within 30 days following the month in which the assessments were received because this language was inconsistent with other provisions which require payments to the Association and importer associations within 30 days of receipt of the assessments by the Board. USDA modified § 1219.56 to specify that the Board will apply overpayments of assessments against the amount due in succeeding months unless the person requests a refund.

A requirement for producers and exempt handlers to maintain records and file reports with the Board or the Department was added to § 1219.60(a) in order to facilitate enforcement of the Order and to make the Order consistent with current practice for similar national programs. In § 1219.61, authority for the Board to use agents to conduct audits—not just Board and USDA employees—was added to increase flexibility. Since agents were added in § 1219.61 for audits, they were also added to § 1219.63(a) on confidentiality to ensure that information obtained in audits is protected.

Lastly, a section on the rights of the Secretary was added so that the program would be consistent with other national programs and specify the rights of the Secretary.

Proposal 2

A partial proposal was submitted by APEAM. APEAM is an association of persons who export avocados produced in Mexico to the United States.

USDA published several of the provisions submitted by APEAM. Other provisions were not published either because they were covered by Proposal 1 or because they were not authorized by the Act.

The provisions that were published for comment were as follows: (1) A definition of first handler; (2) a definition of fiscal period; (3) a provision requiring the Department to use data from import associations, Customs, and the Bureau of the Census for determining the level of imports in making its determination of the composition of the initial Board; (4) a provision defining ''substantial activity'' as it pertains to eligibility requirements for importer members; (5) a provision authorizing importer associations in general or by country of origin; (6) a provision authorizing the Department to certify only one importer association per country of origin; (7) authority for importer associations to include representatives of foreign avocado exporting industries; (8) a provision authorizing importer associations to invest funds received from the Board and conduct promotion and research on a country of origin basis; (9) a provision requiring final payments for a crop year to be received no later than May 31; and (10) a provision requiring the administrative staff of the Board to periodically review the list of Hass avocado producers and requiring the Association to provide a list of producers to the Department or to the administrative staff of the Board.

The following provisions were not published because they were covered by Proposal 1: (1) A provision requiring the Board to remit funds to importer associations no later than 30 days after such funds are received by the Board; (2) a requirement to allocate producer and importer members in the three swing positions in such a manner that, to the extent possible, importers will have proportional representation on the Board as a whole; (3) a requirement to reallocate the three swing positions to producers and importers in such a manner that, to the extent possible, there will be proportional representation on the Board as a whole.

The following provisions were not published because they were not authorized by the Act: (1) Authority for the Department to appoint a board to govern importer associations; (2) authority for Customs to send import assessments directly to importer associations; (3) a requirement for the Board to remit 85 percent of all import assessments to importer associations; (4) authority for importers to pay assessments 30 days after the end of the month in which the imported Hass avocados are sold in the United States; and (5) authority for the Board to enter into a contract or agreement with an importer association.

Proposals 3 and 4

Proposal 3 was submitted by ASOEX and FEDEFRUTA and the Chilean Avocado Committee. ASOEX and FEDEFRUTA are the principal trade associations representing fruit exporters and producers in Chile. Proposal 4 was submitted by NZAGA and NZAIC. NZAGA is a voluntary association of avocado growers representing avocado production in New Zealand. USDA published several of the provisions submitted by ASOEX, FEDEFRUTA, NZAGA, and NZAIC. Other provisions were not published either because they were covered by Proposals 1 and 2 or because they were not authorized by the Act.

The provisions that were published were: (1) An eligibility requirement for importer members on the Board; (2) a requirement for the Board's generic programs to be conducted throughout the year; (3) a requirement for the Board to consult with the Commission and

country-of-origin importer associations when developing generic programs; (4) a provision limiting the Board's administrative expenses for generic programs to 1.5 percent of total assessments; (5) a requirement for importer associations to be formed as soon as possible after the effective date of the Order; (6) a requirement for importer associations to establish bylaws; (7) authority for importer associations to use existing organizations for establishing their associations and their promotional and research programs; and (8) certification requirements for importer associations.

Provisions that were not published because they were covered by Proposals 1 or 2 were: (1) A requirement for overall representation of importers on the Board to be based on the proportion of domestic and import assessments; (2) a requirement for the Department to notify all importer associations on nominations for the initial Board within 30 days of the effective date of the Order; (3) a requirement for the Department to develop nomination procedures for importer members; and (4) a requirement for the Department to prepare a ballot containing the names of all persons nominated by all importer associations.

The provisions that were not published because they were not authorized by the Act were: (1) A requirement for USDA to serve as an advisor to importer associations; (2) a requirement for all importers and foreign producers and exporters to participate in importer associations; (3) authorization for the assessment of all varieties of avocados; (4) a requirement for the Board to contract with importer associations; (5) authority for importers to pay import assessments 60 days after the sale of avocados in the United States; (6) a requirement for importer associations to receive 85 percent of all import assessments, prorated by each country of origin; (7) authority for producers and importers to receive credit toward their assessments under the proposed program for contributions to generic state or country-of-origin promotion programs at a regional, state, or local level; (8) authority for importer associations to use import assessments for reasonable administrative expenses; and (9) a requirement to include a vote by volume in referenda.

Comments

Nine comments were timely received on the proposed rule. The comments contained several recommendations, a number of which have been adopted. There was one late comment.

Two of the comments received were submitted on behalf of the proponent of Proposal 1, the Commission. USDA also received a letter concerning the proponent's opposition to the 15-day extension for comments to be received and its view with regard to the impact of the extension on the rulemaking process. We disagree and continue to believe that the extension was appropriate and to the benefit of all interested parties, including the proponent.

The proponents of Proposals 2, 3, and 4 each commented on the proposed rule published on July 13, 2001, as did representatives of the governments of Chile and New Zealand. Two importers of avocados also submitted comments on the proposed rule. In general, the comments submitted by or on behalf of the Commission were in favor of a Hass Avocado Promotion, Research, and Information Order. The comments from New Zealand representatives were also generally in favor of such a program. Both groups, however, offered their own concerns or changes.

The comments received from the Chilean representatives, APEAM, and the two importers opposed implementation of the Hass avocado program while offering their recommendations for changes if the program was to be implemented. The late comment (from an association of Mexican avocado packers and exporters) generally reflected the issues and concerns raised by the proponents of Proposal 2 and did not contain any issues or comments that were not already raised in the comments that were received by the deadline.

Many of the comments reflected a continuing dialogue in connection with the variety of proposals previously received by USDA. In this regard, the comments compare and contrast the provisions of the proposals as well as the views of and comments submitted by others. Following is a discussion of the comments received that reflects our views with regard to them.

Several of the comments raised constitutional and World Trade Organization (WTO) issues. The constitutional issue is framed in terms of a recent United States Supreme Court (Court) decision *United States* v. *United Foods, Inc.* [121 S. Ct. 2334 (2001)] (*United Foods*). The WTO issues also were discussed in the preliminary phases of this rulemaking process.

In the July 13, 2001, proposed rule, we noted that on June 25, 2001, the Court issued the *United Foods* decision that held that the use of mandatory assessments to fund promotional speech in the mushroom research and promotion program violated the First Amendment of the U.S. Constitution. In general, comments in opposition to the proposed Hass avocado promotion program raised a constitutional argument and objected to the mandatory nature of the program. Such comments recommended that assessments for promotional activities under the proposed Hass avocado program be voluntary. The comment filed on behalf of the Commission, which supported Proposal 1, disagreed with that analysis. USDA believes and continues to be of the view that the Hass avocado program, as previously proposed and with the changes included in this action, is constitutionally sound.

In addition, the New Zealand comment (Proposal 4) suggested that the requirement that all Board members and alternates be domiciled in the United States was probably unconstitutional. We disagree. Further discussion of this requirement will occur later in our subsequent responses to comments.

With regard to the WTO issues raised as to the consistency with international trade obligations, some comments argued that the proposed Hass avocado program was not consistent with these trade obligations. These comments identified a number of provisions as discriminatory. In that regard, comments focused on the timing of payments of assessments on domestic and imported avocados. One comment noted the failure to assess all varieties of avocados. Other examples were also offered. The comment filed on behalf of the Commission argued the contrary. We continue to view this program as consistent with applicable international trade obligations.

Comments discussed individual sections of the four proposals and in a number of instances offered views of provisions that appeared in the alternative, comparing and contrasting such sections. A summary of these comments appears in the following discussion.

A comment was received comparing the definition of first handler in § 1219.9 of Proposal 1 with the definition of that term in Proposal 2. The comment deferred to USDA with regard to this definition. The alternative definition is not substantially different from the definition in Proposal 1. Accordingly, we are adopting the definition from Proposal 1.

Section 1219.10 of Proposal 1 establishes the fiscal period or marketing year as the period beginning on November 1 of any year and extending through the last day of October of the following year. Proposal 2 provides for a period beginning on

April 1 of any year and extending through the last day of March of the following year. A comment pointed out that the period beginning on November 1 corresponded to the domestic marketing season while the period beginning on April 1 corresponded to the growing season in Mexico. The comment argued that the definition in Proposal 1 should be adopted, noting that the Commission has a substantial database on historical U.S. production organized on a November 1 fiscal year basis and that each exporting country may have a different growing season. We agree that the fiscal period or marketing year should begin on November 1. It should also be noted that § 1219.10 provides for changing to another consecutive 12-month period, as recommended by the Board and approved by the Department. Therefore, we are adopting § 1219.10 of Proposal 1. We are also adopting without change the definition of crop year in § 1219.5 of Proposal 1. That section provides for the crop year also to begin on November 1.

The definition of importer appears in § 1219.14. A comment raised concern regarding this section of Proposal 1 as modified by USDA. The comment stated that the language is overly broad and would include non-U.S. residents and non-U.S. citizens. We disagree. There are two definitions of importer in the Act. The one in § 1203(8) of the Act is a general definition, and the other appears in § 1205(c) of the Act as a special definition concerning eligibility for membership on the Board. The provision in the Order at issue implements the general definition of the Act. It is intended to be broad so as to cover all importers subject to assessments. This provision is not applicable to § 1219.30 of the Order, where a special and separate definition for importer appears in connection with an importer's eligibility for membership on the Board.

A number of proposals were published concerning § 1219.30 *Establishment and membership* with language and provisions appearing in Proposals 1, 2, 3, and 4. One comment related to the requirement in § 1219.30(a) that all Board members and alternates be domiciled in the United States. The comment expressed the view that this requirement was undemocratic, probably unconstitutional, and not consistent with the Act. We disagree. We believe that it is more practical and reasonable for effective program administration, management, and participation in this program to include domicile as an eligibility requirement.

One comment compared the language of Proposal 2 with that of Proposal 1 with regard to the apportionment of Board members as specified in § 1219.30(b)(3). The comment noted that the source of data to be used by the Department in determining proportional representation on the initial Board was broad based for both the level of domestic production and the level of imports. The comment further noted that Proposal 2 had provided for different sources of information for domestic production and for imports. The comment stated that all sources of information should be referred to for both. We agree, but we have eliminated references to individual sources of information, as proposed, in favor of a more general statement referring to all sources of information available to the Secretary. An appropriate change to § 1219.30(b)(3) has been made.

In Proposal 1, § 1219.30(d) provides that an importer means a person who is involved in, as a substantial activity, the importation of Hass avocados. The term substantial activity is not further defined. However, in Proposals 2 and 3, a person would be considered to be involved in the importation of Hass avocados as a substantial activity if the person has imported 75 percent or more of the total annual volume of all Hass avocados produced, handled, or imported by such person. Two comments objected to the 75 percent provision in Proposals 2 and 3.

One comment indicated that the purpose of the term substantial activity in the statute was to insure that importers who serve on the Board were not merely people who might import a few boxes of Hass avocados occasionally and that the term was meant to guarantee that importer members on the Board were truly involved in the importation and marketing of Hass avocados. The comment went on to note that: The statute does not provide for a 75 percent or other threshold; a dictionary definition of the word substantial speaks in terms of volume and not proportion; a 75 percent provision was beyond the scope of and contrary to the statute; the provision could have the effect of disqualifying some of the largest importers and most knowledgeable marketers; and the provision would be burdensome on the Department in connection with the auditing the books of importers to determine eligibility.

The other comment that opposed the 75 percent provision in Proposals 2 and 3 noted that the 75 percent provision for imports as a proportion of total Hass avocados handled would prevent almost all of the importers of New Zealand Hass avocados from qualifying now and in the future without changes to commercial relationships with U.S. handlers. The comment went on to recommend the use of Proposal 1 language which does not define substantial activity or more preferably the definition of importer in § 1219.14 of Proposal 1 instead of § 1219.30(d) of Proposals 2 and 3.

We disagree with both comments. Under the statute, the Board is divided between producer and importer members. The Secretary appoints such members to the Board. In determining who is eligible to serve as an importer member on the Board, the statute provides for a substantial activity test. In order to implement such a provision, the Order needs to provide specific detail to enable the Department to measure substantial activity. One comment suggested a quantity basis to compare one potential importer with another that would be indicative of size and knowledge. We believe that a more reasonable application of the substantial activity test would be to base a person's eligibility on the person's individual business activity and which industry function (producing or importing) predominates. This is a reasonable measure and regulatory approach. This also would provide a clear and understandable benchmark for the Department to use to measure substantial activity. Therefore, we are adding to § 1219.30(d) a provision that states ''a substantial activity means that the volume of a person's Hass avocado imports must exceed the volume of the person's production or handling of domestic Hass avocados.''

One comment was received regarding the initial nomination and appointment of producer members and alternates as provided in § 1219.31 of Proposal 1. The comment proposed that the Department be allowed to choose an alternate member from either the nominee for the Board member who is not appointed to the Board or from the two nominees for the alternate member position. This suggested change has merit. Therefore, we have revised § 1219.31 of Proposal 1 accordingly with some modification of the language recommended in the comment. We further believe that similar change to § 1219.32 concerning the initial nomination and appointment of importer members and alternates is appropriate and have accordingly made this change.

Two comments were received on the provisions in § 1219.32 of Proposal 1 that deal with the initial nomination and appointment of importer members and alternates. The comment requested clarification as to whether importers or importer associations would vote in the initial nomination process. The

comment pointed out that there are currently no importer associations representing the interests of Hass avocado importers. As published in the July 13, 2001, proposed rule, the language in § 1219.32 of Proposal 1 included references to both importers and importer associations. The inclusion of importer associations in this provision was incorrect and the applicable reference has been deleted. Individual importers will vote in the nomination process.

One comment also requested that country-of-origin exporter associations be notified by USDA of the nomination process for initial importer members and their alternates. Prior to the nomination process, the Department will use all available resources to help assure that the maximum number of importers are identified, but this does not merit a change in the proposed language for the Order. The comment went on to suggest alternative language for § 1219.32 including changes to the text concerning subsequent nominations. Section 1219.33 addresses subsequent nominations which will be subject to further rulemaking as appropriate. Accordingly, no further changes were made to § 1219.32.

Regarding § 1219.33 of Proposal 1, a comment expressed concern that the Board itself may put procedures in place for subsequent nominations of importer members and alternates of the Board. However, this section provides that any procedures recommended by the Board require the approval of the Department. Prior to implementing any procedures, the Department would engage in rulemaking and publish recommended procedures for public comment before they are approved by the Department.

The comment also requested that § 1219.38(s) of Proposal 1 be revised to require the Board to report annually to importer associations. This section requires the Board to make public reports of its activities at least once each fiscal period. This means that the information would be available to all interested persons, including importer associations. Accordingly, no change is needed in § 1219.38(s).

A comment was submitted on § 1219.40(e) of Proposal 1. The comment requested the deletion of the requirement for the Department to receive advance notice of committee meetings. The comment offered that this requirement is an example of micromanagement and will result in excessive costs for the Department, presumably because the Department would have the opportunity to attend committee meetings which would, in turn, increase the administrative costs billed by the Department to the Board. We disagree. This provision is necessary for proper program administration and will ensure that the Department is appropriately informed of program activities. Therefore, § 1219.40(e) of Proposal 1 is adopted without change.

Two comments were received on § 1219.50(e) of Proposals 3 and 4 that requires the Board's programs be conducted throughout the year to reflect periods when imported and domestic Hass avocados are in the U.S. marketplace. One comment opposed this provision, raising a variety of concerns. These concerns included statutory authority, vagueness, and the diminishment of Board authority by imposing a requirement that substitutes scheduling for strategy. We disagree. In the prior discussion of the definition of fiscal period or marketing year in Proposal 2, this same comment noted that there are different growing seasons in different exporting countries. The provision in § 1219.50(e) reflects this. We believe that it is reasonable to provide in the Order language that programs shall be conducted throughout the year and that the Board will be fully able to accomplish such a result consistent with this provision.

The second comment supported this provision but recommended modifying it to provide that the Board's generic programs may not be conducted predominately during the time that domestic Hass avocados are in the marketplace. We believe that this change is unnecessary. Therefore, we have adopted § 1219.50(e) of Proposals 3 and 4 without change.

Three comments related to § 1219.50(f) of Proposals 3 and 4 which would require the Board to consult with both the state association and importer associations on programs, plans, and projects for generic promotion and research. Two comments supported the requirement, and one comment stated that the consultation should be discretionary rather than mandatory. The Board's generic programs will be carried out by the state association with funds paid by both domestic producers and importers. Therefore, it would be beneficial to provide for and require such consultation. Accordingly, we adopt § 1219.50(f) of Proposals 3 and 4 by adding a new paragraph (f) to § 1219.50 of Proposal 1.

Under the Act, the Board is required to remit 85 percent of domestic assessments to the Commission and may remit up to 85 percent of import assessments to one or more importer associations. If the entire 85 percent of domestic assessments are remitted to the Commission, and the entire 85 percent of import assessments are remitted to importer associations, the Board would retain 15 percent of total assessments to conduct its generic programs. The Act also limits the Board's administrative expenses to 10 percent of its income. The intent of the cap on administrative expenses is to ensure that a majority of the Board's expenditures are program-related. After assessments have been distributed to the Commission and to importer associations, the remaining funds will be used by the Board for generic promotion and research. In order to implement the statutory cap on administrative expenses, § 1219.52(a)(1) of Proposal 1 states that the Board's administrative expenses shall not exceed 10 percent of the funds received by the Board for generic programs. A different approach was taken in Proposals 3 and 4. In § 1219.52(a)(1) of Proposals 3 and 4, the Board's administrative expenses are limited to 1.5 percent of total assessment income. This assumes that only 15 percent of the Board's income would remain with the Board and be available to be used for generic promotion and research.

Comments were received from two parties on the 1.5 percent cap specified in § 1219.52(a)(1) of Proposals 3 and 4. One comment supported this limitation as long as importer associations actually receive 85 percent of the import assessments paid to the Board. In addition, the comment expressed the view that the 1.5 percent limitation should be lowered if importer associations receive less than 85 percent of the import assessments. We are not adopting this recommendation or the provisions of § 1219.52(a)(1) in Proposals 3 and 4 because they would be difficult to administer. The second comment on § 1219.52(a)(1) of Proposals 3 and 4 stated that efforts to control administrative expenses in the program were desirable but the 1.5 percent seemed unreasonably low. The comment suggested a change in the language of the Order to clarify that there would a 10 percent limitation on funds actually retained by the Board. We agree with the substance of the second comment, but no change is needed to § 1219.52(a)(1) of Proposal 1. As noted above, this section already limits administrative expenses to 10 percent of the funds available to or retained by the Board for generic promotion and research.

Comments were received concerning importer association provisions in § 1219.54 of Proposals 1, 3, and 4 and the unnumbered section of Proposal 2. These comments reflected a variety of issues that have been raised in

connection with the establishment and function of importer associations under the Act and the Order. With regard to the unnumbered section in Proposal 2, statutory concerns were raised as to compelled membership and limiting certification to only one importer association per country of origin. The statutory authority for § 1219.54(u) of Proposals 3 and 4 was questioned while the list of information required for certification was not opposed as long as it was considered discretionary and as long as the import association contemplated in § 1219.54(l) of Proposal 1 was applicable rather than that referred to in paragraph (u). In addition, a comment offered support for § 1219.54 (u) and (v) of Proposals 3 and 4 with modifications that included establishing importer associations before the effective date of the Order; limiting one importer association per exporting country; and requiring participation of all importers of Hass avocados in one or more importer associations based on the country of origin of imports. The same comment offered an addition to § 1219.54 in the form of new paragraphs (w) and (x) concerning Board transfers, to importer associations, of 85 percent of all assessments paid on imports, prorating each country of origin, and concerning information required for the Department to certify associations. Paragraph (w) is not authorized by the Act. Paragraph (x) is discussed in relationship to a new § 1219.58 on importer associations.

We have reviewed all relevant provisions of Proposals 1, 2, 3, and 4 concerning importer associations, taking into account the comments received, including modifications and additions to proposed language. We have considered these proposals and comments and created a new § 1219.58 relating to importer associations. Paragraph (a) of the new section adopts the language from paragraph (m) of § 1219.54 from Proposal 1. As a result, paragraph (l) of § 1219.54 of Proposal 1 has been revised to provide a reference to the new § 1219.58, and paragraphs (n) and (o) will be redesignated as paragraphs (m) and (n), respectively.

Further, we are deleting the second sentence of proposed § 1219.54 concerning first handlers and producers who are also handlers. The definition of first handler in § 1219.9 is applicable and, therefore, such a sentence is unnecessary.

Proposal 2 includes an unnumbered section that provides for the establishment of importer associations. One comment supported the adoption of this section, including the sentence in paragraph (a) of the unnumbered section that states that one importer association could represent all importers of Hass avocados or importers from a particular country. We agree with this comment and have adopted this sentence as part of paragraph (b) of § 1219.58, with modifications for clarity.

The unnumbered section also provides that the Department would not certify more than one importer association per country of origin. One comment supported this provision. Another comment opposed the adoption of this requirement. We inadvertently indicated in the July 13, 2001, proposal that an Order could prohibit the Department from certifying more than one importer association per country of origin. The text of this appeared in Proposal 2. Such a provision is not authorized by the statute. Therefore, the sentence in paragraph (a) of the unnumbered section of Proposal 2 that would limit the number of importer associations that could be certified is not adopted.

One comment supported the adoption of paragraph (b) of the unnumbered section in Proposal 2 that provides that an importer association may be composed of importers as well as representatives of the foreign avocado exporting industries. Another comment supported the adoption of a paragraph (u) of § 1219.54 in Proposals 3 and 4. In addition to authorizing importer associations to be composed of importers, foreign producers, and exporters, paragraph (u) provides that importer associations establish their own bylaws and utilize existing organizations for establishment of their associations and coordination of their promotional and research efforts.

We agree that importer associations may be composed of importers as well as representatives of the foreign avocado exporting industries. Therefore, we have adopted paragraph (b) of the unnumbered section of Proposal 2 as part of paragraph (b) of the new § 1219.58. We believe the language in this paragraph is more appropriate than the similar language in paragraph (u). We also agree that importer associations should establish their own bylaws and may utilize existing organization for establishment of their associations and coordination of their promotional and research efforts. Therefore, we have adopted these provisions of paragraph (u) from § 1219.54 of Proposals 3 and 4 as part of paragraph (b) of the new § 1219.58.

Paragraph (u) also provides that importer associations be established within a reasonable amount of time after the effective date of this subpart. This provision was supported by one comment and opposed by another. The comment in opposition of this provision stated that the Act gives no authority to require the establishment of importer associations within a reasonable time. We agree. The timing of the establishment of an importer association is at the discretion of importers. It should not be a requirement of the Order. Therefore, we are not adopting this provision of paragraph (u) of § 1219.54 of Proposals 3 and 4.

Another comment opposed the unpublished provision of Proposal 2 that would require all importers to join an importer association. The comment stated that this provision is not authorized by the Act and goes far beyond the intent of Congress in authorizing the establishment of importer associations. We agree. In identifying in the July 13, 2001, proposed rule the provisions in Proposals 3 and 4 that were not published because they were not authorized by the Act, we included the requirement that all importers join an importer association.

One comment recommended that the proposed Order allow importer associations to be certified by the Department before the effective date of the proposed Order. This would be impractical because importer associations cannot be certified by the Department prior to the effective date of the proposed Order. Therefore, this recommendation is not adopted.

Paragraph (v) of § 1219.54 in Proposals 3 and 4 includes criteria to be used by the Department in determining whether to certify importer associations. One comment included revised language for this section as a new paragraph (x). Paragraph (x)(2) of the comment generally parallels paragraph (v)(2) of § 1219.54 of Proposals 3 and 4. However, the new paragraph (x)(2) would add to the criteria for certification evidence that an importer association is composed not only of importers but of foreign exporters. We disagree with this change. The inclusion of foreign exporters is not a requirement for importer associations under the Order. Therefore, it would not be appropriate to include this criteria, and we have adopted paragraph (v)(2) of § 1219.54 of Proposals 3 and 4 as published on July 13, 2001.

In addition, paragraph (x) does not include paragraph (v)(3) of § 1219.54 of Proposals 3 and 4. We disagree with the removal of this paragraph. The paragraph states that one of the criteria for certification is certification of the importer association's ability and willingness to further the aims and objectives of the Order. We believe this

criteria is of particular importance because importer associations that are certified to receive funds from the Board must agree to utilize the funds in conformance with the provisions of the Order. Therefore, we are adopting paragraph (v) of § 1219.54 in its entirety as paragraph (c) of the new § 1219.58.

Finally, in regard to § 1219.54(l) of Proposal 1, an importer association would receive an amount of assessment funds equal to 85 percent of the assessments paid on the Hass avocados imported by its members. Section 1219.54(1) of Proposal 2 states that an importer association shall receive an amount of assessments equal to the product obtained by multiplying the aggregate amount of assessments attributable to the pounds of Hass avocados imported by its member importers by 85 percent. The language in Proposal 2 and the language in Proposal 1 create the same requirement. Unlike Proposal 1, however, Proposal 2 expresses the requirement in terms of a mathematical calculation. We are adopting the language from § 1219.54(l) of Proposal 1 because it is not necessary to include the mathematical calculation in the Order.

There was one comment on § 1219.61 of Proposal 1 which covers books and records. Citing established research and promotion programs administered by the Department, the comment recommended that producers who are not also first handlers, and who are not responsible for remitting assessments to the Board, should not be subject to the recordkeeping requirement. We disagree. The Act itself provides that, not only first handlers and importers, but also producers are required to maintain books and records and make them available to the Department or the administrative staff of the Board. It may be necessary on occasion for the staff of the Board to audit the records of producers to verify the information provided in handler reports. Therefore, the comment is not adopted.

A comment supported, with modifications, the requirement for a list of importers as provided for in § 1219.64 of Proposal 1. We are not adopting the recommended modification that would require Customs to provide the list to importer associations and for such associations to review the list. Such a requirement is not consistent with section 1205(m)(3) of the Act. However, we are deleting the second sentence of § 1219.65 of Proposal 1 concerning the list of importers and Customs because they are not necessary in view of language in the Act. The Act requires Customs to provide this information to the Department and the staff of the Board on request. Another comment noted that the requirement in § 1219.65 of Proposal 2 was redundant and unnecessary, adding that the Secretary would have the authority to obtain such a list in any event. Section 1219.65 provides that on request of the Secretary or the Board, the Association would provide to the Secretary or the administrative staff of the Board, a list of producers of Hass avocados. We disagree and believe that such a provision is appropriate for inclusion in the Order.

Section 1219.70 *Right of the Secretary* provides that all fiscal matters, plans, projects, contracts, rule or regulations, reports, or other substantive actions proposed and prepared by the Board are required to be submitted to the Secretary for approval. A comment stated that this section should be eliminated. The comment believed the provision was redundant because all necessary provisions requiring submission of materials for the Secretary's approval were already in the Order. The comment particularly objected to inclusion of a requirement that the Secretary approve other substantive actions proposed and prepared by the Board indicating that the requirement was vague and ambiguous, would invite abuse of authority by USDA officials, and invite the subversion of the function of lawfully appointed Board members. We disagree. Research and promotion programs represent a federal and industry partnership that has been affirmed by Congress time and time again. The Department recognizes the expertise of the industry. At the same time, the Department has long-standing experience in administering and enforcing the provisions of these programs. The Department has and will continue to maintain the integrity of such programs. While industries may take advantage of the benefits of research and promotion programs, certain responsibilities attach, including those referenced in § 1219.70. Therefore, no change is made.

In addition, commenters made a number of recommendations which cannot be adopted because they are inconsistent with or not authorized by the Act. These comments appeared in a variety of contexts with some being raised in overall or general concerns and with others in terms of alternatives or modifications and others spanning provisions or a provision of the proposals. These recommendations include amending the proposed Order to provide for the following: a requirement for proportional representation of producers and importers on the Board as a whole; a requirement for all importers and country-of-origin producers and exporters to participate in importer associations; authority for the Board to assess all varieties of avocados; a requirement for the Board to contract with country-of-origin importer associations in the same manner and with the same effect as with the State association; authority for importers to pay import assessment 30 days after the end of the month in which imported Hass avocados are sold in the United States; a requirement for importer associations to receive 85 percent of all import assessments, prorated by each country of origin; and authority for producers and importers to receive credit towards their assessments under the proposed program for contributions to generic state or country-of-origin promotion programs at a regional, state, or local level.

Comments were also received relating to the procedures used in connection with notice and comment rulemaking. For example, one requested that its comments be published in their entirety in the **Federal Register**. All comments were posted in their entirety on the USDA–AMS website at the time they were received by the Department. In addition, comments are discussed and responded to in this rule, as appropriate, in the context of the discussions that appear herein. Another comment raised concerns regarding what is in effect an opportunity for rebuttal of the other comments. In this rulemaking, we have provided opportunity for comment that is consistent with applicable law and made every attempt to include the views of all interested persons as part of this proceeding.

In summary, Proposal 1 is adopted with the following changes: Revising § 1219.30(b)(3), § 1219.30(d), § 1219.31(b), § 1219.32(a)(1) and (2), and § 1219.32(b); correcting a citation in § 1219.42(d); adding new paragraphs (e) and (f) from Proposals 3 and 4 to § 1219.50; revising § 1219.54(b)(3) and (l); deleting paragraph (m) from § 1219.54 and redesignating paragraphs (n) and (o) in that section; adding a new § 1219.58 from Proposals 1, 3, and 4 with modifications; revising § 1219.64; and adding a new § 1219.65 from Proposal 2. Other provisions of Proposals 2, 3, and 4 are not adopted. Miscellaneous changes were also made to the following provisions for the purpose of clarity and consistency: § 1219.12; § 1219.39(c); § 1219.52(a)(1); § 1219.54(m)(3); § 1219.58(b); § 1219.63(a); § 1219.71(a); and § 1219.77.

A referendum will be conducted among eligible Hass avocado producers and importers to determine whether they favor implementation of the Hass Avocado Promotion, Research, and Information Order. The referendum order will be published in the **Federal Register** at a later date following the publication of this proposed order and the final rule providing for referendum procedures. The representative period for eligibility for voting in the referendum and the dates for registration and for voting will be announced in the referendum order.

List of Subjects in 7 CFR Part 1219

Administrative practice and procedure, Advertising, Consumer information, Hass avocados, Marketing agreements, Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, AMS proposes to amend 7 CFR chapter XI as follows:

PART 1219—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

1. The authority citation for part 1219 continues to read as follows:

Authority: 7 U.S.C. 7801–7813.

2. Subpart A is added to part 1219 to read as follows:

Subpart A–Hass Avocado Promotion, Research, and Information Order

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Subpart A—Hass Avocado Promotion, Research, and Information Order

Definitions

§ 1219.1 Act.

Act means the Hass Avocado Promotion, Research, and Information Act of 2000, Pub. L. 106–387, 7 U.S.C. 7801–7813, and any amendments thereto.

§ 1219.2 Association.

Association means an avocado organization established by State statute in a State with the majority of Hass avocado production in the United States.

§ 1219.3 Conflict of interest.

Conflict of interest means a situation in which a Board member or employee has a direct or indirect financial interest in a person who performs a service for, or enters into a contract with, the Board for anything of economic value.

§ 1219.4 Consumer information.

Consumer information means any action or program that disseminates or otherwise provides information to consumers and other persons, on the use, nutritional attributes, and other information that will assist consumers and other persons in the United States in making evaluations and decisions regarding the purchase, preparation, and use of Hass avocados.

§ 1219.5 Crop year.

Crop year means the period from November 1 of one year through October 31 of the following year, or such other one-year period recommended by the Board and approved by the Secretary.

§ 1219.6 Customs.

Customs means the United States Customs Service.

§ 1219.7 Department.

Department means the United States Department of Agriculture.

§ 1219.8 Exempt handler.

Exempt handler means a person who would otherwise be considered a first handler, except that all Hass avocados purchased by the person have already been subject to assessments under the Order. A person who handles both Hass avocados that have already been subject to assessments under the Order and Hass avocados that have not been subject to assessments under the Order is a first handler.

§ 1219.9 First handler.

First handler means a person operating in the Hass avocado marketing system that sells domestic or imported Hass avocados for consumption in the United States and who is responsible for remitting assessments to the Board. For the purposes of the Order, the term means the first person who handles Hass avocados for sale (except a common or contract carrier of Hass avocados owned by another person), including a producer who handles Hass avocados for sale of the producer's own production.

§ 1219.10 Fiscal period or marketing year.

Fiscal period or *marketing year* means the period beginning on November 1 of any year and extending through the last day of October of the following year, or such other consecutive 12-month period as shall be recommended by the Board and approved by the Secretary.

§ 1219.11 Handle.

Handle means to pack, process, transport, purchase, or in any other way

to place or cause Hass avocados to which one has title or possession to be placed in the current of commerce. Such term shall not include the transportation or delivery of Hass avocados by the producer thereof to a handler.

§ 1219.12 Hass avocado.

Hass avocado means the fruit grown in or imported into the United States of the species *Persea americana* Mill., or other type of avocados that, in the determination of the Board, with approval of the Secretary, is so similar to the Hass variety avocado as to be indistinguishable to consumers in fresh form. The term shall include all fruit in fresh, frozen, or any other processed form.

§ 1219.13 Hass Avocado Board.

Hass Avocado Board or the *Board* means the administrative body established pursuant to § 1219.40.

§ 1219.14 Importer.

Importer means any person who imports Hass avocados into the United States. The term includes a person who holds title to Hass avocados produced outside of the United States immediately upon release by Customs, as well as any person who acts on behalf of others, as an agent, broker, or consignee, to secure the release of Hass avocados from Customs and the introduction of the released Hass avocados into the current of commerce and who is listed in the import records of Customs as the importer of record for such Hass avocados.

§ 1219.15 Industry information.

Industry information means information, programs, and activities that are designed to increase efficiency in processing, enhance the development of new markets and marketing strategies, increase marketing efficiency, and enhance the image of Hass avocados and the Hass avocado industry in the United States.

§ 1219.16 Marketing.

Marketing means any activity related to the sale or other disposition of Hass avocados in any channel of commerce.

§ 1219.17 Order.

Order means this subpart.

§ 1219.18 Part and subpart.

Part means the Order and all rules, regulations, and supplemental orders issued pursuant to the Act and the Order. The Order itself shall be a *subpart* of such part.

§ 1219.19 Person.

Person means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or any other legal entity.

§ 1219.20 Producer.

Producer means any person who is engaged in the business of producing Hass avocados in the United States for commercial use, who owns, or shares the ownership and risk of loss, of such Hass avocados.

§ 1219.21 Programs, plans, and projects.

Programs, plans, and projects means those research, promotion, and information programs, plans, studies, or projects established pursuant to § 1219.50.

§ 1219.22 Promotion.

Promotion means any action to advance the image, desirability, or marketability of Hass avocados in the United States, including paid advertising, sales promotion, and publicity. Promotion activities are designed to improve the competitive position and stimulate sales of Hass avocados in the domestic marketplace.

§ 1219.23 Research.

Research means any type of test, study, or analysis relating to market research, market development, and market efforts, or relating to the use, quality, or nutritional value of Hass avocados, other related food science research, or research designed to advance the knowledge, image, desirability, usage, or marketability of Hass avocados in the United States.

§ 1219.24 Secretary.

Secretary means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

§ 1219.25 State.

State means any of the several 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, and the Federated States of Micronesia.

§ 1219.26 United States.

United States means collectively the several 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, and the Federated States of Micronesia.

Hass Avocado Board

§ 1219.30 Establishment and membership.

(a) A Hass Avocado Board, hereinafter called the Board, is hereby established to administer the terms and provisions of this subpart. The Board shall consist of 12 members nominated by the Hass avocado industry and appointed by the Secretary as provided in this subpart, each of whom shall have an alternate nominated and appointed in the same manner as members of the Board are nominated and appointed. Board members and alternates shall be domiciled in the United States.

(b) The membership of the Board shall be divided as follows:

(1) Seven members and their alternates shall be producers of Hass avocados that are subject to assessments under this subpart;

(2) Two members and their alternates shall be importers of Hass avocados that are subject to assessments under this subpart; and

(3) Three members shall be producers of Hass avocados that are subject to assessments under this subpart or importers of Hass avocados that are subject to assessments under this subpart. Producers and importers shall be allocated to these positions so as to assure as nearly as possible that the composition of the 12-member Board reflects the proportion of domestic production and imports supplying the United States market. Such proportion shall be based on the Secretary's determination of the average volume of domestic production and the average volume of imports into the United States market over the previous three years, based on all information available to the Secretary.

(c) Three years after the assessment of funds commences pursuant to this subpart, and at the end of each three-year period thereafter, the Board shall review the production of domestic Hass avocados in the United States and the volume of imported Hass avocados on the basis of the amount of assessments collected from producers and importers over the immediately preceding three-year period and, if warranted, recommend to the Secretary the reapportionment of the positions authorized in paragraph (b)(3) of this section to reflect changes in the proportion of domestic Hass avocado production to the volume of imported Hass avocados, to the extent possible in the Act. Any adjustment under this paragraph shall be subject to the review and approval of the Secretary.

(d) For purposes of this section, *importer* means a person who is involved in, as a substantial activity, the importation of Hass avocados for sale or marketing in the United States (either directly or as an agent, broker, or consignee of any person that produces Hass avocados outside of the United States for sale in the United States), who is subject to assessments under the Order, and who is listed by Customs as the importer of record for such Hass avocados. A substantial activity means that the volume of a person's Hass avocado imports must exceed the volume of the person's production or handling of domestic Hass avocados.

§ 1219.31 Initial nomination and appointment of producer members and alternates.

(a) The Association will nominate producer members and alternates to serve on the Board in accordance with the following procedures.

(1) Within 30 days of implementation of this subpart, the Association shall establish a list of producers in the United States who are eligible to serve on the Board and notify all producers that they may nominate persons to serve as members and alternates on the Board.

(2) After names are received from the producers, the Association shall prepare a ballot with the names of all persons nominated and mail it to all producers to allow them the opportunity to vote for the persons who will represent their interests on the Board.

(3) After tabulating the vote, the Association shall announce the results and submit two names for each producer member and two names for each alternate producer member to the Secretary from the persons receiving the highest number of votes.

(b) The Secretary shall select the producer members and alternates of the Board from the names submitted by the Association. Following the selection of the producer members, the Secretary shall select the alternate producer members. In selecting the alternate members, the Secretary shall consider the names submitted by the Association for each alternate member position along with the individuals whose names were submitted by the Association for each Board member position but were not selected for that position.

§ 1219.32 Initial nomination and appointment of importer members and alternates.

(a) The Department will conduct the nomination process for the initial importer members and alternates on the Board in accordance with the following procedures.

(1) Within 30 days of implementation of this subpart, the Department shall notify all known importers and importer organizations that they may nominate persons to serve as importer members and alternates on the Board.

(2) After names are received from the importers and importer organizations, the Department shall prepare a ballot with the names of all persons nominated and mail it to all known importers to allow them the opportunity to vote for the persons who will represent their interests on the Board.

(3) After tabulating the vote, the Department shall announce the results and submit two names for each importer member and two names for each alternate importer member to the Secretary from the persons receiving the highest number of votes.

(b) The Secretary shall select the importer members and alternates of the Board from the nominees elected by importers. Following the selection of the importer members, the Secretary shall select the alternate importer members. In selecting the alternate members, the Secretary shall consider the names for each alternate member position along with the individuals who were elected by importers for each Board member position but were not selected for that position.

§ 1219.33 Subsequent nomination and appointment of Board members and alternates.

The Board's staff shall announce at least 150 days in advance of the expiration of members' and alternates' terms that such terms are expiring and shall solicit nominations in accordance with procedures recommended by the Board and approved by the Secretary. Nominations for such positions should be submitted to the Secretary no less than 90 days prior to the expiration of the terms.

§ 1219.34 Failure to nominate.

In any case in which producers or importers fail to nominate individuals for appointment to the Board, the Secretary may appoint individuals to fill vacancies from the appropriate segments of the industry.

§ 1219.35 Term of office.

The members and alternate members of the Board shall serve for terms of three years, except the members of the initial Board shall serve terms as follows: Four members and four alternates shall serve for two-year terms; four members and four alternates shall serve for three-year terms; and four members and four alternates shall serve for four-year terms. No member shall serve more than two consecutive three-year terms. Members and alternates serving initial two-year or four-year terms may serve for one additional three-year term. A Board member may serve as an alternate during the years the member is ineligible for a member position. Each term of office will end on October 31, with new terms of office beginning on November 1.

§ 1219.36 Vacancies.

(a) In the event any member or alternate of the Board ceases to be a member of the category of members from which the member was appointed to the Board, such member or alternate shall be disqualified from serving on the Board and the position shall automatically become vacant.

(b) If a member of the Board consistently refuses to perform the duties of a member of the Board, or if a member of the Board engages in acts of dishonesty or willful misconduct, the Board may recommend to the Secretary that the member be removed from office. If the Secretary finds that the recommendation of the Board shows adequate cause, the member shall be removed from office.

(c) Should any Board member position become vacant in the event of the death, removal, resignation, or disqualification, the alternate of that member shall automatically assume the position of said member. The alternate shall serve until the end of the member's normal term. If there is no alternate member to assume the position of member, the successor member and alternate shall be nominated and selected in the manner specified in §§ 1219.31, 1219.32, or 1219.33.

(d) Should any alternate member become vacant in the event of death, removal, resignation, or disqualification, the Board may nominate persons to serve for the unexpired term of such alternate member. The nomination shall be conducted at a regularly scheduled Board meeting as soon as practicable after the vacancy occurs. The Board may solicit the names of nominees from producers and importers prior to the meeting and from the floor of the meeting. All nominees must meet the qualifications for nomination. The Board shall submit two nominees for each vacancy to the Secretary. A vacancy will not be required to be filled if the unexpired term is less than six months.

§ 1219.37 Alternate members.

An alternate member of the Board, during the absence of the member for whom the person is the alternate, shall act in the place and stead of such

member and perform such duties as assigned. In the event of the death, removal, resignation, or disqualification of any member, the alternate for that member shall automatically assume the position of said member. In the event that both a member of the Board and the alternate are unable to attend a meeting, the Board may not designate any other alternate to serve in such member's or alternate's place and stead for the meeting.

§ 1219.38 Powers and duties.

The Board shall have the following powers and duties in addition to the responsibilities and authorities specified in other sections of this subpart:

(a) To administer the Order in accordance with its terms and conditions and to collect assessments;

(b) To develop and recommend to the Secretary for approval such bylaws as may be necessary for the functioning of the Board and such rules as may be necessary to administer the Order, including activities authorized to be carried out under the Order;

(c) To meet, organize, and select from among the members of the Board a chairperson, other officers, committees, and subcommittees, at the start of each fiscal period, and at such other times as the Board determines to be appropriate;

(d) To recommend to the Secretary rules and regulations to effectuate the terms and conditions of this subpart;

(e) To employ such persons, other than the members, as the Board considers necessary to assist the Board in carrying out its duties and to determine the compensation and specify the duties of such persons;

(f) To appoint from its members an executive committee and to delegate to the committee authority to administer the terms and provisions of this subpart under the direction of the Board and within the policies determined by the Board and approved by the Secretary;

(g) To develop budgets for the implementation of this subpart and submit the budgets to the Secretary for approval and to propose and develop (or receive and evaluate), approve, and submit to the Secretary for approval programs, plans, and projects for Hass avocado promotion, industry information, consumer information, or related research;

(h) To develop and implement after the approval by the Secretary programs, plans, and projects for Hass avocado promotion, industry information, consumer information, or related research, to contract or enter into agreements with appropriate persons to implement the programs, plans, and projects, and to pay the costs of the implementation of contracts and agreements with funds collected under this subpart;

(i) To maintain such records and books and prepare and submit such reports and records from time to time to the Secretary as the Secretary may prescribe; to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it; and to keep records that accurately reflect the actions and transactions of the Board;

(j) To work to achieve an effective, continuous, and coordinated program of promotion, research, consumer information, and industry information designed to strengthen the Hass avocado industry's position in the domestic marketplace; to maintain and expand existing domestic markets and uses for Hass avocados; to create new domestic markets; and to carry out programs, plans, and projects designed to provide maximum benefits to the Hass avocado industry;

(k) To evaluate on-going and completed programs, plans, and projects for Hass avocado promotion, industry information, consumer information, or related research and to comply with the independent evaluation provisions of the Federal Agricultural Improvement and Reform Act of 1996 [7 U.S.C. 7401 *et seq.*];

(l) To receive, investigate, and report to the Secretary complaints of violations of the Order;

(m) To recommend to the Secretary amendments to this Order;

(n) To invest, pending disbursement under a program, plan, or project, funds collected through assessments authorized under this Act only in:

(1) Obligations of the United States or any agency of the United States;

(2) General obligations of any State or any political subdivision of a State;

(3) Any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(4) Obligations fully guaranteed as to principal and interest by the United States, except that income from any such invested funds may be used only for a purpose for which the invested funds may be used;

(o) To borrow funds necessary for the startup expenses of the Order;

(p) To cause the books of the Board to be audited by a qualified independent auditor at the end of each fiscal period and to submit a report of the audit directly to the Secretary;

(q) To give the Secretary the same notice of meetings and teleconferences of the Board and its committees as is given to members in order that the Secretary's representative(s) may attend or participate in the meetings;

(r) To act as intermediary between the Secretary and any producer, first handler, or importer;

(s) To periodically prepare and make public reports of its activities carried out, and at least once each fiscal period, to make public an accounting of funds received and expended; and

(t) To notify Hass avocado producers, first handlers, and importers of all Board meetings through news releases or other means.

§ 1219.39 Board procedure.

(a) At a properly convened meeting of the Board, seven (7) members, including alternates acting in place of members of the Board, shall constitute a quorum: *Provided*, that such alternates shall serve only when the member is absent from a meeting. Any action of the Board shall require the concurring votes of a majority of those present and voting. At assembled meetings, all votes shall be cast in person.

(b) In lieu of voting at a properly convened meeting and, when in the opinion of the chairperson of the Board such action is considered necessary, the Board may take action if supported by one vote more than 50 percent of the members by mail, telephone, electronic mail, facsimile, or other means of communication. Such alternative means for the Board taking action may be undertaken for various reasons. These reasons include the need to address matters of an emergency nature when there is not enough time to call an assembled meeting of the Board. All telephone votes shall be confirmed promptly in writing. In that event, all members must be notified and provided an opportunity to vote. Any action so taken shall have the same force and effect as though such action had been taken at a properly convened meeting of the Board. All votes shall be recorded in the Board minutes.

(c) All Board members and alternates and the Secretary will be notified at least 10 days in advance of all Board meetings, except the chairperson of the Board can waive the 10-day requirement in matters of an emergency nature.

(d) Each member of the Board will be entitled to one vote on any matter put to the Board, and the motion will carry if supported by one vote more than 50 percent of the total votes represented by the Board members present.

(e) There shall be no voting by proxy.

(f) The chairperson shall be a voting member of the Board.

§ 1219.40 Committee procedure.

(a) The Board may establish committees as deemed necessary to carry out the purposes and objectives of the Order.

(b) The chairperson of the Board shall appoint all committee chairpersons and shall appoint all members of each committee after consultation with the committee chairperson affected. Appointments are subject to approval by the Board and may be changed from time to time as determined by the chairperson of the Board with the concurrence of the Board.

(c) The chairperson of the Board may appoint committee members from among the Board members and alternates and from the industry in general.

(d) The rules and procedures under which committees conduct their activities shall be prescribed in the Board's bylaws.

(e) Committee members and the Secretary will be notified at least 10 days in advance of all committee meetings.

(f) It will be considered a quorum at a committee meeting when at least one more than half of those assigned to the committee are present.

(g) There shall be no voting by proxy on committees.

(h) The chairperson of the Board shall be an ex-officio member of all committees.

§ 1219.41 Compensation and expenses.

(a) The members and alternates of the Board and committee members shall serve without compensation but shall be reimbursed for reasonable out-of-pocket expenses, as approved by the Board, incurred by them in the performance of their duties.

(b) The Board shall have in place sufficient internal controls to prevent reimbursements or expenditures for unreasonable or otherwise controversial travel and meeting expenses.

§ 1219.42 Prohibited activities.

The Board may not engage in and shall prohibit its employees and agents from engaging in:

(a) Any action that would be a conflict of interest. For the purposes of this subpart, Board members and employees thereof must disclose any relationship with any organization or company that has a contract with the Board or operates a State promotion program. No member may vote on any matter in which the member or member's business entity has a financial interest.

(b) Using funds collected under this subpart for the purpose of influencing legislation or governmental action or policy, by local, national, and foreign governments, except to develop and make recommendations to the Secretary as provided for in this subpart.

(c) In a program, plan, or project conducted under this subpart:

(1) Making any reference to private brand names or making false, misleading, disparaging, or unwarranted claims on behalf of Hass avocados or

(2) Making any false, misleading, or disparaging statements with respect to the attributes or use of any agricultural product. This section shall not preclude the Board from offering its programs, plans, and projects for use by commercial parties under such terms and conditions as the Board may prescribe as approved by the Secretary.

(d) For the purposes of this section, a reference to State of origin or country of origin does not constitute a reference to a private brand name with regard to any funds credited to or disbursed by the Board to the Association or to any importer association established in accordance with § 1219.54.

Budgets, Expenses, and Assessments

§ 1219.50 Budgets, programs, plans, and projects.

(a) The Board shall submit to the Secretary, on a fiscal period basis, annual budgets of its anticipated expenses and disbursements of the Board in the administration of this subpart, including the projected costs of Hass avocado promotion, industry information, consumer information, and related research programs, plans, and projects. The first budget, which shall be submitted promptly after the effective date of this subpart, shall cover such period as may remain before the beginning of the next fiscal period. If such fiscal period is 90 days or less, the first budget shall cover such period, as well as the next fiscal period. Thereafter, the Board shall submit budgets for each succeeding fiscal period not less than 60 days before the beginning of such fiscal period.

(b) The Board shall receive and evaluate, or on its own initiative develop programs, plans and projects for Hass avocado promotion, industry information, consumer information as well as related research. The Board shall submit to the Secretary for approval any program, plan, or project authorized in this subpart. Such programs, plans or projects shall provide for:

(1) The establishment, implementation, issuance, effectuation, administration, and evaluation of appropriate programs, plans, or projects for advertising, sales promotion, other promotion, and consumer information with respect to Hass avocados directed toward increasing the general demand for Hass avocados in the United States. Funds shall be available as necessary to carry out this section;

(2) The establishment, implementation, issuance, effectuation, administration, and evaluation of appropriate programs, plans, and projects designed to strengthen the position of the Hass avocado industry in the domestic marketplace; to maintain, develop, and expand markets for Hass avocados in the United States; to lead to the development of new marketing strategies; to advance the image and desirability of, increase the efficiency of, and encourage further development of the Hass avocado industry; and to provide for the disbursement of necessary funds for the purposes described in this section;

(3) The establishment, implementation, issuance, effectuation, administration, and evaluation of programs, plans, and projects for marketing development research; research on the sale, distribution, marketing, use, quality, and nutritional value of Hass avocados; and other research with respect to Hass avocado marketing, promotion, industry information, or consumer information, including the creation of new products thereof. Information acquired from such plans and projects shall be disseminated as appropriate. Funds shall be available as necessary to carry out this section; and

(4) The Board to enter into contracts or make agreements for the development and carrying out of research, promotion, and information, and pay for the costs of such contracts or agreements with funds collected pursuant to § 1219.54.

(c) A budget, program, plan, or project for Hass avocados promotion, industry information, consumer information, or related research may not be implemented prior to approval of the budget, program, plan, or project by the Secretary. If the Secretary fails to provide notice to the Board or approval or disapproval of a budget, program, plan, or project within 45 days after receipt, such budget, program, plan, or project shall be deemed approved by the Secretary and may be implemented by the Board.

(d) The Board, from time to time, may seek advice and consult with experts from the production, import, wholesale, and retail segments of the Hass avocado industry to assist in the development of promotion, industry information, consumer information, and related research programs, plans, and projects. For these purposes, the Board may appoint special committees composed

of persons other than Board members. A committee so appointed shall consult directly with the Board.

(e) Programs must be conducted throughout the year to reflect the periods when imported and domestic Hass avocados are in the U.S. marketplace.

(f) The Board shall consult with both the Association and importer associations on programs, plans, and projects for generic promotions.

§ 1219.51 Contracts and agreements.

(a) The Board shall enter into a contract or an agreement with the Association for the implementation of programs, plans, or projects for promotion, industry information, consumer information, or related research with respect to Hass avocados and for the payment of the cost of the contract or agreement with funds received by the Board under this subpart. The Board may disburse such funds as necessary for these purposes after such programs, plans, or projects have been submitted to and approved by the Secretary.

(b) Any contract or agreement entered into shall provide that the contracting or agreeing party shall develop and submit to the Board a program, plan or project, together with a budget that includes the estimated costs to be incurred for the program, plan or project, and such program, plan or project shall become effective on the approval of the Secretary. For such contract or agreement, the contracting or agreeing party shall:

(1) Keep accurate records of all transactions of the party;

(2) Account for funds received and expended;

(3) Make periodic reports to the Board of activities conducted; and

(4) Make such other reports as the Board or the Secretary shall require.

(c) The Secretary may audit the records of the contracting or agreeing party periodically.

(d) Contractors and subcontractors are subject to the provisions of § 1219.42.

(e) The Board may enter into contracts or agreements for administrative services, including contracts for employment, as may be required to conduct its business. To the extent appropriate to the contract involved, contracts or agreements entered into by the Board under the authority of this section shall conform to the provisions described in § 1219.51(b).

§ 1219.52 Control of administrative costs.

(a) As soon as practicable after this subpart becomes effective and after consultation with the Secretary and other appropriate persons, the Board shall implement a system of cost controls based on normally accepted business practices to:

(1) Ensure that the costs incurred by the Board in administering this part in any fiscal period shall not exceed 10 percent of the projected level of assessments and other income received by the Board for generic promotion and research programs for that fiscal period; and

(2) Cover the minimum administrative activities and personnel needed to properly administer and enforce this subpart, and conduct, supervise, and evaluate programs, plans, and projects under this subpart.

(b) Reimbursements to the Secretary required under § 1219.53(b) are excluded from the limitation on spending.

(c) To the extent possible, the Board shall use the resources, staffs, and facilities of existing avocado organizations as provided in § 1219.54(a).

§ 1219.53 Budget and expenses.

(a) The Board is authorized to incur such expenses, including provision for a reasonable reserve for operating contingencies, as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. Such expenses shall be paid from funds received by the Board, including assessments, contributions from any person not subject to assessments under this subpart, and other funds available to the Board.

(b) The Board shall reimburse the Department:

(1) For expenses not to exceed $25,000 incurred by the Secretary in connection with any referendum conducted under the Act;

(2) For administrative costs incurred by the Secretary for supervisory work of up to two employee years annually after the Order or amendment to the Order has been issued and made effective; and

(3) For costs incurred by the Secretary in implementation of the Order, for enforcement of the Act and the order, for subsequent referenda conducted under the Act, and in defending the Board in litigation arising out of action taken by the Board or otherwise in defense of the Order.

(c) The Board shall establish and maintain the minimum level of annual administrative expenses necessary to efficiently and effectively carry out the programs authorized by the Act. The Board shall include its annual administrative expenses as a separate item in its annual report. The Board shall adhere to its fiduciary responsibilities and ensure that all monies are spent in accordance with the Act and the Order.

(d) With the approval of the Secretary, the Board may borrow money for the payment of administrative expenses, subject to the same fiscal, budget, and audit controls as other funds of the Board. Any funds borrowed by the Board shall be expended only for startup costs and capital outlays and are limited to the first period of operation of the Board.

(e) The Board may accept voluntary contributions, but these shall only be used to pay expenses incurred in the conduct of programs, plans, and projects. The contributions shall be free from any encumbrance by the donor, and the Board shall retain complete control of their use.

§ 1219.54 Assessments.

(a) Except as provided in § 1219.55, the initial rate of assessment shall be 2.5 cents per pound on fresh Hass avocados produced and handled in the United States and on fresh Hass avocados imported into the United States. An equivalent rate shall be assessed on processed and frozen Hass avocados on which an assessment has not been paid. Such equivalent rate will be assessed on processed or frozen Hass avocados upon the recommendation of the Board with the approval of the Secretary. The rate of assessment may be increased or decreased as recommended by the Board and approved by the Secretary. Such an increase or decrease may occur not more than once annually. Any change in the assessment rate shall be announced by the Board at least 30 days prior to going into effect and shall not be subject to a vote in a referendum. The maximum assessment rate authorized is 5 cents per pound. No more than one assessment shall be made on any Hass avocados.

(b) *Domestic assessments.* The collection of assessments on domestic Hass avocados will be the responsibility of the first handler.

(1) In the case of a producer acting as the producer's own first handler, the producer will be required to collect and remit the assessments due to the Board.

(2) Each first handler shall collect from the producer and pay to the Board an assessment of 2.5 cents per pound in accordance with this subpart. Assessments shall be remitted by each first handler to the Board or its agent within 30 days after the end of the month in which the sale or non-sale

transfer subject to assessment under this subpart took place.

(3) The first handler shall maintain a separate record of the domestic Hass avocados of each producer whose domestic Hass avocados are handled, including the domestic Hass avocados owned by the handler and domestic Hass avocados that are exported.

(4) Assessment of other types of fresh avocados may be added at the recommendation of the Board with the approval of the Secretary.

(c) *Import assessments.* Each importer of fresh Hass avocados shall pay an assessment to the Board through Customs on fresh Hass avocados imported for marketing in the United States.

(1) The assessment rate for imported fresh Hass avocados shall be the same or equivalent to the rate for fresh Hass avocados produced and handled in the United States.

(2) The import assessment shall be uniformly applied to imported fresh Hass avocados that are identified by the number 08–04.00.00.10 in the Harmonized Tariff Schedule of the United States or any other numbers to identify fresh Hass avocados. Assessments on other types of imported fresh avocados or on processed Hass avocados, such as prepared, preserved, or frozen Hass avocados or Hass avocado paste, puree, and oil will be added at the recommendation of the Board with the approval of the Secretary.

(3) The assessments due on imported Hass avocados shall be paid when they are released from custody by Customs and introduced into the stream of commerce in the United States.

(d) All assessment payments and reports will be submitted to the Board's office. All final payments for a crop year are to be received no later than November 30 of that year, unless the Board determines that assessments due from the first handler shall be paid to the Board at a different time and manner, with approval of the Secretary.

(e) A late payment charge prescribed by the Secretary shall be imposed on any first handler who fails to remit to the Board the total amount for which any such handler is liable on or before the due date. In addition to the late payment charge, an interest charge shall be imposed on the outstanding amount for which the handler is liable. The rate of interest shall be prescribed by the Secretary. The timeliness of a payment to the Board shall be based on the date the payment is actually received by the Board.

(f) Regulations issued by the Secretary may provide for different first handler payment schedules of assessments on domestic Hass avocados, so as to recognize differences in marketing or purchasing practices and procedures.

(g) Persons failing to remit total assessments due in a timely manner may also be subject to actions under federal debt collection procedures.

(h) The Board may authorize other organizations to collect assessments on its behalf with approval of the Secretary.

(i) The collection of assessments shall commence on or after a date established by the Secretary and shall continue until terminated by the Secretary. If the Board is not constituted on the date the first assessments are to be remitted, the Secretary shall have the authority to receive assessments on behalf of the Board and may hold such assessments in an interest-bearing account until the Board is constituted and the funds are transferred to the Board.

(j) To facilitate the payment of assessments under this section, the Board shall publish lists of first handlers required to remit assessments under this subpart and exempt handlers.

(k) The Association shall receive an amount of assessment funds equal to 85 percent of the assessments paid on Hass avocados produced in such State. Such funds shall be remitted to such State organization no later than 30 days after such funds are received by the Board. In addition, such funds and any proceeds from the investment of such funds shall be used by the Association to finance promotion, research, consumer information, and industry information programs, plans, and projects in the United States. However, no such funds shall be used for any administrative expenses incurred by the Association.

(l) An association of Hass avocado importers established pursuant to § 1219.58 shall receive an amount of assessment funds equal to 85 percent of the assessments paid on Hass avocados imported by its members. Such funds shall be remitted to such importer association no later than 30 days after such funds are received by the Board. In addition, such funds and any proceeds from the investment of such funds shall be used by the importer association to finance promotion, research, consumer information, and industry information programs, plans, and projects in the United States. However, no such funds shall be used for any administrative expenses incurred by the importer association.

(m) In general, assessment funds received by the Board shall be used:

(1) For payment of costs incurred in implementing and administering this subpart;

(2) To provide for a reasonable reserve to be maintained from assessments to be available for contingencies; and

(3) To cover the administrative costs incurred by the Secretary in implementing and administering this Act, as set forth in § 1219.53(b).

(n) The Board may establish an operating monetary reserve which may carry over to subsequent fiscal periods: *Provided that,* the funds in the reserve do not exceed one fiscal period's budget. Subject to approval by the Secretary, reserve funds may be used to defray any expenses authorized under this part.

§ 1219.55 Exemption from assessment.

(a) Any sale of Hass avocados for export from the United States is exempt from assessment.

(b) The Board may require persons receiving an exemption from assessments to provide to the Board reports on the disposition of exempt Hass avocados.

§ 1219.56 Adjustments of accounts.

Whenever the Board or the Secretary determines through an audit of a person's reports, records, books, or accounts or by some other means that additional money is due to the Board, the person shall be notified of the amount due. The person shall then remit any amount due the Board by the next date for remitting assessments. Overpayments shall be credited to the account of the person remitting the overpayment and shall be applied against any amounts due in succeeding months unless the person requests a refund of the overpayment.

§ 1219.57 Patents, copyrights, trademarks, publications, and product formulations.

(a) Any patents, copyrights, trademarks, inventions, information, publications, and product formulations developed through the use of funds received by the Board under this subpart shall be the property of the U.S. Government as represented by the Board, and shall, along with any rents, royalties, residual payments, or other income from the rental, sale, leasing, franchising, or other uses of such patents, copyrights, trademarks, inventions, information, publications, or product formulations, inure to the benefit of the Board; shall be considered income subject to the same fiscal, budget, and audit controls as other funds of the Board; and may be licensed subject to approval of the Secretary. Section 1219.72 describes the procedures for termination.

(b) Should patents, copyrights, trademarks, inventions, publications, or

product formulations be developed through the use of funds collected by the Board under this subpart and funds contributed by another organization or person, ownership and related rights to such patents, copyrights, trademarks, inventions, publications, or product formulations shall be determined by agreement between the Board and the party contributing funds towards the development of such patent, copyright, trademark, invention, publication, or product formulation in a manner consistent with paragraph (a) of this section.

§ 1219.58 Importer associations.

(a) An association of avocado importers is eligible to receive assessment funds and any proceeds from the investment of such funds only if such importer association is:

(1) Established pursuant to State law that requires detailed State regulation comparable to that applicable to the State organization of domestic avocado producers, as determined by the Secretary; or

(2) Certified by the Secretary as meeting the requirements applicable to the Board as to its operations and obligations, including budgets, programs, plans, projects, audits, conflicts of interest, and reimbursements for administrative costs incurred by the Secretary.

(b) An importer association may represent any importers of Hass avocados including importers of Hass avocados from a particular foreign country. An importer association may be composed of importers as well as representatives of foreign avocado exporting industries. An importer association should establish it own bylaws and may use existing organizations for the establishment of the association and coordination of the association's promotion and research efforts.

(c) For the purposes of the Order, the information required for certification of the importer associations by the Secretary may include, but is not limited to, the following:

(1) Evidence of incorporation under any state law with all appropriate legal requirements;

(2) Evidence that the association is composed of importers that are located in any state and subject to assessments under the Order, no matter where the association has been incorporated or in which state the importers reside;

(3) Certification of the association's ability and willingness to further the aims and objectives of the Order;

(4) Evidence of stability and permanency; and

(5) A description of the functions of the association.

Books, Records and Reports

§ 1219.60 Reports.

(a) Each first handler of domestic Hass avocados, producer, and importer subject to this subpart shall report to the administrative staff of the Board, at such times and in such manner as the Board may prescribe, such information as may be necessary for the Board to perform its duties.

(b) First handler reports shall include, but shall not be limited to, the following:

(1) Number of pounds of domestic Hass avocados received during the reporting period;

(2) Number of pounds on which assessments were collected;

(3) Assessments collected during the reporting period;

(4) Name and address of person(s) from whom the first handler collected the assessments on each pound handled;

(5) Date collection was made on each pound handled;

(6) Record of assessments paid, including a statement from the handler that assessments have been paid on all domestic Hass avocados handled during the reporting period; and

(7) Number of pounds exported.

(c) Each importer subject to this subpart may be required to report the following:

(1) Number of pounds of Hass avocados imported during the reporting period;

(2) Number of pounds on which an assessment was paid;

(3) Name and address of the importer;

(4) Date collection was made on each pound imported and to whom payment was made; and

(5) Record of each importation of Hass avocados during such period, giving quantity, variety, date, and port of entry.

§ 1219.61 Books and records.

Each producer, first handler, and importer subject to this subpart shall maintain and make available for inspection by the employees and agents of the Board and the Secretary, such books and records as are necessary to carry out the provisions of this subpart, and the regulations issued thereunder, including such records as are necessary to verify any reports required. Books and records shall be retained for at least two years beyond the fiscal period of their applicability.

§ 1219.62 Books and records of the Board.

(a) The Board shall maintain such books and records as the Secretary may require. Such books and records shall be made available upon request by the Secretary for inspection and audit.

(b) The Board shall prepare and submit to the Secretary, from time to time, such reports as the Secretary may require.

(c) The Board shall account for the receipt and disbursement of all the funds entrusted to the Board.

(d) The Board shall cause the books and records of the Board to be audited by an independent auditor at the end of each fiscal period. A report of each audit shall be submitted to the Secretary.

§ 1219.63 Confidential treatment.

(a) All information obtained from the books, records, or reports under this Act, this subpart, and the regulations issued thereunder shall be kept confidential and shall not be disclosed to the public by any person, including all current and former officers, employees, staff and agents of the Department, the Board, and contracting and subcontracting agencies or agreeing parties having access to such information. Only those persons having a specific need for such information to effectively administer the provisions of this subpart shall have access to such information. Only such information so obtained as the Secretary deems relevant shall be disclosed, and then only in a judicial proceeding or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this subpart. Nothing in this subpart shall be deemed to prohibit:

(1) The issuance of general statements based upon the reports of the number of persons subject to this subpart or statistical data collected from such reports, if such statements do not identify the information furnished by any person; or

(2) The publication, by direction of the Secretary, of the name of any person who has been adjudged to have violated this subpart, together with a statement of the particular provisions of this subpart violated by such person.

(b) Any disclosure of any confidential information by any employee or agent of the Board shall be considered willful misconduct.

(c) No information on how a person voted in a referendum conducted under the Act shall be made public.

§ 1219.64 List of importers.

The administrative staff of the Board shall periodically review the list of importers of Hass avocados to determine

whether persons on the list are subject to this subpart.

§ 1219.65 List of producers.

The administrative staff of the Board shall periodically review the list of producers of Hass avocados to determine whether the persons on the list of subject to this subpart. On the request of the Secretary or the Board, the Association shall provide to the Secretary or the administrative staff of the Board the list of producers of Hass avocados.

Miscellaneous

§ 1219.70 Right of the Secretary.

All fiscal matters, programs, plans, and projects, contracts, rules or regulations, reports, or other substantive actions proposed and prepared by the Board shall be submitted to the Secretary for approval.

§ 1219.71 Suspension or termination.

(a) The Secretary shall suspend or terminate this part or subpart or a provision thereof if the Secretary finds that the part or subpart or a provision thereof obstructs or does not tend to effectuate the purposes of the Act, or if the Secretary determines that this part or subpart or a provision thereof is not favored by persons voting in a referendum conducted pursuant to the Order or the Act.

(b) The Secretary shall suspend or terminate this subpart at the end of the marketing year whenever the Secretary determines that its suspension or termination is approved or favored by a majority of the producers and importers voting who, during a representative period determined by the Secretary, have been engaged in the production or importation of Hass avocados.

(c) If, as a result of a referendum, the Secretary determines that this subpart is not approved, the Secretary shall:

(1) Suspend or terminate, as appropriate, the collection of assessments not later than 180 days after making such determination; and

(2) Suspend or terminate, as appropriate, all activities under this subpart in an orderly manner as soon as practicable.

§ 1219.72 Proceedings after termination.

(a) Upon the termination of this subpart, the Board shall recommend to the Secretary not more than five of its members to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all of the funds and property owned, in possession of or under control of the Board, including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to the Order;

(3) From time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and

(4) Upon the request of the Secretary, execute such assignments or other instruments necessary and appropriate to vest in such persons title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to the Order.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to the Order shall be subject to the same obligations imposed upon the Board and the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be returned to the persons who contributed such funds, or paid assessments, or, if not practicable, shall be turned over to the Secretary to be distributed to authorized Hass avocado producer and importer organizations in the interest of continuing Hass avocado promotion, research, and information programs.

§ 1219.73 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or any regulation issued thereunder, or the issuance of any amendment to either thereof, shall not:

(a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any such rule or regulation issued thereunder; or

(b) Release or extinguish any violation of this subpart or of any rule or regulation issued thereunder; or

(c) Affect or impair any rights or remedies of the United States, or of the Secretary or of any person, with respect to any such violation.

§ 1219.74 Personal liability.

No member, alternate member, employee, or agent of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of Association or omission, as such member, alternate, employee, or agent, except for acts of dishonesty or willful misconduct.

§ 1219.75 Separability.

If any provision of this subpart is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this subpart, or the applicability thereof to other persons or circumstances shall not be affected thereby.

§ 1219.76 Amendments.

Amendments to this subpart may be proposed, from time to time, by the Board or by any interested persons affected by the provisions of the Act, including the Secretary. Except for changes in the assessment rate, the provisions of the Act applicable to the Order are applicable to any amendment of the Order.

§ 1219.77 OMB control number.

The control number assigned to the information collection requirements in this part by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, is OMB control number 0581–0197.

Dated: February 12, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–3797 Filed 2–13–02; 2:00 pm]

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DEPARTMENT OF JUSTICE

8 CFR Parts 3 and 280

[AG Order No. 2559–2002]

RIN 1125–AA36; EOIR 131P

Board of Immigration Appeals: Procedural Reforms To Improve Case Management

AGENCY: Executive Office for Immigration Review, Department of Justice.

ACTION: Proposed rule.

SUMMARY: This proposed rule will revise the structure and procedures of the Board of Immigration Appeals, provide for an enhanced case management procedure, and expand the number of cases referred to a single Board member for disposition. These procedures are intended to reduce delays in the review process, enable the Board to keep up with its caseload and reduce the existing backlog of cases, and allow the Board to focus more attention on those

cases presenting significant issues for resolution by a three-member panel. After a transition period to implement the new procedures in order to reduce the Board's backlog of pending cases, the size of the Board will be reduced to eleven.

DATES: Written comments must be submitted on or before March 21, 2002.

ADDRESSES: Please submit written comments to Charles K. Adkins-Blanch, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, VA 22041; telephone (703) 305–0470.

FOR FURTHER INFORMATION CONTACT: Charles K. Adkins-Blanch, (703) 305–0470.

SUPPLEMENTARY INFORMATION: This proposed rule will reform the structure and procedures of the Board of Immigration Appeals. Under the new case management procedures, all cases appealed to the Board will be examined by a Board member assigned to the screening panel. Most cases will be resolved through summary decisions issued by a single Board member. The assigned Board member on the screening panel will also identify those cases that warrant review by a three-member panel. The Board will no longer revisit factual determinations of immigration judges on a de novo basis, but will be able to remand cases for further factfinding where necessary. In addition, the rule will set specific time limits for the disposition of cases. The Board's current jurisdiction over appeals from decisions by the Immigration and Naturalization Service (INS) imposing various kinds of administrative fines (see 8 CFR 280) will be transferred to the Office of the Chief Administrative Hearing Officer (OCAHO). After a transition period of operation under the new procedures to eliminate the current backlog of cases, the Board will be reduced in size to eleven members from its present size of 19 members plus four vacancies.

Background

In 1983, the Attorney General created the Executive Office for Immigration Review (EOIR). This reorganization consolidated the Department's immigration review programs by placing the immigration judges (formerly known as special inquiry officers within INS) and the Board of Immigration Appeals into EOIR, a Department component independent from INS. The Board has broad jurisdiction over appeals from decisions of the immigration judges in exclusion, deportation, and removal proceedings, custody appeals, asylum cases, and other specific matters, and it also has authority to review certain final decisions by INS district directors and other officials. *See* 8 CFR part 3, subpart A. Decisions by the Board are subject to review by the Attorney General as provided in 8 CFR 3.1(h).

In 1987, the Attorney General also placed in EOIR the Office of the Chief Administrative Hearing Officer (OCAHO), in order to house similar quasi-judicial administrative adjudications within a single Departmental organization. OCAHO currently adjudicates certain civil penalty proceedings under sections 274A, 274B, and 274C of the Immigration and Nationality Act (Act), relating to violations of the employment verification requirements, immigration-related discrimination claims, and civil document fraud cases, respectively. *See* 28 CFR 68.

Description of the proposed rule

This reform initiative is intended to accomplish four important objectives in the disposition of immigration case appeals: (1) Eliminating the current backlog of cases pending before the Board; (2) Eliminating unwarranted delays in the adjudication of administrative appeals; (3) Utilizing the resources of the Board more efficiently; and (4) Allowing more resources to be allocated to the resolution of those cases that present difficult or controversial legal questions—cases that are most appropriate for searching appellate review.

Under its current structure and procedures, the Board has been unable to adjudicate incoming cases quickly enough to eliminate the unacceptable backlog that has existed for several years. Numerous cases have languished before the Board for more than two years, some for more than five years, frustrating efforts to achieve timely resolution of immigration disputes.

Since 1995, the problem of the mounting backlog of cases has been addressed by incremental increases in the size of the Board. However, in retrospect, it is now clear that the addition of new Board members has not appreciably reduced the backlog of cases. The problem is not one of personnel. Rather, the problem is rooted in the structure and procedures of the Board, which make it nearly impossible for Board members to accomplish their mission. The devotion of the Board's time and resources to cases that present no colorable grounds for appeal has made it extremely difficult to address in a timely manner those cases that most need the Board's review.

The one change in the Board's procedures that has produced positive results in recent years is the streamlining initiative, which allows for summary decisions by a single Board member in several categories of appeals. *See* 64 FR 56135 (Oct. 18, 1999). The Board's existing streamlining process is currently codified at 8 CFR 3.1(a)(7), and would be recodified in this proposed rule at § 3.1(e)(4). The streamlining project has successfully expedited such appeals, and the project was recently assessed favorably by an external auditor. The proposed rule builds upon the success of the streamlining model, expanding the single-member resolution of appeals more broadly for appeals that present no difficult or controversial legal questions. The authority of individual Board members to resolve such cases in expedited fashion is a critical component of the two-phase structure of Board consideration of cases, summarized below.

The proposed rule contains amendments to 8 CFR part 3, subpart A, which combine to substantially alter the structure, procedures, and charge of the Board. These changes may be summarized as follows.

Many of the key features of the proposed rule are codified in the new provisions of § 3.1(e), which directs the Chairman to establish a case management system with specific new standards for the efficient and expeditious resolution of all appeals coming before the Board.

Under § 3.1(e)(1), all appeals will be sent initially to a screening panel of the Board, through which individual Board members will decide the majority of cases. The initial determination is whether the case is appropriate for disposition on the merits. The Board's existing regulations at § 3.1(d)(2) already provide for summary dismissal of appeals for lack of jurisdiction or other specified procedural defaults. That authority is retained in this rule and, as discussed below, this rule also restores a pre-existing ground for summary dismissal of appeals that are filed for an improper purpose or that lack an arguable basis in fact or in law. Section 3.1(e)(2) of the proposed rule reflects the authority currently codified in § 3.1(a)(1) for a single Board member to make various procedural dispositions of cases.

The Board's case management system will arrange for prompt completion of the record on appeal, including simultaneous briefing by the parties, as discussed further below. With each such appeal, as provided in § 3.1(e)(3) of the proposed rule, a single Board member assigned to the screening panel will decide every case, unless the Board

member determines that the case is appropriate for review by a three-member panel under the standards of this rule. A single Board member may summarily affirm without opinion under § 3.1(e)(4), which is very similar to the authority under the Board's existing streamlining regulation. However, the current streamlining process is limited to summary affirmances without opinion; under the existing rules any final decision on the merits that may require a written order to explain the Board's reasoning in affirming, reversing, modifying, or remanding a decision under review must be made by a three-member panel, regardless of whether the issues themselves are substantial. Accordingly, § 3.1(e)(5) would expand the existing streamlining authority to authorize a single Board member to issue a brief order affirming, reversing, modifying, or remanding a decision under review in those cases that do not meet the standards warranting review by a three-member panel. The choice between summary affirmance without opinion and the issuance of a brief order explaining the Board's disposition of the case on the merits would be made on a case-by-case basis after review by the individual Board members to which the cases are assigned.

As the proposed rule stipulates in § 3.1(e)(6), five categories of cases will qualify for review by a three-member panel. To qualify, a case must present one of the following: (1) The need to settle inconsistencies between the rulings of different immigration judges; (2) the need to establish a precedent to clarify ambiguous laws, regulations, or procedures; (3) the need to correct a decision by an immigration judge or by the INS that is plainly not in conformity with the law or with applicable precedents; (4) the need to resolve a case or controversy of major national import; or (5) the need to correct a clearly erroneous factual determination by an immigration judge. The efficient disposition by single Board members of cases that do not present such circumstances will allow the three-member panels to focus their attention and resources on those cases that warrant greater appellate scrutiny.

To facilitate the screening process, this rule amends § 3.3(b) to provide that an appellant who asserts that an appeal warrants review by a three-member panel must identify in the Notice of Appeal the specific factual or legal basis for that contention. Since the usual rule under § 3.1(e)(3) is that all appeals will be assigned to a single Board member for review except as provided in § 3.1(e)(6), the decision in each case whether to assign an appeal to a three-member panel will be made, after consideration of the case, under the standards of this rule according to the judgment of the single Board member on the screening panel to whom the appeal is assigned.

The existing provisions of 8 CFR 3.2(b)(3) already bar a motion for reconsideration based solely on the ground that a case should not have been affirmed without opinion by a single Board member or by a panel. This rule adds an additional sentence to § 3.2(i) (Ruling on motion) to provide that any motion for reconsideration or reopening of a decision issued by a single Board member will be referred to the screening panel for disposition by a single Board member, unless the screening panel member determines, in the exercise of judgment, that the motion for reconsideration or reopening is appropriate for assignment to a three-member panel under the standards of § 3.1(e)(6).

Section 3.1(e)(7) reflects the current authority of the Board to grant or deny requests for oral argument, but it also makes clear that no oral argument will be available in any case assigned to a single Board member for disposition.

In § 3.1(e)(8), as well as §§ 3.3 and 3.5, the proposed rule establishes a series of time limits to expedite the handling of cases by the Board. As proposed in § 3.3(a), a party appealing a decision of an immigration judge or a decision of the Service will have 30 days in which the party may file a notice of appeal. For cases requiring the transcription of the immigration judge's oral opinion, the immigration judge must complete his or her review of the transcript within 14 days after completion, as provided in § 3.5(a), with limited exceptions. After the transcripts are made available to the parties, the parties must simultaneously brief the case within a 21-day period, with reply briefs allowed only by leave of the Board.

After the briefs are submitted, the screening panel of the Board will have 90 days in which a single Board member must either decide the case or designate the case for review by a three-member panel. Once a case is selected for panel review, the panel considering the case must render its decision and opinion within 180 days. In any case, § 3.1(e) directs the Board to assign priority to deciding cases or custody appeals involving detained aliens.

If the Board member who is the author of an opinion for the panel majority is unable to complete the opinion within the 180-day period, § 3.1(e)(8)(ii) of the proposed rule allows the Board member to request an extension of up to 60 days from the Chairman. In order to prevent the delay of the issuance of Board decisions due to uncompleted dissenting or concurring opinions, the proposed rule also requires any dissenting or concurring member of a panel whose separate opinion is not finished at the conclusion of the 180-day period to request an extension of up to 60 days from the Chairman.

If, at the end of the 60-day period, the opinion of the panel majority is still not completed, the Chairman must either decide the case himself and render an opinion within 14 days or refer the case to the Attorney General for a decision. If a dissenting or concurring panel member fails to complete his opinion by the end of the extension period, the decision of the majority will be rendered without his dissent or concurrence attached.

In rare circumstances, when the outcome of a case before the Board may be substantially affected by pending or anticipated litigation before the United States Supreme Court or a United States Court of Appeals, the Chairman may hold the case or group of cases until such decision is rendered, temporarily suspending the time limits described above, as provided in § 3.1(e)(8)(iii).

The proposed rule at § 3.1(e)(8)(iv) also directs the Chairman to notify the Director of EOIR and the Attorney General if any Board member repeatedly fails to meet the assigned deadlines for the disposition of appeals, and to prepare an annual review concerning the timeliness of dispositions by each Board member. Although EOIR has not conducted annual performance reviews for Board members in the recent past—in general, as a reflection of the decisional independence of the Board as to the substantive disposition of appeals—it is appropriate for EOIR to begin to track the timeliness of dispositions of cases under the new case management procedures that incorporate specific performance measures. As this language suggests, the provisions of paragraph (e)(8) establishing time limits for the adjudication of appeals reflect a management directive in favor of timely dispositions, but do not affect the validity of any decision issued by the Board nor create any justiciable right or remedy.

The proposed rule also adds a new § 3.1(d)(3) to eliminate the Board's de novo review of factual issues. Under the proposed rule, the Board must accept the factual findings of the immigration judges, disturbing them only if they are ''clearly erroneous.'' This provision also generally prohibits the introduction and

consideration of new evidence in proceedings before the Board, except for taking administrative notice of current events or the contents of official documents such as country condition reports prepared by the Department of State. Where it is established that an appeal cannot be properly resolved without further findings of fact, the Board will remand the proceeding to the immigration judge or, where appropriate, the INS.

By deleting the existing § 3.1(b)(4), the proposed rule eliminates the Board's jurisdiction over appeals of INS decisions imposing various kinds of administrative fines under part 280 and transfers that review authority to the Chief Administrative Hearing Officer. Although the various administrative fine cases administered under part 280 (for example, a $3,300 fine against an air carrier under section 273 of the Act for transporting to the United States an alien lacking a proper passport or visa) are different than the civil penalty actions currently adjudicated within OCAHO (which are handled by administrative law judges rather than immigration judges), the appellate reviewing role by the Chief Administrative Hearing Officer would nevertheless be much the same since each of the cases involves only the imposition of a specific administrative fine or civil penalty. Accordingly, the proposed rule adds a new provision, 8 CFR 280.61, for review of administrative fines imposed by the Service under part 280. This provision is modeled on the existing provisions for review by the Chief Administrative Hearing Officer of civil money penalties under 28 CFR 68.54, and the Board's existing procedures in § 3.1, 3.3, and 3.5 for the consideration of appeals. Consistent with the time limits for a single Board member to review cases under the proposed rule, the Chief Administrative Hearing Officer will be allowed 90 days to decide the appeal after the completion of the record on appeal. After transfer of appellate jurisdiction from the Board to the Chief Administrative Hearing Officer, the existing precedent decisions issued by the Board in administrative fine cases would continue to be binding except as specifically modified or overruled in new precedent decisions by the Chief Administrative Hearing Officer or by the Attorney General. Decisions of the Chief Administrative Hearing Officer in administrative fine cases under part 280 will be subject to review by the Attorney General under the same procedures as for the Board.

The proposed rule reflects the Attorney General's direction that, once this rule is adopted in final form, the Board will immediately implement the procedural and structural changes described above with respect to all appeals pending before the Board at the time this rule takes effect. During a transition period of 180 days, the Members of the Board are directed to apply these procedures to render opinions expeditiously and particularly to dispose of the oldest cases, so as to reduce the number of pending cases before the Board by the end of the transition period so that no case remains pending more than ten months after the record on appeal was completed. The Chairman may allocate Board members to the screening panel and to three-member panels as may be deemed appropriate to accomplish this objective.

In amendments to § 3.1(a)(1), the proposed rule stipulates that, after the transition period of 180 days has elapsed, the final structural reform of the Board will occur. The number of Board members will be reduced to eleven, with the Attorney General designating the membership of the Board. The Chairman will continue to have the authority to allocate Board members to a screening panel and to three-member panels as may be deemed appropriate for the efficient adjudication of appeals.

In addition to the foregoing changes, the Department is making other modifications to the Board's rules in relation to two other recent rulemaking actions.

First, as noted above, the rule will restore as a ground for summary dismissal the fact that an appeal that is filed for an improper purpose, such as delay, or that lack an arguable basis in fact or in law. That provision, previously codified at § 3.1(d)(1–a)(i)(D) of the Board's rules, and now to be reinstated as § 3.1(d)(2)(i)(D), had been promulgated in response to the statutory directive, first enacted in the Immigration Act of 1990, requiring the Attorney General to specify the circumstances under which an administrative appeal will be considered frivolous and will be summarily dismissed. See section 240(f) of the Act (8 U.S.C. 1229a(f)); former section 242B(d) of the Act (8 U.S.C. 1252b(d) (as in effect prior to April 1, 1997). However, at the time the streamlining initiative was adopted in 1999, EOIR deleted this provision from the Board's rules, citing (1) the fact that this summary dismissal authority was ''virtually never used by the Board,'' and (2) a concern that retaining this authority might lead to confusion with the new process for summary affirmance without opinion. *See* 64 FR 56135, 56137 (Oct. 18, 1999).

On reflection, the Department believes that this paragraph (D) should be retained, in view of the statutory direction for the Attorney General to define cases that are to be summarily dismissed as frivolous. Summary dismissal of appeals that are determined to be frivolous is distinct from a summary affirmance without opinion. The Board's streamlining process is a very effective and valuable process, but it is not a substitute for dealing with appeals that are filed for an improper purpose or that patently lack any factual or legal basis. Simply affirming ''paragraph (D)'' appeals on the merits, without making any effort to identify the frivolous nature of particular appeals, would do little or nothing to deter particular attorneys or representatives from filing future appeals for an improper purpose in other cases. This is particularly true if a primary purpose of the appeal was to gain some additional time through delay—because it would have succeeded in that regard. Although the Board would make a determination that an appeal was frivolous only after completion of its review, each such frivolous appeal requires the preparation of transcripts, opportunity for briefing, review by a Board attorney and a Board member, etc. Even if only a small percentage of the 28,000 appeals filed each year with the Board may be found to be ''frivolous'' within the meaning of paragraph (D), that still amounts to a significant number of cases imposing a substantial aggregate burden on the Board—a burden that the Board should not be expected to bear, given its very large caseload. The Board's screening panel will be expected to implement this process as part of the case management screening of cases.

The EOIR disciplinary rules do specify similar grounds for the imposition of disciplinary sanctions on an attorney or representative. *See* 8 CFR § 3.102(j)(2001), previously codified at § 292.3(a)(15). This existing sanction has apparently not been actively enforced through the disciplinary process. One likely reason for this is that there is no ready mechanism in place for the Board to identify such frivolous appeals. If the Board begins to identify certain appeals as frivolous under the standards of paragraph (D), then the EOIR disciplinary counsel would be able to develop a factual record of such findings in order to support appropriate disciplinary action against attorneys or

representatives who may be identified as repeat offenders.[1]

Second, the Department notes that former Attorney General Reno had published a proposed rule to clarify and strengthen the management authority of the Director of EOIR, the Chairman of the Board, and the Chief Immigration Judge with respect to the efficient disposition of cases pending before the Board and the immigration judges. *See* 65 FR 81434 (Dec. 26, 2000). Among other things, that earlier proposed rule enumerated specific authorities of the Chairman and defined more clearly the role of the Board and the standards governing its proceedings. That proposed rule has not been finalized and remains pending; its provisions were also organized differently than the present proposal. However, because the present proposed rule in some respects overlaps with or complements the previously published proposal, the present proposed rule incorporates some of the provisions that had previously been proposed (certain provisions in § 3.1(a)(1), (a)(2), (a)(3), and (a)(11) of the December 2000 proposal) into § 3.1(a)(2) and (d)(1) of this rule. As reorganized, the provisions of § 3.1(a) focus principally on organizational and procedural matters, and the powers of the Board are set forth in § 3.1(d).

Finally, the proposed rule adds a sentence in § 3.1(a)(5) to the Board's rule on rehearing en banc, taken from Federal Rule of Appellate Procedure 35(a) with respect to rehearing en banc in the courts of appeals, providing that rehearing en banc is disfavored and shall ordinarily be ordered only for questions of exceptional importance or to secure or maintain the uniformity of the Board's decisions. In addition, the proposed rule eliminates the provision of the existing regulations, in § 3.1(a)(4)(ii), for the use of a limited en banc panel nine members. That provision was added at a time when the Board's membership was rapidly expanding. It was rarely used in practice and, in any event, it no longer serves any purpose in view of the decision to reduce the size of the Board to eleven members.

[1] The Board's existing rules already contemplate this kind of reporting process with respect to *other* kinds of appeals that are summarily dismissed because the Board lacks jurisdiction or some other procedural default; § 3.1(d)(2)(iii) provides that the filing of an appeal that is summarily dismissed under § 3.1(d)(2)(i) ''may constitute frivolous behavior under § 3.102(j).'' However, since former ''paragraph (D)'' has been deleted from the summary dismissal grounds in § 3.1(d)(2)(i), there is no similar process for identifying appeals that were filed for an improper purpose and tying that result specifically to the disciplinary rules.

In summary, the proposed rule will restructure the Board to better accomplish its missions of reviewing immigration appeals in a timely and impartial manner, and providing guidance to immigration judges, the INS, and the public on the proper interpretation and administration of the Immigration and Nationality Act and related regulations. The proposed rule will allow the Board to decide simple cases in an expeditious manner, saving time and resources for those cases that most require searching review. The result will be a more efficient body that applies appropriate standards of appellate review to better serve the Department of Justice, the immigrant community, and the country.

Regulatory Flexibility Act

The Attorney General, in accordance with 5 U.S.C. 605(b), has reviewed this proposed rule and, by approving it, certifies that it will affect only Departmental employees, and aliens or their representatives who appear in proceedings before the Board of Immigration Appeals. Therefore, this proposed rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

This proposed 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, and it 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 proposed rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. § 804. This rule will not result in an annual effect on the economy of $100 million 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.

Executive Order 12866

This proposed rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department has determined that this proposed rule is a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review. Accordingly, this rule has been submitted to the Office of Management and Budget for review.

Executive Order 13132

This proposed rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, the Department of Justice has determined that this rule does not have sufficient federalism implications to warrant a federalism summary impact statement.

Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Plain Language Instructions

We try to write clearly. If you can suggest how to improve the clarity of these regulations, call or write Charles K. Adkins-Blanch, General Counsel, Executive Office for Immigration Review, Suite 2400, 5107 Leesburg Pike, Falls Church, VA 22041; telephone (703) 305–0470.

List of Subjects

8 CFR Part 3

Aliens, Immigration.

8 CFR 280

Aliens, Fines and penalties.

Accordingly, for the reasons set forth in the preamble, part 3 and part 280 of chapter I of title 8 of the Code of Federal Regulations are proposed to be amended as follows:

PART 3—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

1. The authority citation for 8 CFR part 3 continues to read as follows:

Authority: 5 U.S.C. 301; 8 U.S.C. 1103, 1252 note, 1252b, 1324b, 1362; 28 U.S.C. 509, 510, 1746; sec. 2, Reorg. Plan No. 2 of 1950, 3 CFR, 1949–1953 Comp., p. 1002.

2. Amend § 3.1 by:

a. Revising the heading;

b. Revising paragraphs (a)(1) through (6) and paragraph (b) introductory text;

c. Removing and reserving paragraph (b)(4);

d. Revising paragraphs (d)(1), (d)(2)(i) introductory text, (d)(2)(ii), (d)(2)(iii), and (d)(3);

e. Redesignating paragraphs (d)(2)(i)(D) through (G) as paragraphs (d)(2)(i)(E) through (H), respectively, and adding a new paragraph (d)(2)(i)(D);

f. Revising paragraph (d)(4) and adding paragraph (d)(5); and

g. Revising paragraphs (e) and (g), to read as follows:

Subpart A—Board of Immigration Appeals

§ 3.1 Organization, jurisdiction, and powers of the Board of Immigration Appeals.

(a)(1) *Organization*. There shall be in the Department of Justice a Board of Immigration Appeals, subject to the general supervision of the Director, Executive Office for Immigration Review (EOIR). The Board members shall be attorneys appointed by the Attorney General to act as the Attorney General's delegates in the cases that come before them. Within six months of the implementation of the case management screening system as provided in paragraph (e) of this section, or such other time as may be specified by the Attorney General, the Board shall be reduced to eleven members as designated by the Attorney General. A vacancy, or the absence or unavailability of a Board member, shall not impair the right of the remaining members to exercise all the powers of the Board.

(2) *Chairman*. The Attorney General shall designate one of the Board members to serve as Chairman. The Attorney General may designate a Vice Chairman to assist the Chairman in the performance of his duties and to exercise all of the powers and duties of the Chairman in the absence or unavailability of the Chairman.

(i) The Chairman, subject to the supervision of the Director, shall direct, supervise, and establish internal operating procedures and policies of the Board. The Chairman shall have authority to:

(A) Issue operational instructions and policy, including procedural instructions regarding the implementation of new statutory or regulatory authorities;

(B) Provide for appropriate training of Board members and staff on the conduct of their powers and duties;

(C) Direct the conduct of all employees assigned to the Board to ensure the efficient disposition of all pending cases, including the power, in his discretion, to set priorities or time frames for the resolution of cases; to direct that the adjudication of certain cases be deferred, to regulate the assignment of Board members to cases, and otherwise to manage the docket of matters to be decided by the Board;

(D) Evaluate the performance of the Board by making appropriate reports and inspections, and take corrective action where needed;

(E) Adjudicate cases as a Board member; and

(F) Exercise such other authorities as the Director may provide.

(ii) The Chairman shall have no authority to direct the result of an adjudication assigned to another Board member or to a panel; provided, however, that nothing in this section shall be construed to limit the management authority of the Chairman under paragraph (a)(2)(i) of this section.

(3) *Panels*. The Chairman shall divide the Board into three-member panels and designate a presiding member of each panel if the Chairman or Vice Chairman is not assigned to the panel. The Chairman may from time to time make changes in the composition of such panels and of presiding members. Each three-member panel shall be empowered to decide cases by majority vote, and a majority of the Board members assigned to the panel shall constitute a quorum for such panel. In addition, the Chairman shall assign any number of Board members, as needed, to serve on the screening panel to implement the case management process as provided in paragraph (e) of this section.

(4) *Temporary Board members*. The Director may in his discretion designate immigration judges, retired Board members, retired immigration judges, and administrative law judges employed within EOIR to act as temporary, additional Board members for terms not to exceed six months. A temporary Board member assigned to a case may continue to participate in the case to its normal conclusion, but shall have no role in the actions of the Board en banc.

(5) *En banc process*. A majority of the permanent Board members shall constitute a quorum for purposes of convening the Board en banc. The Board may on its own motion by a majority vote of the permanent Board members, or by direction of the Chairman, consider any case en banc, or reconsider as the Board en banc any case that has been considered or decided by a three-member panel. En banc proceedings are not favored, and shall ordinarily be ordered only where necessary to address an issue of exceptional importance or to secure or maintain consistency of the Board's decisions.

(6) *Board staff*. There shall also be attached to the Board such number of attorneys and other employees as the Deputy Attorney General, upon recommendation of the Director, shall from time to time direct.

* * * * *

(b) *Appellate jurisdiction*. Appeals may be filed with the Board of Immigration Appeals from the following:

* * * * *

(d) *Powers of the Board*—(1) *Generally*. The Board shall function as an appellate body charged with the review of those administrative adjudications under the Act that the Attorney General may by regulation assign to it. The Board shall resolve the questions before it in a manner that is timely, impartial, and consistent with the Act and regulations. In addition, the Board, through precedent decisions, shall provide clear and uniform guidance to the Service, the immigration judges, and the general public on the proper interpretation and administration of the Act and its implementing regulations.

(i) The Board shall be governed by the provisions and limitations prescribed by applicable law, regulations, and procedures, and by decisions of the Attorney General (through review of a decision of the Board, by written order, or by determination and ruling pursuant to section 103 of the Act).

(ii) Subject to these governing standards, Board members shall exercise their independent judgment and discretion in considering and determining the cases coming before the Board, and a panel or Board member to whom a case is assigned may take any action consistent with their authorities under the Act and the regulations as is appropriate and necessary for the disposition of the case.

(2) *Summary dismissal of appeals*—(i) *Standards*. A single Board member shall summarily dismiss any appeal or portion of any appeal in any case in which:

* * * * *

(D) The Board is satisfied, from a review of the record, that the appeal is filed for an improper purpose, such as to cause unnecessary delay, or that the appeal lacks an arguable basis in fact or in law unless the Board determines that it is supported by a good faith argument for extension, modification, or reversal of existing law;

* * * * *

(ii) *Action by the Board*. The Board's case management screening plan shall promptly identify cases that are subject to summary dismissal pursuant to this paragraph. Except as provided in this part for review by the Board en banc or by the Attorney General, or for consideration of motions to reconsider

or reopen, an order dismissing any appeal pursuant to this paragraph (d)(2) shall constitute the final decision of the Board.

(iii) *Disciplinary consequences.* The filing by an attorney or representative accredited under § 292.2(d) of this chapter of an appeal that is summarily dismissed under paragraph (d)(2)(i) of this section may constitute frivolous behavior under § 3.102(j). Summary dismissal of an appeal under paragraph (d)(2)(i) of this section does not limit the other grounds and procedures for disciplinary action against attorneys or representatives.

(3) *Review of factual issues.* The Board will not engage in de novo review but will accept the determination of factual issues by an immigration judge, including findings as to the credibility of testimony, unless the determination is clearly erroneous. Except for taking administrative notice of commonly known facts such as current events or the contents of official documents, the Board will not engage in factfinding in the course of deciding appeals. A party asserting that the Board cannot properly resolve an appeal without further factfinding must file a motion for remand. If further factfinding is needed in a particular case, the Board may remand the proceeding to the immigration judge or, as appropriate, to the Service. This paragraph does not preclude the Board from reviewing mixed questions of law and fact, including, without limitation, whether an alien has established a well-founded fear of persecution or has demonstrated extreme hardship, based on the findings of fact made by the immigration judge.

(4) *Rules of practice.* The Board shall have authority, with the approval of the Director, EOIR, to prescribe procedures governing proceedings before it.

(5) *Discipline of attorneys and representatives.* The Board shall determine whether any organization or individual desiring to represent aliens in immigration proceedings meets the requirements as set forth in § 292.2 of this chapter. It shall also determine whether any organization desiring representation is of a kind described in § 1.1(j) of this chapter, and shall regulate the conduct of attorneys, representatives of organizations, and others who appear in a representative capacity before the Board or the Service or any immigration judge.

(e) *Case management system.* The Chairman shall establish a case management system to screen all appeals and to manage the Board's caseload. Unless a case meets the standards for assignment to a three-member panel under paragraph (e)(6) of this section, all appeals shall be assigned to a single Board member for disposition. The Chairman, under the supervision of the Director, shall be responsible for the success of the case management system. The Chairman shall designate, from time to time, a screening panel comprising a sufficient number of Board members who are authorized, acting alone, to screen cases and to adjudicate appeals as provided in this paragraph.

(1) *Initial screening.* All cases shall be referred to the screening panel for review by a single Board member. Appeals subject to summary dismissal as provided in paragraph (d)(2) of this section shall be promptly dismissed.

(2) *Miscellaneous dispositions.* A single Board member may grant an unopposed motion or a motion to withdraw an appeal pending before the Board. In addition, a single Board member may adjudicate a Service motion to remand any appeal before the Board where the Service requests that the matter be remanded for further consideration of the appellant's arguments or evidence raised on appeal; a case where remand is required because of a defective or missing transcript; and other procedural or ministerial issues as provided by the case management plan.

(3) *Merits review.* In any case that has not been summarily dismissed, the screening panel shall arrange for the prompt completion of the record of proceedings and transcript, and shall issue a schedule for simultaneous briefing. The Board member who initially reviewed the appeal (or another Board member assigned under the case management system) shall determine the appeal on the merits as provided in paragraph (e)(4) or (e)(5) of this section, unless the Board member determines that the case is appropriate for review and decision by a three-member panel under the standards of paragraph (e)(6) of this section.

(4) *Affirmance without opinion.* (i) The Board member to whom a case is assigned shall affirm the decision of the Service or the immigration judge, without opinion, if the Board member determines that the result reached in the decision under review was correct; that any errors in the decision under review were harmless or nonmaterial; and that

(A) The issues on appeal are squarely controlled by existing Board or federal court precedent and do not involve the application of precedent to a novel factual situation; or

(B) The factual and legal issues raised on appeal are not so substantial that the case warrants the issuance of a written opinion in the case.

(ii) If the Board member determines that the decision should be affirmed without opinion, the Board shall issue an order that reads as follows: ''The Board affirms, without opinion, the result of the decision below. The decision below is, therefore, the final agency determination. See 8 CFR 3.1(e)(4).'' An order affirming without opinion, issued under authority of this provision, shall not include further explanation or reasoning. Such an order approves the result reached in the decision below; it does not necessarily imply approval of all of the reasoning of that decision, but does signify the Board's conclusion that any errors in the decision of the immigration judge or the Service were harmless or nonmaterial.

(5) *Other decisions on the merits by single Board member.* If the Board member to whom an appeal is assigned determines, upon consideration of the merits, that the decision is not appropriate for affirmance without opinion, the Board member shall issue a brief order affirming, reversing, modifying, or remanding the decision under review, unless the Board member designates the case for decision by a three-member panel under paragraph (e)(6) of this section under the standards of the case management plan. Except as provided in this part for review by the Attorney General, or for consideration of motions to reconsider or reopen, a decision issued by a single Board member shall constitute the final decision of the Board. A motion to reconsider or to reopen a decision that was rendered by a single Board member may be adjudicated by that Board member unless the case is reassigned to a three-member panel as provided under the standards of the case management plan.

(6) *Panel decisions.* Cases shall be assigned for review by a three-member panel only if the case presents one of these circumstances:

(i) The need to settle inconsistencies between the rulings of different immigration judges;

(ii) The need to establish a precedent to clarify ambiguous laws, regulations, or procedures;

(iii) The need to correct a decision by an immigration judge or the Service that is plainly not in conformity with the law or with applicable precedents;

(iv) The need to resolve a case or controversy of major national import; or

(v) The need to correct a clearly erroneous factual determination by an immigration judge.

(7) *Oral argument.* When an appeal has been taken, request for oral argument if desired shall be included in the Notice of Appeal. A three-member

panel or the Board en banc may hear oral argument, as a matter of discretion, at such date and time as is established under the Board's case management plan. The Service may be represented before the Board by an officer of the Service designated by the Service. No oral argument will be allowed in a case that is assigned for disposition by a single Board member.

(8) *Timeliness.* As provided under the case management system, the Board shall promptly enter orders of summary dismissal, denials of review as a matter of discretion, or other miscellaneous dispositions, in appropriate cases. In other cases, after completion of the record on appeal, including any briefs, motions, or other submissions on appeal, the Board member or panel to which the case is assigned shall issue a decision on the merits as soon as practicable, with a priority for cases or custody appeals involving detained aliens.

(i) Except in exigent circumstances as determined by the Chairman, the Board shall dispose of all appeals assigned to a single Board member within 90 days of completion of the record on appeal, or within 180 days after an appeal is assigned to a three-member panel (including any additional opinion by a member of the panel).

(ii) In exigent circumstances, the Chairman may grant an extension in particular cases of up to 60 days as a matter of discretion. Except as provided in paragraph (e)(8)(iii) of this section, in those cases where the panel is unable to issue a decision within the established time limits, as extended, the Chairman shall either assign the case to himself or herself for final decision within 14 days or shall refer the case to the Attorney General for decision. If a dissenting or concurring panel member fails to complete his or her opinion by the end of the extension period, the decision of the majority will be issued without the separate opinion.

(iii) In rare circumstances, when an impending decision by the United States Supreme Court or a United States Court of Appeals may substantially determine the outcome of a case or group of cases pending before the Board, the Chairman may hold the case or cases until such decision is rendered, temporarily suspending the time limits described in this paragraph (e)(8).

(iv) The Chairman shall notify the Director of EOIR and the Attorney General if a Board member consistently fails to meet the assigned deadlines for the disposition of appeals, or otherwise fails to adhere to the standards of the case management system. The Chairman shall also prepare a report assessing the timeliness of the disposition of cases by each Board member on an annual basis.

(v) The provisions of this paragraph (e)(8) establishing time limits for the adjudication of appeals reflect a management directive in favor of timely dispositions, but do not affect the validity of any decision issued by the Board nor create any justiciable right or remedy.

* * * * *

(g) *Decisions of the Board as precedents.* Except as they may be modified or overruled by the Board or the Attorney General, decisions of the Board shall be binding on all officers and employees of the Service or immigration judges in the administration of the Act. By majority vote of the permanent Board members, selected decisions of the Board rendered by a three-member panel or by the Board en banc may be designated to serve as precedents in all proceedings involving the same issue or issues.

* * * * *

3. In § 3.2, paragraph (i) is amended by adding after the first sentence a new sentence, to read as follows:

§ 3.2 Reopening or reconsideration before the Board of Immigration Appeals.

* * * * *

(i) * * * Any motion for reconsideration or reopening of a decision issued by a single Board member will be referred to the screening panel for disposition by a single Board member, unless the screening panel member determines, in the exercise of judgment, that the motion for reconsideration or reopening should be assigned to a three-member panel under the standards of § 3.1(e)(6). * * *

* * * * *

4. In § 3.3, paragraphs (a) and (c) are revised, and paragraph (b) is amended by adding a new sentence at the end thereof, to read as follows:

§ 3.3 Notice of appeal.

(a) *Filing*—(1) *Appeal from decision of an immigration judge.* A party affected by a decision of an immigration judge which may be appealed to the Board under this chapter shall be given notice of the opportunity for filing an appeal. An appeal from a decision of an immigration judge shall be taken by filing a Notice of Appeal to the Board of Immigration Appeals of Decision of Immigration Judge (Form EOIR–26) directly with the Board, within 30 days of the decision being appealed. The appealing parties are only those parties who are covered by the decision of an immigration judge and who are specifically named on the Notice of Appeal. The appeal must reflect proof of service of a copy of the appeal and all attachments on the opposing party. An appeal is not properly filed unless it is received at the Board, along with all required documents, fees or fee waiver requests, and proof of service, within the time specified in the governing sections of this chapter. A Notice of Appeal may not be filed by any party who has waived appeal pursuant to § 3.39.

(2) *Appeal from decision of a Service officer.* A party affected by a decision of a Service officer which may be appealed to the Board under this chapter shall be given notice of the opportunity to file an appeal. An appeal from a decision of a Service officer shall be taken by filing a Notice of Appeal to the Board of Immigration Appeals of Decision of District Director (Form EOIR–29) directly with the office of the Service having administrative control over the record of proceeding within 30 days of the service of the decision being appealed. An appeal is not properly filed until it is received at the appropriate office of the Service, together with all required documents, and the fee provisions of § 3.8 are satisfied.

(3) *General requirements for all appeals.* The appeal must be accompanied by a check, money order, or fee waiver request in satisfaction of the fee requirements of § 3.8. If the respondent/applicant is represented, a Notice of Entry of Appearance as Attorney or Representative Before the Board (Form EOIR–27) must be filed with the Notice of Appeal. The appeal and all attachments must be in English or accompanied by a certified English translation.

(b) * * * An appellant who asserts that the appeal may warrant review by a three-member panel under the standards of § 3.1(e)(6) must identify in the Notice of Appeal the specific factual or legal basis for that contention.

* * * * *

(c) *Briefs*—(1) *Appeal from decision of an immigration judge.* Briefs in support of or in opposition to an appeal from a decision of an immigration judge shall be filed directly with the Board. In those cases that are transcribed, the briefing schedule shall be set by the Board after the transcript is available. All parties shall be provided 21 days in which to file simultaneous briefs, unless a shorter period is specified by the Board, and reply briefs shall be permitted only by leave of the Board. The Board, upon written motion, may extend the period for filing a brief or a reply brief for up to 90 days for good cause shown. In its discretion, the Board may consider a

brief that has been filed out of time. All briefs, filings, and motions filed in conjunction with an appeal shall include proof of service on the opposing party.

(2) *Appeal from decision of a Service officer.* Briefs in support of or in opposition to an appeal from a decision of a Service officer shall be filed directly with the office of the Service having administrative control over the file. The alien and the Service shall be provided 21 days in which to file a brief, unless a shorter period is specified by the Service officer from whose decision the appeal is taken, and reply briefs shall be permitted only by leave of the Board. Upon written request of the alien, the Service officer from whose decision the appeal is taken or the Board may extend the period for filing a brief for good cause shown. The Board may authorize the filing of briefs directly with the Board. In its discretion, the Board may consider a brief that has been filed out of time. All briefs and other documents filed in conjunction with an appeal, unless filed by an alien directly with a Service office, shall include proof of service on the opposing party.

* * * * *

5. In § 3.5, paragraph (a) is revised to read as follows:

§ 3.5 Forwarding of record on appeal.

(a) *Appeal from decision of an immigration judge.* If an appeal is taken from a decision of an immigration judge, the record of proceeding shall be forwarded to the Board upon the request or the order of the Board. Where transcription of an oral decision is required, the immigration judge shall review and approve the transcript within 14 days of receipt, or within 7 days after the immigration judge returns to his or her duty station if the immigration judge was on leave or detailed to another location.

* * * * *

PART 280—IMPOSITION AND COLLECTION OF FINES

6. The authority citation for part 280 continues to read as follows:

Authority: 8 U.S.C. 1103, 1221, 1223, 1227, 1229, 1253, 1281, 1283, 1284, 1285, 1286, 1322, 1323, and 1330; 66 Stat. 173, 195, 197, 201, 203, 212, 219, 221–223, 226, 227, 230; Pub. L. 101–410, 104 Stat. 890, as amended by Pub. L. 104–134, 110 Stat. 1321.

7. Section 280.61 is added to read as follows:

§ 280.61 Administrative review of decisions of the Service imposing an administrative fine or penalty.

(a) *Jurisdiction.* The Chief Administrative Hearing Officer has jurisdiction to consider an appeal from a decision by the Service involving administrative fines and penalties, including mitigation thereof, under this part.

(b) *Appeal.* A party affected by a decision who is entitled to appeal from a decision of a Service officer under this part shall be given notice of his or her right to appeal. An appeal from a decision of a Service officer shall be taken by filing a Notice of Appeal directly with the office of the Service having administrative control over the record of proceeding within 21 days of the issuance of the Service's decision. The Notice of Appeal shall state the reasons for or basis upon which the party seeks review. The statement must specifically identify the findings of fact, the conclusions of law, or both, that are being challenged. If a question of law is presented, supporting authority must be cited. If the dispute is over the findings of fact, the specific facts contested must be identified. The appeal and all attachments must be in English or accompanied by a certified English translation.

(c) *Written and oral arguments.* (1) The parties may file simultaneous briefs or other written statements within 21 days of the filing of the Notice of Appeal.

(2) At the request of a party, or on the Officer's own initiative, the Chief Administrative Hearing Officer may, at the Officer's discretion, permit or require additional filings or may conduct oral argument in person or telephonically.

(d) *Completion of the record on appeal.* The Service officer shall forward the record on appeal to the Chief Administrative Hearing Officer promptly upon receipt of the briefs of the parties, or upon expiration of the time allowed for the submission of such briefs. However, a Service officer need not forward such an appeal to the Board, but may reopen and reconsider any decision made by the officer if the new decision will grant the relief that has been requested in the appeal. The new decision must be served on the appealing party within 45 days of receipt of any briefs or upon expiration of the time allowed for the submission of any briefs. If the new decision is not served within these time limits or the appealing party does not agree that the new decision disposes of the matter, the record of proceeding shall be immediately forwarded to the Chief Administrative Hearing Officer.

(e) *Review by the Chief Administrative Hearing Officer.* Within 90 days after receiving the record on appeal, the Chief Administrative Hearing Officer shall enter an order that affirms, modifies, or vacates the Service's decision, or remands the case to the Service officer for further proceedings consistent with the Chief Administrative Hearing Officer's order. The order shall be in writing and shall be served on the parties. The Chief Administrative Hearing Officer may make technical corrections to the Officer's order up to and including thirty 30 days subsequent to the issuance of that order.

(f) *Remand.* Where it is established that an appeal cannot be properly resolved without further findings of fact, the Chief Administrative Hearing Officer will remand the proceeding to the Service. Except for taking administrative notice of commonly known facts such as agency documents or current events, the Chief Administrative Hearing Officer will not engage in factfinding in the course of deciding appeals. If the Chief Administrative Hearing Officer remands the case to the Service, any administrative review of the Service's subsequent decision shall be conducted in accordance with this section.

(g) *Governing standards.* (1) The Chief Administrative Hearing Officer shall be governed by the provisions and limitations prescribed by applicable law, regulations and procedures, and by decisions of the Attorney General (through review of a decision of the Chief Administrative Hearing Officer, by written order, or by determination and ruling pursuant to section 103 of the Act). The existing precedent decisions issued by the Board of Immigration Appeals in administrative fine cases continue to be binding except as specifically modified or overruled in new precedent decisions by the Chief Administrative Hearing Officer or by the Attorney General.

(2) Except as they may be modified or overruled by the Chief Administrative Hearing Officer or the Attorney General, final orders of the Chief Administrative Hearing Officer shall be binding on all officers and employees of the Service in the administration of fines and penalties under this part.

(h) *Final agency order.* A final order that affirms, modifies or vacates the Service's decision becomes the final agency order 30 days after it is issued, unless the Chief Administrative Hearing Officer's order is referred to the Attorney General pursuant to paragraph (i) of this section.

(i) *Referral of cases to the Attorney General.* (1) The Chief Administrative Hearing Officer shall refer to the Attorney General for review of his decision all cases that:

(i) The Attorney General directs the Chief Administrative Hearing Officer to refer to him;

(ii) The Chief Administrative Hearing Officer believes should be referred to the Attorney General for review; or

(iii) The Commissioner requests be referred to the Attorney General for review.

(2) In any case in which the Attorney General reviews the decision of the Chief Administrative Hearing Officer, the decision of the Attorney General shall be stated in writing and shall be transmitted to the Chief Administrative Hearing Officer for transmittal and service as provided in paragraph (e) of this section.

Dated: February 11, 2002.

John Ashcroft,

Attorney General.

[FR Doc. 02–3801 Filed 2–15–02; 8:45 am]

BILLING CODE 4410–30–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NE–53–AD]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. TPE331 Series Turboprop and TSE331–3U Series Turboshaft Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) proposes to adopt a new airworthiness directive (AD) that is applicable to Honeywell International Inc. (formerly AlliedSignal Inc., Garrett Engine Division, Garrett Turbine Engine Company, and AiResearch Manufacturing Company of Arizona) TPE331 series turboprop and model TSE331–3U series turboshaft engines. This proposal would require replacing second stage turbine stator assemblies, part numbers (P/N's) 894528–1, –2, –3, –5, –6, –10, and –11, with serviceable turbine stator assemblies. This proposal is prompted by reports of six uncontained separations of the second stage turbine wheels. The actions specified by the proposed AD are intended to reduce fatigue damage of the second stage turbine stator inner seal support, rotating knife seal, and the second and third stage turbine wheels which may result in an uncontained rotor failure and damage to the aircraft.

DATES: Comments must be received by April 22, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–53–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location, by appointment, between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: ''9-ane-adcomment@faa.gov''. Comments sent via the Internet must contain the docket number in the subject line.

The service information regarding the replacement and inspection of parts may be obtained from Honeywell Engines, Systems, and Services, Technical Data Distribution, M/S 2101–201, P.O. Box 52170, Phoenix, AZ 85072–2170; telephone: (602) 365–2493 (General Aviation), (602) 365–5535 (Commercial); fax: (602) 365–5577 (General Aviation and Commercial). This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Joseph Costa, Aerospace Engineer, Federal Aviation Administration, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Blvd., Lakewood, CA 90712–4137; Telephone (562) 627–5246, Fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NE–53–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–NE–53–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

Discussion

There have been six reported uncontained separations of second stage turbine wheels associated with obstructed internal cooling holes or passages in the vanes of the second stage turbine stator. The FAA has determined that obstructed cooling holes in the second stage turbine stator will increase turbine cavity temperatures. These elevated temperatures reduce the fatigue endurance capability of the turbine stator components and could cause the seal assembly to separate from the stator housing, or the rotating knife edge seal to separate from the turbine rotor. The stator seal support, stator seal assembly, or the rotating knife edge seal may then contact and rub into the turbine rotor, potentially resulting in an uncontained turbine rotor separation. Elevated cavity temperatures may also cause a reduction in the fatigue life of the turbine rotor and may result in an uncontained turbine rotor separation. In addition, the FAA has approved an air flow inspection and re-identification procedure for the second stage stator assemblies, P/N 894528–10 and –11. The FAA has not approved an air flow inspection of the older configurations of second stage stator assemblies, P/Ns 894528–1, –2, –3, –5, and –6, due to the difficulty to maintain the dimensional integrity of the stator assembly's internal cooling passages after the final braze operation of the stator's inner seal support or after welding of the stator's vanes. The FAA has approved repair procedures for converting the older configuration of second stage turbine

stator assembly's inner seal support to a serviceable configuration. This condition, if not corrected, could result in increased fatigue damage of the second stage turbine stator inner seal support, rotating knife seal, and the second and third stage turbine wheels which may result in an uncontained rotor failure and damage to the aircraft.

FAA's Determination of an Unsafe Condition and Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other Honeywell International Inc. TPE331 series turboprop and TSE331–3U turboshaft engines of the same type design, the proposed AD would require replacing the existing second stage turbine stator assemblies, P/N's 894528–1, –2, –3, –5, –6, –10, and –11, with serviceable assemblies.

Economic Effect

There are approximately 4,700 engines of the affected design in the worldwide fleet. The FAA estimates that 2,350 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 4.0 work hours per engine to do the proposed actions, and that the average labor rate is $60 per work hour. Required replacement parts would cost approximately $8,000 per engine. Based on these figures, the total cost of the proposed AD on U.S. operators is estimated to be $14,958,000.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Honeywell International Inc.: Docket No. 99–NE–53–AD.

Applicability: This airworthiness directive (AD) is applicable to Honeywell International Inc. (formerly AlliedSignal Inc., Garrett Engine Division, Garrett Turbine Engine Company, and AiResearch Manufacturing Company of Arizona) Model TPE331–1, –2, –2UA, –3U, –3UW, –5, –5A, –5AB, –5B, –6, and –6A series turboprop and TSE331–3U Model turboshaft engines with second stage turbine stator assemblies, part numbers (P/N's) 894528–1, –2, –3, –5, –6, –10, and –11. These engines are installed on, but not limited to Ayres S–2R series; Beech 18 and 45 series and model JRB–6, 3N, 3NM, 3TM, and B100 airplanes; Construcciones Aeronauticas, S.A. (CASA) C–212; De Havilland DH104 series 7AXC (Dove); Dornier 228 series; Fairchild SA226 series (Swearingen Merlin and Metro series); Grumman American G–164 series; Mitsubishi MU–2 and MU–2B series; Pilatus PC–6 series (Fairchild Porter and Peacemaker); Prop-Jets, Inc. Model 400; Rockwell Commander S2–R; Schweizer G–164 series; Shorts Brothers and Harland, Ltd. SC7 (Skyvan); and Twin Commander 680 and 690 series (Jetprop Commander) airplanes; and Sikorsky S–55 series (Helitec Corp. S55T) helicopters.

Note 1: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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: Compliance with this AD is required as indicated, unless already done.

To reduce fatigue damage of the second stage turbine stator inner seal support, rotating knife seal, and the second and third stage turbine wheels which may result in an uncontained rotor failure and damage to the aircraft, do the following:

(a) Replace second stage turbine stator assemblies, P/N's 894528–1, –2, –3, –5, –6, –10, and –11, with a new or reworked second stage turbine stator assembly at the next removal of the second stage turbine stator assembly from the engine or at the next turbine section inspection, but do not exceed 3,100 engine operating hours since last turbine section inspection. Information for replacing second stage turbine stator assemblies is available in Honeywell International Inc. Alert Service Bulletin (ASB) TPE331–A72–2082 dated May 16, 2001. Information for reworking second stage turbine stator assemblies is available in Honeywell International Inc. SB TPE331–72–2085RWK dated May 16, 2001.

(b) After the effective date of this AD, do not install any second stage turbine stator assemblyP/N's 894528–1, –2, –3, –5, –6, –10, and –11.

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, Los Angeles Aircraft Certification Office (LAACO). Operators must submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, LAACO.

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

Special Flight Permits

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

Issued in Burlington, Massachusetts, on February 12, 2002.

Francis A. Favara,

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

[FR Doc. 02–3877 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–13–U

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Poison Prevention Packaging Requirements; Proposed Exemption of Hormone Replacement Therapy Products

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing to amend its child-resistant packaging

requirements to exempt hormone replacement therapy (''HRT'') products containing one or more progestogen or estrogen substances. Current exemptions cover some HRT products, but not others. This proposal would uniformly exempt all HRT products that rely solely on the activity of one or more progestogen or estrogen substances from child resistant packaging requirements.

DATES: Comments on the proposal should be submitted no later than May 6, 2002.

ADDRESSES: Comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814–4408, telephone (301) 504–0800. Comments may also be filed by telefacsimile to (301) 504–0127 or by email to cpsc-os@cpsc.gov. Comments should be captioned ''Proposed HRT exemption.''

FOR FURTHER INFORMATION CONTACT: Jacqueline Ferrante, Ph.D., Division of Health Sciences, Directorate for Epidemiology and Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0477 ext. 1199.

SUPPLEMENTARY INFORMATION:

A. Background

The Poison Prevention Packaging Act of 1970 (''PPPA''), 15 U.S.C. 1471–1476, provides the Commission with authority to establish standards for the special packaging of household substances, such as drugs, when child resistant packaging is necessary to protect children from serious personal injury or illness due to the substance and the special packaging is technically feasible, practicable, and appropriate for such substance. Accordingly, the Commission requires that oral prescription drugs be in child resistant (''CR'') packaging. 16 CFR 1700.14(a)(10).

The Commission's regulations allow exemptions from this requirement for substances with low acute toxicity. Currently, there are four PPPA exemptions for sex hormones: (1) Oral contraceptives in mnemonic packages containing one or more progestogen or estrogen substances; (2) conjugated estrogen tablets in mnemonic packages; (3) norethindrone acetate tablets in mnemonic packaging; and (4) medroxyprogesterone acetate tablets. 16 CFR 1700.14(a)(10)(iv), (xvii), (xviii) and (xix). Some HRT products fall within these exemptions, but because of the way these exemptions are written, other HRT products currently require CR packaging. The proposed exemption would cover all HRT products that rely solely on the activity of one or more progestogen or estrogen substances.

B. HRT Products

HRT is used to replace the estrogen and progesterone that normally decline following menopause (the cessation of menstruation). Generally, women experience a range of symptoms with some reporting minimal discomfort, while others have more severe effects. Hot flashes are the most frequent symptom and often begin several years before other menopausal symptoms. Additionally, menopause accelerates bone depletion that commonly occurs with aging, leading to osteoporosis.

HRT relieves a number of menopausal symptoms (e.g., hot flashes and vaginitis) and helps to prevent osteoporosis. HRT consists of using estrogen alone or various combinations of estrogens and progestins. The latter regimen is similar to that for oral contraceptive products except the goal of therapy is to replace declining hormone levels rather than to prevent pregnancy.

Because the life expectancy of women in the United States is increasing, it is estimated that 40 million women will go through menopause in the next 20 years. Therefore, the pharmaceutical industry is developing new prescription products specifically designed and marketed for HRT post-menopausal women. Some of these products may not be covered under current PPPA regulations although their toxicity is as low as those products currently exempt.

Sex hormone products contain various estrogens and progestins. Some are natural hormones (e.g., estradiol) and others are semi-synthetic or synthetic (e.g., norgestimate). Synthetic hormones are usually developed to alter bioavailability (e.g., enhance oral absorption) or to reduce side effects. Since available HRT products contain similar estrogen/progestin combinations, it is reasonable and consistent to exempt them like oral contraceptives.

C. Toxicity Data

Human toxic doses for estrogens or progestins have not been defined. Exposure summaries in the Poisindex® for estrogens, progestins, and oral contraceptives state that acute toxicity is unlikely following overdosage. Gastrointestinal effects (e.g., nausea, vomiting, abdominal cramps) may occur after an acute overdose, but typically no treatment is necessary.

There is little information in the medical literature concerning acute overdosage of progestins or estrogens. One case showed that a single dose of 160 mg estradiol valerate (80 tablets/2 mg each), ingested by a 19-year-old woman in a suicide attempt, produced little toxicity. The woman slept easily during the night of the ingestion and the next evening presented in the emergency clinic in generally good condition with nausea and a headache.

Poisoning data from the American Association of Poison Control Centers (''AAPCC'') Toxic Exposure Surveillance System (''TESS''), corroborate the lack of acute toxicity associated with sex hormones. The staff reviewed data showing acute exposures in children less than five years old to estrogens, progestins, and oral contraceptives from 1993 to 1998. There were no deaths and most of the exposures were non-toxic. There was one major outcome out of 37,645 exposures to oral contraceptives, but no details are readily available relating to this case. It is possible that this oral contraceptive formulation contained iron or that the child was exposed to a second substance or product.

D. Impact on Small Business

The Commission's Directorate for Economic Analysis prepared a preliminary assessment of the impact of a rule to exempt HRT products from special packaging requirements. The staff reports that it does not know the universe of companies that would be affected by the proposed exemption or how many companies would be small businesses. However, the exemption is not likely to have a significant impact on a substantial number of companies, regardless of size. The exemption would actually increase the packaging options for manufacturers because it would allow them to package the affected HRT products in non-CR packages. Although the cost to manufacturers of CR packaging is small—usually only a few cents per package—the exemption would allow manufacturers to use slightly cheaper packages and thus reduce the final cost of the HRT products.

Based on this assessment, the Commission preliminarily concludes that the proposed amendment exempting HRT products from special packaging requirements would not have a significant impact on a substantial number of small businesses or other small entities.

E. Environmental Considerations

Pursuant to the National Environmental Policy Act, and in

accordance with the Council on Environmental Quality regulations and CPSC procedures for environmental review, the Commission has assessed the possible environmental effects associated with the proposed PPPA amendment.

The Commission's regulations state that rules requiring special packaging for consumer products normally have little or no potential for affecting the human environment. 16 CFR 1021.5(c)(3). Nothing in this proposed rule alters that expectation. (3) Therefore, because the rule would have no adverse effect on the environment, neither an environmental assessment nor an environmental impact statement is required.

F. Executive Orders

According to Executive Order 12988 (February 5, 1996), agencies must state in clear language the preemptive effect, if any, of new regulations.

The PPPA provides that, generally, when a special packaging standard issued under the PPPA is in effect, ''no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to such household substance, any standard for special packaging (and any exemption therefrom and requirement related thereto) which is not identical to the [PPPA] standard.'' 15 U.S.C. 1476(a). A State or local standard may be excepted from this preemptive effect if (1) the State or local standard provides a higher degree of protection from the risk of injury or illness than the PPPA standard; and (2) the State or political subdivision applies to the Commission for an exemption from the PPPA's preemption clause and the Commission grants the exemption through a process specified at 16 CFR Part 1061. 15 U.S.C. 1476(c)(1). In addition, the Federal government, or a State or local government, may establish and continue in effect a non-identical special packaging requirement that provides a higher degree of protection than the PPPA requirement for a household substance for the Federal, State or local government's own use. 15 U.S.C. 1476(b).

Thus, with the exceptions noted above, the proposed rule exempting HRT products from special packaging requirements would preempt non-identical state or local special packaging standards for those products.

The Commission has also evaluated the proposed rule in light of the principles stated in Executive Order 13132 concerning federalism, even though that Order does not apply to independent regulatory agencies such as CPSC. The Commission does not expect that the proposed rule will have any substantial direct effects on the States, the relationship between the national government and the States, or the distribution of power and responsibilities among various levels of government.

List of Subjects in 16 CFR Part 1700

Consumer protection, Drugs, Infants and children, Packaging and containers, Poison prevention, Toxic substances.

For the reasons given above, the Commission proposes to amend 16 CFR part 1700 as follows:

PART 1700—[AMENDED]

1. The authority citation for part 1700 continues to read as follows:

Authority: Pub. L. 91–601, secs. 1–9, 84 Stat. 1670–74, 15 U.S.C. 1471–76. Secs 1700.1 and 1700.14 also issued under Pub. L. 92–573, sec. 30(a), 88 Stat. 1231. 15 U.S.C. 2079(a).

2. Section 1700.14 is amended by adding new paragraph (a)(10)(xxi) to read as follows (although unchanged, the introductory texts of paragraph (a) and paragraph (10) are included below for context):

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* The Commission has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging meeting the requirements of § 1700.20(a) is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

* * * * *

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15 (a), (b), and (c), except for the following:

* * * * *

(xxi) Hormone Replacement Therapy Products that rely solely upon the activity of one or more progestogen or estrogen substances.

* * * * *

Dated: February 12, 2002.

Todd Stevenson,

Secretary, Consumer Product Safety Commission.

List of Relevant Documents

1. Briefing memorandum from Jacqueline Ferrante, Ph.D., Directorate for Health Sciences, to the Commission, ''Proposed Rule to Exempt HRT Products from the Special Packaging Requirements of the PPPA,'' January 14, 2002.
2. Memorandum from Robert Franklin, Directorate for Economic Analysis, to Jacqueline Ferrante, Ph.D., Project Manager, ''Small Business and Environmental Considerations Related to Exempting HRT Products from PPPA Requirements,'' December 20, 2001.

[FR Doc. 02–3999 Filed 2–15–02; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Los Angeles-Long Beach 02–003]

RIN 2115–AA97

Safety Zone; Long Beach, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone in the navigable waters of Long Beach, California for the National Water Ski Racing Association (NWSRA) Water Ski Race from 8 a.m. to 5 p.m. on March 23 and 24, 2002. This safety zone is necessary to provide for the safety of the crew and participants of the race and to protect the participating vessels. Persons and vessels are prohibited from entering into or transiting through this safety zone unless authorized by the Captain of the Port or his designated representative.

DATES: Comments and related material must reach the Coast Guard on or before March 6, 2002.

ADDRESSES: You may mail comments and related material to U.S. Coast Guard Marine Safety Office/Group Los Angeles-Long Beach, 1001 S. Seaside Avenue, Building 20, San Pedro, California, 90731. U.S. Coast Guard Marine Safety Office/Group Los Angeles-Long Beach maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for

inspection or copying at U.S. Coast Guard Marine Safety Office/Group Los Angeles-Long Beach between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Boatswain's Mate 2 (BM2) Jessica Walsh, Waterways Management Division, at (310) 732–2020.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. You have 15 days to comment on the proposed temporary final rule. This short comment period will permit the Coast Guard to publish a temporary final rule before the event and thus help ensure public safety. To provide additional notice, we will place a notice of our proposed rule in the local notice to mariners. You may request a copy of this notice by calling BM2 Jessica Walsh, Waterways Management Division, at (310) 732–2020.

In our final rule, we will include a concise general statement of the comments received and identify any changes from the proposed rule based on the comments. If, as we expect, we make the final rule effective less than 30 days after publication in the **Federal Register**, we will explain our good cause for doing so as required by 5 U.S.C. 553(d)(3).

In making comments, please include your name and address, identify the docket number for this rulemaking (COTP Los Angeles-Long Beach 02–003), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know your submission reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to MSO/GRU Los Angeles-Long Beach at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a separate notice in the **Federal Register**.

Background and Purpose

This temporary safety zone is needed to provide for the safety of National Water Ski Racing Association (NWSRA) Water Ski Race participants and spectators on March 23 and 24, 2002, from 8 a.m. to 5 p.m. both days. Persons and vessels are prohibited from entering into or transiting through this safety zone unless authorized by the Captain of the Port or his designated representative. By prohibiting persons and vessels from entering the waters surrounding the racecourse, the risk of high-speed collision will be significantly reduced. U.S. Coast Guard personnel will enforce this safety zone with assistance from Coast Guard Auxiliary and event staff.

Discussion of Proposed Rule

The following area will constitute the temporary safety zone: all waters encompassed by lines connecting the following points, beginning at latitude 33°45′50″ N, longitude 118°10′48″ W; thence to 33°44′00″ N, 118°10′05″ W; thence to 33°44′00″ N, 118°09′26″ W; thence to 33°45′28″ N, 118°09′00″ W, and thence returning to the point of origin. This area is approximately 3,000 yards wide and 2,500 yards long and is centered near the oil islands off Long Beach, California.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979) because this zone will encompass a small portion of the waterway for limited periods of time and vessel traffic can pass safely around the affected area.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

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

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

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact BM2 Jessica Walsh, Waterways Management Division, at (310) 732–2020.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. We invite your comments on how this proposed rule might impact tribal governments, even if that impact may not constitute a ''tribal implication'' under the Order.

Energy Effects

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

Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (35)(g), of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation because it is a safety zone in effect for only 2 days. A ''Categorical Exclusion Determination'' is not required.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add § 165.T11–063 to read as follows:

§ 165.T11–063 Safety Zone; Long Beach, CA.

(a) *Location.* The following area is a safety zone:

All waters encompassed by lines connecting the following points, beginning at latitude 33°45′50″ N, longitude 118°10′48″ W; thence to 33°44′00″ N, 118°10′05″ W; thence to 33°44′00″ N, 118°09′26″ W; thence to 33°45′28″ N, 118°09′00″ W; and thence returning to the point of origin.

(b) *Effective period.* This section is effective from 8 a.m. to 5 p.m. (PST) on March 23, 2002 and from 8 a.m. to 5 p.m. (PST) on March 24, 2002.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through or anchoring within the safety zone is prohibited unless authorized by the Coast Guard Captain of the Port, Los Angeles-Long Beach, or his designated representative.

Dated: February 6, 2002.

J.M. Holmes,

Captain, U.S. Coast Guard, Captain of the Port, Los Angeles-Long Beach, California.

[FR Doc. 02–3928 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[MA084–7214b; A–1–FRL–7143–8]

Approval and Promulgation of Air Quality Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Commonwealth of Massachusetts; Carbon Monoxide Redesignation Request, Maintenance Plan, and Emissions Inventory for the Cities of Lowell, Springfield, Waltham and Worcester

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts containing a redesignation request, maintenance plan, and emissions inventory for the carbon monoxide (CO) nonattainment areas of Lowell, Springfield, Waltham, and Worcester. Under the Clean Air Act as amended in 1990 (the CAA), designations can be revised if sufficient data is available to warrant such revisions and the redesignation request meets all of the requirements of section 107(d)(E)(3) of the CAA. EPA is proposing to approve the Massachusetts redesignation request and maintenance plan because they meet the applicable requirements and will ensure that the four cities remain in attainment. The approved maintenance plans will become a federally enforceable part of the Massachusetts SIP. In this action, EPA is also proposing to approve the Massachusetts 1996 baseline emission inventory for CO.

In the Final Rules Section of this **Federal Register**, EPA is approving the Massachusetts SIP submittal as a direct final rule without a prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If EPA receives no adverse comments in response to this action rule, we contemplate no further activity. If EPA receives relevant adverse comments, we will withdraw the direct final rule and we will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before March 21, 2002.

ADDRESSES: Comments may be mailed to David Conroy, Unit Manager, Air Quality Planning, Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, EPA New England, One Congress Street, Suite 1100, Boston, MA 02114–2023. Copies of Massachusetts' submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA New England, One Congress Street, 11th floor, Boston, MA, 02114–2023, and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Butensky, Environmental Planner, Air Quality Planning Unit of the Office of Ecosystem Protection (mail code CAQ), U.S. Environmental Protection Agency, New England office, One Congress Street, Boston, MA 02114–2023, (617) 918–1665 or at *butensky.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION: Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule that is located in the Rules Section of this **Federal Register**.

Dated: January 29, 2002.

Robert W. Varney,

Regional Administrator, EPA New England.

[FR Doc. 02–3759 Filed 2–15–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7145–1]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete the Austin Avenue Radiation Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA), Region III, announces its intent to delete the Austin Avenue Radiation Superfund Site (Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substance Pollution Contingency Plan (NCP). EPA promulgated the NCP pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9605. EPA and the Pennsylvania Department of Environmental Protection (PADEP) have determined that the Site may be deleted from the NPL because all Fund-financed response under CERCLA has been implemented and no further response action by responsible parties is appropriate.

DATES: Comments concerning the proposed deletion of this Site from the NPL may be submitted on or before March 21, 2002.

ADDRESSES: Comments may be mailed to: Mr. David Turner, Remedial Project Manager, U.S. Environmental Protection Agency, Region III, (3HS22), Philadelphia, PA, 19103–2029, e-mail *turner.david@epa.gov*.

INFORMATION REPOSITORIES: Comprehensive information on the Site has been compiled in a public deletion docket which may be reviewed and copied during normal business hours at the following information repositories: U.S. EPA Region III Library (2nd Floor), 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029, telephone 215–814–5254 and the Lansdowne Borough Library, 55 S. Lansdowne Avenue, Lansdowne Pennsylvania 19050, telephone 610–623–0239.

FOR FURTHER INFORMATION CONTACT: Contact Mr. David Turner, Remedial Project Manager, U.S. Environmental Protection Agency, Region III, (3HS22), Philadelphia, PA, 19103–2029, e-mail *turner.david@epa.gov*, telephone 215–814–3216.

SUPPLEMENTARY INFORMATION:

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion

I. Introduction

The U.S. Environmental Protection Agency (EPA), Region III, announces its intent to delete the Austin Avenue Radiation Superfund Site (CERCLIS No. PAD987341716), located in Lansdowne Borough, Aldan Borough, East Lansdowne Borough, Darby Borough, and Upper Darby Township, Delaware County, Pennsylvania, from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA promulgated the NCP pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9605. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of these sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions in the unlikely event that conditions at the site warrant such action. EPA and the Pennsylvania Department of Environmental Protection (PADEP) have determined that the remedial action for the site has been successfully executed.

EPA will accept comments on the proposal to delete this Site for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses the procedures that EPA is using for this action. Section IV discusses the Austin Avenue Radiation Superfund Site and explains how the Site meets the deletion criteria established in the NCP.

II. NPL Deletion Criteria

Section 300.425(e)(1) of the NCP provides that releases may be deleted from, or recategorized on, the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further action by responsible parties is appropriate; or

(iii) The Remedial Investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

If new information becomes available which indicates a need for further action, EPA may initiate additional remedial actions. Whenever there is a significant release from a site which has been deleted from the NPL, the site may be restored to the NPL without application of the Hazard Ranking System.

III. Deletion Procedures

EPA followed these procedures in advance of publishing this Notice: (1) EPA Region III determined that no further response action is necessary in connection with the Site to ensure protection of human health and the environment and that the Site may be deleted from the NPL; (2) EPA consulted with the Pennsylvania Department of Environmental Protection (PADEP (formerly the Pennsylvania Department of Environmental Resources)) regarding EPA's intent to delete the Site, and PADEP concurred with EPA's proposed deletion decision; (3) EPA published, in a major local newspaper of general circulation at or near the Site, and distributed to appropriate State, local, and Federal officials and to other interested parties, a notice announcing the proposed deletion of the Site and the commencement of a 30-day public comment period; and (4) EPA made copies of information supporting the proposed deletion (*i.e.,* the public deletion docket) available for public review in the Site information repositories (the locations of these repositories are identified above).

EPA Region III will accept and evaluate public comments on this Notice before making a final decision to delete the Austin Avenue Radiation Superfund Site from the NPL. In accordance with § 300.425(e)(4) of the NCP, 40 CFR 300.425(e)(4), EPA will prepare a Responsiveness Summary to address any significant public comments received. Deletion occurs upon publication of a final notice in the **Federal Register**. Generally, the NPL will reflect deletion of a site in the final update following publication of the Notice proposing the deletion. Public notices and copies of the Responsiveness Summary will be made available to the public by EPA Region III.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management. Section 300.425(e)(3) of the NCP, 40 CFR 300.425(e)(3), makes clear that the deletion of a site from the NPL does not preclude future response actions at that site.

IV. Basis for Intended Site Deletion

The following summary provides the Agency's rationale for the proposal to delete the Austin Avenue Radiation Superfund Site from the NPL.

Site Background and History

The Austin Avenue Radiation Superfund Site (Site) is located on and near parcels in Lansdowne Borough, Aldan Borough, East Lansdowne Borough, Darby Borough, Upper Darby Township, and Yeadon Borough, Delaware County, Pennsylvania. These parcels are all within a two-mile radius of the former W. L. Cummings (Cummings) radium refining operation, which was located at the intersection of Austin and South Union Avenues in Lansdowne. The parcels are listed below.

Austin Avenue Site Property Parcels Listing

Lansdowne Borough: 11 Greenwood Avenue, 126 Owen Avenue, 216 Wayne Avenue, 218 Wayne Avenue, 219 Wayne Avenue, 237 North Lansdowne Avenue, 6 East Plumstead Avenue, 10 East Plumstead Avenue, 16 East Plumstead Avenue, 42/44 South Union Avenue, 129 Austin Avenue, 131 Austin Avenue, 133 Austin Avenue, 134 Austin Avenue, and 30/36 S. Union Avenue (the former W. L. Cummings Radium Refinery (Warehouse Property));

East Lansdowne Borough: 25 Beverly Avenue, 28 Lewis Avenue, 34 Lewis Avenue, 210 Lewis Avenue , 246 Melrose Avenue, 211 Penn Boulevard, 25 Lexington Avenue,137 Lexington Avenue, 139 Lexington Avenue, 151 Lexington Avenue and 155 Lexington Avenue;

Upper Darby Township: 500 Harper Avenue, 504 Harper Avenue, 346 Owen Avenue, 310 Shadeland Avenue and 3723 Huey Avenue;

Aldan Borough: 62 South Clifton Avenue and 64 South Clifton Avenue;

Darby Borough: 617 Pine Street, 619 Pine Street, 621 Pine Street and 623 Pine Street;

Yeadon Borough: Yeadon Borough Park and South Union Avenue.

The Site properties were contaminated with radium (Ra226) and thorium (Th230) from tailings generated at the warehouse on South Union Avenue by the defunct W. L. Cummings Radium Processing Co. Cummings operated a radium-refining operation from 1915 to 1925 at this location. In the late 1910's and early 1920's, masonry and building contractors used the sand-like tailings from the Cummings plant as aggregate for, among other things, laying mortar between brick and stone masonry, pointing mortar on stone or brick masonry, applying stucco on building exteriors, applying plaster to building interiors, and laying concrete for sidewalks and basement slabs. The tailings were also used as fill under basement slabs, exterior perimeter foundation walls, and other miscellaneous applications.

In May 1991, PADEP visited the former Cummings' property to monitor for radon. Radioactive contamination had previously been discovered in the back yard of 133 Austin Avenue, a parcel adjacent to the warehouse property. During this visit, radiation instruments further indicated the presence of significant levels of radioactive contamination. On June 7, 1991, PADEP notified EPA of its findings and requested assistance. A joint PADEP/EPA site assessment confirmed the presence of radiological contamination at 133 Austin Avenue at levels that warranted immediate action.

On June 19, 1991, a team of radiation specialists from EPA's National Air and Radiation Environmental Laboratory, Montgomery, Alabama, conducted an assessment using special radiation detection equipment. The warehouse and the adjacent residential dwelling, 133 Austin Avenue, were found to be heavily contaminated with radioactive materials. In November and December of 1991, EPA conducted a survey in a 12.5 square mile area of Delaware County and a small portion of the adjacent City of Philadelphia to detect radiological anomalies using a specially-equipped radiation detection van. EPA subsequently conducted followup surveys at those parcels found to exhibit radiological activity during the van survey. The testing revealed that thirty-seven properties within a two-mile radius of the former Cummings radium processing facility were radiologically contaminated.

On February 7, 1992, EPA proposed the Site to the National Priorities List (NPL) (57 FR 4824) and finalized the listing on October 14, 1992 (57 FR 47180).

Response Actions—Operable Unit One

EPA conducted response actions under the CERCLA removal program at nineteen contaminated properties from June 12, 1991 through August 23, 1995 at a total cost of approximately $23.6 million. The removal actions included temporary relocation of residents of several contaminated properties; the complete dismantlement and disposal of the warehouse structure at South Union and Austin Avenues; dismantlement and disposal of the house at 133 Austin Avenue; excavation and disposal of radiologically contaminated soils; and removal and disposal of contaminated plaster, stucco, concrete, and soils at the other properties.

On June 27, 1994, EPA issued a Record of Decision (ROD) selecting

remedial actions for implementation at the remaining properties. The remedial actions included, among other things, the removal of radiologically contaminated building components and repair/reconstruction of such components at several parcels; permanent off-Site relocation of several homeowners to existing housing followed by demolition and disposal of their original homes; temporary off-Site relocation of several homeowners followed by demolition, disposal, and on-Site reconstruction of their original homes; excavation and disposal of radiologically contaminated soils at the warehouse property; and post-cleanup verification to confirm that cleanup standards established in the ROD were achieved. EPA removed and disposed of approximately 5951.44 tons of radiologically contaminated debris; 150,000 cubic feet of contaminated soils; 1620 cubic feet of asbestos-containing materials; and 1910 tons of non-hazardous construction debris.

Cleanup standards selected by EPA in the ROD required that all Site-related soil contamination at residential and potentially residential properties be removed to 5 pCi/g, averaged over 100 square meters [1]; that Site-related soil contamination at public-use properties (defined by example as streets and railroad rights-of-way) be removed to the residential standard if radium 226 concentrations exceeded 5 pCi/g in the top 15 centimeters and/or 15 pCi/g in subsoils, averaged over 100 square meters; and that institutional controls restricting land use be implemented if cleanup to these standards could not be achieved. The cleanup standards have been achieved and no institutional controls are necessary. There are no operation or maintenance requirements to ensure the continued protectiveness of the remedial actions.

Response Actions—Operable Unit Two

On September 27, 1996, EPA Region III issued a 'No Remedial Action' ROD for Site-related groundwater. The No Action decision was based on EPA's conclusion that the groundwater presented no risks to human health or welfare or to the environment.

Five-Year Review

Section 121(c) of CERCLA, 42 U.S.C. 9621(c), as interpreted by § 300.430(f)(4)(ii) of the NCP, 40 CFR 300.430(f)(4)(ii), requires that EPA conduct a review, no less often than every five years after initiation of remedial action, at sites where hazardous substances or pollutants or contaminants will remain above levels that allow for unlimited use and unrestricted exposure. Attainment of the cleanup standards has resulted in the removal of all Site-related radiological contamination such that restrictions on use and/or exposure are unnecessary. Accordingly, no five-year reviews are required by CERCLA.

Applicable Deletion Criteria

In consultation with PADEP, EPA has determined that all appropriate Fund-financed response under CERCLA has been implemented at the Site and that no further response action by responsible parties is appropriate. Consequently, EPA proposes to delete the Site from the NPL.

State Concurrence

By letter dated December 28, 2001, the Pennsylvania Department of Environmental Protection concurred with the proposed deletion of the Austin Avenue Radiation Superfund Site from the NPL, provided that completion requirements for the Site described in the Final Closeout Report have been met, the cleanup has achieved the objectives established in the ROD and no institutional controls are required, radiologically contaminated soils and structures have been removed, and no action is required for groundwater at the Site. The conditions upon which the State has predicated its concurrence on the deletion of the Site from the NPL have been satisfied.

Dated: January 25, 2002.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 02–3655 Filed 2–15–02; 8:45 am]

BILLING CODE 6560–50–P

[1] A post-ROD memorandum to the Site file clarifies that the 5 pCi/g cleanup standard articulated in the ROD was intended to be averaged over 100 square meters.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7144–7]

National Oil and Hazardous Substance; Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete a portion of the Joslyn Manufacturing and Supply Superfund Site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency, (EPA) Region V is issuing a notice of intent to delete a portion of the Joslyn Manufacturing and Supply Superfund Site (Site) located in Brooklyn Center, Minnesota, from the National Priorities List (NPL) and requests public comments on this notice of intent to delete. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Minnesota, through the Minnesota Pollution Agency, have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund. In the **RULES AND REGULATIONS** Section of today's **Federal Register**, we are publishing a direct final notice of deletion of a portion of the Joslyn Manufacturing and Supply Superfund Site without prior notice of intent to delete because we view this as a non-controversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final notice of deletion. If we receive no adverse comment(s) on the direct final notice of deletion, we will not take further action. If we receive timely adverse comment(s), we will withdraw the direct final notice of deletion and it will not take effect. We will, as appropriate, address all public comments in a subsequent final deletion notice based on adverse comments received on this notice of intent to delete. We will not institute a second comment period on this notice of intent to delete. Any parties interested in commenting must do so at this time. For additional information, see the direct final notice of deletion which is located in the Rules section of this **Federal Register**.

DATES: Comments concerning this Site must be received by March 21, 2002.

ADDRESSES: Written comments should be addressed to: Dave Novak, Community Involvement Coordinator, U.S. EPA (P–19J), 77 W. Jackson, Chicago, IL 60604, 312–886–7478 or 1–800–621–8431.

FOR FURTHER INFORMATION CONTACT: Gladys Beard, State NPL Deletion Process Manager at (312) 886–7253 or 1–800–621–8431, Superfund Division, U.S. EPA (SR–6J), 77 W. Jackson, IL 60604.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct

Final Notice of Deletion which is located in the Rules section of this **Federal Register**.

Information Repositories: Repositories have been established to provide detailed information concerning this decision at the following address: EPA Region V Library, 77 W. Jackson, Chicago, IL 60604, (312) 353–5821, Monday through Friday 8:00 a.m. to 4:00 p.m.; the Minnesota Pollution Control Agency, 520 Lafayette Rd. North, St. Paul, Minnesota 55155–4194, (651) 296–6300, Monday through Friday 8:00 a.m. to 4:30 p.m.

List of Subjects in 40 CFR Part 300

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

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

Dated: January 31, 2002.

David A. Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 02–3654 Filed 2–15–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 02–6, FCC 02–8]

Schools and Libraries Universal Service Support Mechanism

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Commission initiates a focused review of certain Commission rules governing the schools and libraries universal service support mechanism. The Commission initiates this review to ensure the continued efficient and effective implementation of Congress's goals as established in the statute, and to explore a variety of suggestions for improvement offered by schools and libraries, service providers, state and local governments, and other interested parties.

DATES: Comments are due on or before April 5, 2002. Reply comments are due on or before May 6, 2002. Written comments by the public on the proposed information collections are due April 5, 2002. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collection(s) on or before April 22, 2002.

ADDRESSES: All filings sent by U.S. regular, Express or Priority mail must be sent to the Commission's Acting Secretary, William F. Caton, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. Hand-delivered or messenger-delivered paper filings for the Commission's Acting Secretary should be delivered to Vistronix at 236 Massachusetts Ave., NE., Suite 110, Washington, DC 20002 (8:00 a.m. to 5:30 p.m.). Other messenger-delivered or overnight mail documents (other than USPS Express and Priority Mail) must be delivered to 9300 East Hampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.). In addition, parties who choose to file by paper should also submit their comments on diskette. These diskettes should be submitted to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street, SW., Room 5–B540, Washington, DC 20554, or hand delivered to Sheryl Todd at 236 Massachusetts Ave., NE., Suite 110, Washington, DC 20002. The diskette should be clearly labeled with the commenter's name, proceeding, including the lead docket number in the proceeding (CC Docket No. 02–6), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on diskette. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *jboley@fcc.gov,* and to Jeanette Thornton, OMB Desk Officer, 10236 NEOB, 725 17th Street, NW., Washington, DC 20503 or via the Internet to *Jthornto@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Jonathan Secrest, Attorney, Common Carrier Bureau, Accounting Policy Division, (202) 418–7400. For additional information concerning the information collection(s) contained in this document, contact Judy Boley at 202–418–0214, or via the Internet at *jboley@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM) in CC Docket No. 02–6 released on January 25, 2002. The full text of this document is available on the Commission's Web site Electronic Comment Filing System and for public inspection during regular business hours in the FCC Reference Center, Room CY–A257, 445 Twelfth Street, SW., Washington, DC, 20554.

This NPRM contains proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

Paperwork Reduction Act

This NPRM contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections(s) contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due 60 days from date of publication of this NPRM in the **Federal Register**. Comments should address: (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 estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Control Number: None.

Title: Schools and Libraries Universal Service Support Mechanism, CC Docket 02–6, NPRM, Proposed ADA Certification.

Form No.: N/A.

Type of Review: Proposed Collection.

Respondents: Not for Profit Institutions: Business or other for Profit.

Title	Number of respondents	Estimated time per response	Total annual burden (hours)
ADA Certification	30,000	1 minute (.02)	600
Computerized List of Eligible Products and Services	30,000	1 minute (.02)	600

Total Annual Burden: 1,200 hours.

Cost to Respondents: $0.

Needs and Uses: In this NPRM, the Commission is seeking comment on certain rules governing the schools and libraries universal service support mechanism. The Commission goals in the proceeding are to: (1) Consider changes that would fine-tune its rules to improve program operation; (2) ensure that the benefits of the universal service support mechanism for schools and libraries are distributed in a manner that is fair and equitable; and (3) improve its oversight over the program. Among other things, affected respondents may be required to certify to compliance with the Americans with Disabilities Act and related statutes. The NPRM solicits comment on whether the Commission should establish a computerized list accessible online, whereby applicants could select specific project or service as part of their FCC Form 471 application. The information will be used to ensure that schools and libraries are eligible to receive discounted Internet access, telecommunications services, and internal connections and that they are in compliance with the requirements of the ADA and related statutes.

I. Introduction

1. In this Notice of Proposed Rulemaking (NPRM), the Federal Communications Commission (Commission) initiates a focused review of certain rules governing the schools and libraries universal service support mechanism. The Commission initiates this review to ensure the continued efficient and effective implementation of Congress's goals as established in the statute, and to explore a variety of suggestions for improvement offered by schools and libraries, service providers, state and local governments, and other interested parties.

2. The Commission implemented the schools and libraries universal service support mechanism based on the requirement in the Telecommunications Act of 1996 (1996 Act) that ''[a]ll telecommunications carriers serving a geographic area shall, upon a bona fide request for any of its services that are within the definition of universal service under subsection (c)(3), provide such services to elementary schools, secondary schools, and libraries for educational purposes at rates less than the amounts charged for similar services to other parties.'' The schools and libraries community and the participating service providers have now had four years of experience with the program. As of July 2001, the Universal Service Administrative Company (USAC or the Administrator) had committed over $5.958 billion in funds for the first three funding years. Over this period, the schools and libraries mechanism has provided discounts enabling millions of school children and library patrons, including those in many of the nation's poorest and most isolated communities, to obtain access to modern telecommunications and information services for educational purposes, consistent with the statute.

3. During the last four years, numerous parties, including schools and libraries, service providers, and representatives of local and state governments, have approached the Commission with a variety of proposals that they believe will improve the program. In this proceeding, we present those ideas for public comment in order to explore whether these ideas, as well as any additional ideas presented by the public, will help to achieve our stated goals. The Commission continues to seek ways to ensure that the program funds are utilized in an efficient, effective, and fair manner, while preventing waste, fraud, and abuse. The Commission concludes that it is appropriate at this time to ask whether the various suggestions from the public will streamline and improve the program in a manner consistent with section 254. We determine that it is appropriate to review the overall program by reaching out to the constituents of the program and other interested parties for their input. The Commission seeks comment from USAC on the operational and administrative impact of possible changes discussed in this NPRM. The Commission also encourages input from the State members of the Federal-State Joint Board on Universal Service (Joint Board), and commit to ongoing informal consultations with the Joint Board on these issues.

4. Our goals in undertaking this proceeding, consistent with the statute, are three-fold: (1) To consider changes that would fine-tune our rules to improve program operation; (2) to ensure that the benefits of this universal service support mechanism for schools and libraries are distributed in a manner that is fair and equitable; and (3) to improve our oversight over this program to ensure that the goals of section 254 are met without waste, fraud, or abuse. The Commission intends to build on the solid foundation we have established.

5. With these goals in mind, in this NPRM, the Commission seeks comment on several changes to the schools and libraries universal service support mechanism. First, with respect to the application process, we seek comment on (1) issues related to the process for determining eligible services, and the eligibility for schools and libraries universal service support of such services as Wide Area Networks, wireless services, and voice mail; (2) permitting schools and libraries to receive discounts for Internet access that may in certain limited cases contain content, as long as it is the most cost-effective form of Internet access; (3) the 30 percent processing benchmark for reviewing funding requests that include both eligible and ineligible services; (4) whether to require a certification by schools and libraries acknowledging their compliance with the requirements of the Americans With Disabilities Act and related statutes; and (5) modifying our rule governing when members of a consortium may receive service from a tariffed service provider at below-tariff rates.

6. Second, the Commission also seeks comment on several issues that arise once discounts have been committed to applicants: (1) Providing schools and libraries the flexibility either to make up-front payments for services and receive reimbursement via the Billed Entity Applicant Reimbursement (BEAR) form process, or be charged only the non-discounted cost by the service providers, and require that service providers remit BEAR reimbursements to applicants within twenty days; (2) limiting transferability of equipment

obtained with universal service discounts; and (3) allowing members of rural remote communities to use excess capacity from services obtained through the universal service support mechanism in certain limited situations.

7. Third, with respect to the appeals process, the Commission seeks comment on increasing time limits for filing appeals to 60 days, and considering appeals filed as of the day they are post-marked, and on procedures for funding successful appeals. Fourth, we seek comment on measures to strengthen our existing enforcement tools, including adopting a rule explicitly authorizing independent audits, and barring from the program certain applicants, service providers, and others that engage in willful or repeated failure to comply with program rules. Fifth, on the issue of unused program funds, the Commission seeks comment on the reasons for unused funds, and on how the Commission should treat unused funds. We also deny certain petitions for reconsideration relating to unused funds, and seek comment on revising or eliminating outmoded administrative or procedural rules or policies relating to the schools and libraries universal service support mechanism.

II. Notice of Proposed Rule Making

8. By initiating this inquiry, the Commission seeks to further three goals. First, the Commission seeks to streamline and improve the program. Second, we seek to ensure fair and equitable distribution of funds. Third, we seek to protect the schools and libraries mechanism against waste, fraud, and abuse consistent with our goals. In the discussion that follows, the Commission seeks comment on ways in which these goals may be achieved through specific changes to various stages of the application and funding process. The Commission frames the discussion in the context of the yearly program cycle to help commenters understand the changes to the program on which we seek comment. At each stage of the process, the Commission invites parties to address whether and how our specific goals can be met by the changes discussed and to suggest other ways to further these goals.

A. Application Process

1. Eligible Services

9. Applicants under the universal service discount mechanism for schools and libraries may apply for discounts for eligible telecommunications services, Internet access, and internal connections. The Commission currently directs the Administrator to determine whether particular services fall within the eligibility criteria established under the 1996 Act and the Commission's rules and policies. The Administrator evaluates, on an on-going basis, particular services offered by service providers, and determines their eligibility. In order to provide applicants with general guidance, the Administrator makes available on its website a list of categories of service that are eligible or ineligible, though not specific brands or items. Applicants or service providers can appeal a determination by the Administrator that a given service is ineligible for discounts only after a requested service is rejected. Accordingly, in this section, the Commission seeks comment on changes in the application process that relate to eligible services and that will serve to improve program operation and our oversight of the program. The Commission emphasizes that, in this section of the NPRM, we seek comment on changes to eligible services only as they relate to applications under the universal service support mechanism for schools and libraries.

10. Many parties, including schools and libraries as well as service providers, have recommended that the Commission seeks comment on the efficiency and fairness of this process for determining the eligibility of particular products and services. In response, we invite parties to submit proposals for changes that will improve the operation of the eligibility determination process in terms of efficiency, predictability, flexibility, and administrative cost. The Commission notes that GAO has recommended that the Administrator implement stronger measures to ensure that applicants receive funding only for eligible services, and that the Administrator has already implemented changes in response to that recommendation. One possible alternative approach that has been suggested would be to establish a computerized list accessible online, whereby applicants could select the specific product or service as part of their FCC Form 471 application. Because applicants would only select from pre-approved products and services, this presumably would decrease the number of instances in which applicants seek funding for ineligible services. It has also been suggested that such a process would considerably simplify the application review process. Further, by helping to avoid accidental funding of ineligible services, it would further the Commission's goal of preventing fraud and abuse. We seek comment on whether this approach is desired, consistent with our goals, and on the feasibility of such a system. We seek comment on how often such a list would be updated. We also seek comment on how we could ensure that maintaining such a list does not inadvertently limit applicants' ability to take advantage of products and services newly introduced to the marketplace. In addition, we seek comment on how interested parties could best provide input to the Administrator on an ongoing basis regarding what specific products and services should be eligible. Additionally, we seek comment on how to handle services and equipment that are eligible only if used in certain ways.

11. The Commission seeks comment on whether we need to reconsider or modify the current selection of products and services eligible for support under the schools and libraries mechanism. In particular, the Commission seeks comment on whether the mechanism could be improved by changes in our current eligibility policies regarding (a) Wide Area Networks, (b) wireless services, and (c) voice mail.

12. The Commission seeks comment on whether to change our current policy, as set forth in our rules and decisions, regarding Wide Area Networks (WANs). In the Commission's *Fourth Order on Reconsideration,* 63 FR 2094 (December 30, 1997), the Commission concluded that the building and purchasing of WANs to provide telecommunications is not eligible for discounts. The Commission first concluded that the building and purchasing of WANs themselves does not constitute telecommunications services or internal connections. The Commission further found that WANs built and purchased by schools and libraries do not appear to fall within the narrow provision that allows support for access to the Internet because WANs provide broad-based telecommunications. The Commission noted, however, that schools and libraries may receive universal service discounts on WANs provided over leased telephone lines, because such an arrangement constitutes a telecommunications service.

13. In the Commission's *Tennessee Order,* (not published in **Federal Register**) the Commission established that universal service funds may be used to fund equipment and infrastructure build-out associated with the provision of eligible services to eligible schools and libraries. The Commission subsequently affirmed this principle in the *Brooklyn Order,* (not

published in **Federal Register**) but expressed its concern that ''by authorizing unrestricted up-front payments for multiple years of telecommunications service when there is significant infrastructure build-out, [the Commission] could create a critical drain upon the universal service fund, and reach the annual spending caps quickly.'' In attempting to strike a fair and reasonable balance between the desire not to unnecessarily drain available universal service funds by committing large amounts annually to a limited number of applicants, and the desire to ensure that eligible schools and libraries receive supported services, the Commission determined that recipients may receive discounts on the non-recurring charges associated with capital investment in an amount equal to the investment prorated equally over a term of at least three years.

14. Certain state government representatives have suggested that we reconsider whether our policies regarding WANs have resulted in an efficient use of program funds, and, in particular, whether providing discounts on the cost of telecommunications service utilizing WANs has indeed caused a ''critical drain'' on program resources. Leased WAN service is, under our rules, a Priority One service. The costs of leasing WANs therefore decreases funds available for other Priority One services. The Commission seeks comment on the effectiveness and fairness of our WAN policy, and on whether other policies could result in a more equitable distribution of discounts in the program.

15. One possible approach would be to increase the three-year period of time over which WAN-related capital expenses must be recovered through telecommunications service charges, so that the annual burden on available program funds is reduced. The Commission seeks comment on this and other possible approaches.

16. Similarly, the Commission seeks comment on whether our decision in the *Tennessee Order* to consider leased WANs as a Priority One service has led to a fair and equitable distribution of funds. Some parties have suggested that the marked increase in demand for Priority One services arises from applicants leasing equipment from telecommunications providers for which they are likely to receive discounts rather than purchasing the equipment as internal connections, which have a high likelihood of not being funded under the current priority rules. The Commission seeks comment on whether a change in our approach to WAN-related expenses is warranted by this increase in demand, and if so, what changes consistent with the statutory restrictions of section 254 of the Act should be adopted to meet the program's goals of improved operation, a fair and equitable distribution of funds, and effective oversight to prevent waste, fraud and abuse.

17. As wireless service has become more commonplace, we have received numerous recommendations that we reconsider our policies regarding the eligibility of wireless services. Wireless telephone service, for example, is not currently eligible when used by school bus drivers or other non-teaching staff of a school, including security personnel, because we have interpreted the statutory requirement that universal service discounts be provided only for ''educational purposes'' to exclude use by such support staff. We seek comment on whether broadening eligibility for wireless services under the schools and libraries mechanism, consistent with the statute, would improve the application review process and whether it would increase opportunities for fraud and abuse. In addition, in light of changing wireless technologies, the Commission seeks comment on whether we need to modify any rules or policies regarding the eligibility of wireless services for support under the schools and libraries mechanism so that distribution of funds is consistent with our principle of competitive neutrality and does not favor wireline technology over wireless technology.

18. Many parties have recommended that the Commission reconsider its initial determination regarding the eligibility of voice mail for support under the schools and libraries mechanism. In the *Universal Service Order,* 62 FR 32862 (June 17, 1997), the Commission determined that voice mail would not ''at [that] time'' be eligible, based, in part, on the recommendation of the Federal-State Joint Board on Universal Service that such information services not be eligible. The increasing need for, and prevalence of, voice mail as a way of communicating with school and library staff for educational purposes raises the issue of whether voice mail, which serves a similar purpose as email (which is eligible for support under the schools and libraries mechanism), should also be eligible. The Commission also notes that making voice mail eligible may streamline the application review process, by reducing administrative effort and costs associated with determining what portion of a school or library's telecommunications costs are related to voice mail, and ensuring that the school or library does not receive discounts for those costs. Accordingly, the Commission seeks comment on whether a change in voice mail eligibility would improve the operation of the program or otherwise further our goals of preventing fraud, waste and abuse and promoting the fair and equitable distribution of the program's benefits.

2. Discounts for Internet Access When Bundled With Content

19. In the *Universal Service Order,* the Commission concluded that schools and libraries may receive discounts on access to the Internet, but not on separate charges for particular proprietary content or other information services. The Commission held that if it is more cost-effective for a school or library to purchase Internet access provided by a telecommunications carrier that bundles a minimal amount of content with such Internet access, a school or library may obtain discounts on that bundled package. If the telecommunications carrier provides bundled Internet access with proprietary content to a school or library, and also offers content separate from Internet access, the school or library may only obtain discounts on the price of the Internet access, as determined by the price of the bundled access and content less the price of the separately-priced content. Thus, if the only Internet access a provider offers is bundled with content for a total of $50.00 per month, and that provider sells the content separately for $30.00 per month, a school or library purchasing the bundled package would currently be eligible for discounts on $20.00 per month.

20. Various affected applicants have suggested, both to us and to the Administrator, that Internet access that includes content from one provider may provide more cost-effective access to the Internet than another provider's Internet access containing minimal or no content. For example, an applicant may receive bids for Internet access from two providers, each offering service at $50.00 a month. One provider offers access and content bundled together, and separately offers content alone for $30.00, while the second provider just offers Internet access. An applicant might find that the bundled access and content may provide more cost-effective Internet access when considering cost, reliability, and other factors than Internet access without content from the other provider. Under our current rules, a recipient would be eligible for discounts on only $20.00 per month for the package of access and content, but could obtain discounts on the full $50.00 for Internet access without

content from the second provider. In such a case, our rules may create undesirable incentives for an applicant to choose a provider with a similar price but poorer service and reliability.

21. The Commission seeks comment on whether a modification of our rules governing funding of Internet content would improve program operation consistent with our other goals of ensuring a fair and equitable distribution of benefits and preventing waste, fraud and abuse. Specifically, we seek comment on whether, if the only Internet access a provider offers is bundled with content but the provider also offers the content separately without Internet access, an applicant may receive full discounts on that Internet access package (including content) if that package provides the most cost-effective Internet access. Such a modification to our rules may also increase administrative efficiencies, for both applicants and the Administrator, by eliminating effort and costs associated with ensuring that applicants receive no discounts for bundled content. The Commission seek input on the costs and benefits of such a change, including whether providers might take advantage of this approach by adding content to Internet access in order to maximize revenues. We also seek comment on whether, in keeping with our current rules, universal service discounts would continue to be available for a provider only for the cost of access without content, if a service provider offers Internet access to consumers both with and without content.

3. Review of Requests Including Eligible and Non-Eligible Services

22. Currently, acting pursuant to Commission oversight, the Administrator utilizes a 30 percent processing benchmark when reviewing funding requests that include both eligible and ineligible services. If less than 30 percent of the request seeks funding of ineligible services, the Administrator normally will consider the request and issue a funding commitment for the eligible services, denying funding only of the ineligible part. If 30 percent or more of the request is for funding of ineligible services, the Administrator will deny the funding request in its entirety. The 30 percent policy allows the Administrator to efficiently process requests for funding that contain only a small amount of ineligible services without expending significant fund resources working with applicants to determine what part of the discounts requested is associated with eligible services. It also provides an incentive to applicants to eliminate ineligible services from their requests before submitting their applications, further reducing the Administrator's administrative costs. For example, without the procedure, an applicant who has contracted for the construction of a new school for a lump sum might submit a request for the entire amount knowing that the Administrator must then perform the necessary work to identify the costs of any eligible components, such as the telecommunications wiring. Because the Administrator's annual administrative costs are drawn from the same $2.25 billion that supports the award of discounts, an increase in the administrative costs of eligibility review would directly reduce the amount of funds available for actual discounts.

23. The Commission seeks comment on the operational benefits and burdens of this procedure to applicants and to the Administrator. We specifically seek input on whether there are alternatives that would improve program operation or otherwise further the other two goals of preventing fraud, waste, and abuse and promoting the equitable distribution of the program's funds, while still providing appropriate incentives to applicants to seek discounts only for eligible services.

4. Compliance With the Americans With Disabilities Act

24. The Americans With Disabilities Act (ADA) provides comprehensive civil rights protections to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. Related statutes, which are referenced by the ADA, include the Rehabilitation Act of 1973, and the Individuals with Disabilities Education Act. The current FCC Form 471, on which entities apply for universal service discounts, contains the following notice: ''The Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act, and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.'' The Commission does not, however, explicitly require compliance with these statutory requirements as a condition of receipt of universal service discounts.

25. Some parties have suggested that the Commission require applicants to certify that the services for which they seek discounts will be used in compliance with these acts. The Commission seeks comment on whether we should adopt such a certification requirement. In commenting on such a change, parties should comment on the language of any ADA certification, and on the timing for the ADA certification in the application process. To the extent that we would adopt such a change, we also solicit comment on whether any rule changes are needed to ensure that applicants that fail to comply with the certification no longer receive discounts. The Commission further seeks comment on whether, and how, the Administrator and the Commission would verify and enforce compliance, and the extent that such actions promote our three goals of improving program operation, ensuring a fair and equitable distribution of benefits, and preventing waste, fraud, and abuse.

5. Consortia

26. Section 54.501(d)(1) implements the Commission's determinations in the *Universal Service Order* as to when eligible entities seeking discounts as part of a consortium can obtain interstate telecommunications services at prices below tariffed rates. The Commission found that there was congressional support for allowing eligible schools and libraries to obtain services at pre-discount prices below tariffed rates. However, it concluded that where such eligible entities sought services as members of a consortium including private sector non-eligible members, allowing the private non-eligible businesses to obtain below-tariff rates would compromise federal and state policies of non-discriminatory pricing. The Commission therefore concluded that a consortium that included private sector ineligible members could obtain tariffed services only if ''the pre-discount prices of [the tariffed services] are generally tariffed rates.''

27. The Commission seeks comment on whether a change to section 54.501(d)(1), recommended by consortia members and service providers working with consortia, would improve program operation. We also invite comment on whether changes to other consortia rules might achieve a greater consistency or fairness in our approach to the participation of consortia in the program. The language in the current rule provides that ''[w]ith one exception, eligible schools and libraries participating in consortia with ineligible private sector members shall not be eligible for discounts for interstate services.'' Parties have argued that this language is unclear and could be construed to prohibit such consortia from obtaining services other than tariffed services. The Commission seeks comment on whether to clarify the rule

to establish clearly that only ineligible private sector members seeking services as part of a consortium with eligible members are prohibited from obtaining below-tariffed rates from providers that offer tariffed services (tariffed providers). The Commission specifically requests comment on the impact of this rule on program operation, whether administrative costs would result from the proposed change, what these costs would be, and whether these costs would outweigh the benefits of the change.

28. The Commission also seeks comment on any proposals as to how we might clarify, change or reorganize the other rules and requirements relating to consortia, to help ensure that these rules and requirements reflect a fair and consistent approach to the role and obligations of consortia leaders and the consequences to consortia members of violations by leaders and other members. We seek comment on how we might improve program operation or otherwise further our interest in fairly distributing benefits of the program and limiting fraud, waste, and abuse, by making consortia application and participation requirements more transparent, so that it is clear what consortia may do and what their responsibilities are.

B. Post Commitment Program Administration

1. Choice of Payment Method

29. Under existing law and Commission procedure, the Administrator of the universal service support mechanism does not provide funds directly to schools and libraries, but rather, provides funds to eligible service providers, who then offer discounted services to eligible schools and libraries. Under existing Administrator's procedures, service providers and applicants are advised to work together to determine whether the applicant will either (1) pay the service provider the full cost of services, and subsequently receive reimbursement from the provider for the discounted portion, after the provider receives reimbursement through the Billed Entity Applicant Reimbursement (BEAR) process, or (2) pay only the non-discounted portion of the cost of services, with the service provider seeking reimbursement from the Administrator for the discounted portion. Because it is not clear in our rules whether the provider or the applicant may make the final determination of which of the two payment processes to pursue, the potential exists for service providers to insist that applicants to whom they provide services use the first method of paying the up-front costs, and later seeking reimbursement. Indeed, some large providers require recipients to use the BEAR form.

30. The Commission seeks comment on whether our rules should specify that service providers must offer applicants the option of either making up-front payments for the full cost of services and being reimbursed via the BEAR form process, or paying only the non-discounted portion up-front. We seek comment on the costs and benefits of our proposal to all affected parties and whether it would improve program operation overall.

31. The Commission also seeks comment on whether, to further improve program operation and prevent fraud and abuse, we should incorporate enforcement measures regarding remittal of BEAR payments into our rules. Under current Administrator procedure, service providers reimbursing billed entities via the BEAR process must remit to the billed entity the discount amount authorized by the Administrator to the billed entity within ten days of receiving the reimbursement payment from the Administrator and prior to tendering or making use of the payment from the Administrator. The Administrator has implemented this procedure pursuant to ongoing Commission oversight of the program, but this procedure has not been formally codified in our rules. We have received reports from both the Administrator and from affected schools and libraries that, in certain cases, service providers have failed to remit these payments to applicants until well past the ten-day limit. In order to address this problem, we seek comment on whether service providers should be required to remit these payments to the applicants within twenty days of having received them, and that failure to do so will constitute a rule violation potentially subjecting the service provider to fines and forfeitures under section 503 and/or other law enforcement action.

32. The Commission seeks comment on whether this proposed twenty-day period imposes a significant economic burden on small entity providers (as defined in paragraphs 88 through 98 of the Order). We welcome any suggestions as to how the remittance process might be modified to minimize such impact. We also seek comment on the extent to which a modification such as lengthening the remittance period would have a deleterious impact on eligible schools and libraries that is inconsistent with our three goals of improving program operation, ensuring that the benefits of the program are equitably distributed, and preventing fraud, waste, and abuse.

2. Equipment Transferability

33. The Commissions rules provide that eligible services purchased at a discount ''shall not be sold, resold, or transferred in consideration for money or any other thing of value.'' Nothing in our rules, however, prevents transferring equipment obtained with universal service discounts from the eligible recipient to another entity without consideration for money or anything of value. We have received reports from state authorities, schools and libraries, and the Administrator that some recipients are replacing, on a yearly or almost-yearly basis, equipment obtained with universal service discounts, and transferring that equipment to other schools or libraries in the same district that may not have been eligible for such equipment.

34. Although the Commission recognizes that schools and libraries may legitimately desire to upgrade their equipment frequently as a result of the rapid pace of technological change, we seek comment on whether it is appropriate to balance this desire against the impact of such action on other parties seeking discounts under the program. We seek comment on whether the program's goals would be improved by requiring that schools and libraries make significant use of the discounted equipment that they receive, before seeking to substitute new discounted equipment. In particular, we seek comment on whether there may be insufficient incentives in the schools and libraries mechanism to prevent wasteful or fraudulent behavior, without imposing restrictions on these transfers of equipment. The Commission specifically seeks comment on whether, as a condition of receipt of universal service discounts, we should adopt measures to ensure that discounted internal connections are used at the location and for the use specified in the application process for a certain period of time.

35. One option could be to adopt a rule limiting transfers for three years from the date of delivery and installation of equipment for internal connections other than cabling, and ten years in the case of cabling. Under this option, an applicant could replace only ten percent of its old cabling per year with new discounted internal connections (such as upgrading from copper wire to fiber optics). Otherwise, an applicant seeking discounts on new equipment to replace universal service-funded equipment that has been in

place for less than the specified time periods could do so only if it traded the existing equipment to its service provider for a credit toward the purchase of the cost of the new discounted equipment. The Commission seeks comment on whether this option would achieve the goals of efficient and equitable use of the mechanism's funds, and whether this approach would prevent both waste and fraud. We also seek comment on how this change might most effectively be implemented, and on attendant benefits and costs.

36. An alternate approach could be to deny internal connections discounts to any entity that has already received discounts on internal connections within a specified period of years regardless of the intended use of the new internal connections. The Commission seeks comment on whether we should adopt such a rule, on the appropriate time frame for such a rule, and whether we should impose this limitation only in situations where the applicants have previously received discounts above a specified threshold in the relevant time period. We also seek comment on the administrative costs that would be incurred, both in the application process and in post-disbursement auditing, to ensure compliance with a rule prohibiting an entity from receiving discounts on internal connections if it previously had received such discounts. We seek comment on these and any other proposals to address this issue and thus give us further insight on how, with regard to equipment issues, we might further our goals of improving program operation, ensuring that the mechanism's benefits are fairly and equitably distributed, and eliminating fraud, waste, and abuse.

3. Use of Excess Services in Remote Areas

37. The Act requires that discounts on services be provided for educational purposes to schools and libraries. In the *Universal Service Order,* the Commission implemented this provision by requiring schools and libraries to certify that the services obtained through discounts from the schools and libraries mechanism will be used solely for educational purposes. The Commission determined that the certification rules, including the educational purposes rule, were reasonable and not unnecessarily burdensome, especially in light of the Commission's goals to reduce fraud, waste, and abuse.

38. In some instances, the discounted services received by schools and libraries through the schools and libraries program are provided on a non-usage sensitive basis and are used for educational purposes during hours when the schools and libraries are open, but remain unused during off-hours when the entities are closed. As a result, due to the non-usage sensitive nature of the services, services that could be used after the operating hours of schools and libraries presently go unused.

39. The State of Alaska recently requested a waiver of the restriction in § 54.504(b)(2)(ii) that requires applicants to certify that the services obtained from the schools and libraries mechanism would be used for solely educational purposes. In many communities in Alaska, services from the schools and libraries program have provided the only means to deliver Internet access to communities in rural remote areas. Specifically, the State of Alaska asked to use the telecommunications and Internet access services as an Internet ''point of presence'' in rural remote communities. To the extent that a school or library will not be fully utilizing the services it ordered for educational purposes, and these services would otherwise be wasted, the State of Alaska requested that others in the community be allowed to use these services for non-educational purposes.

40. On December 3, 2001, the Commission granted the State of Alaska a limited waiver of § 54.504(b)(2)(ii) of the Commission's rules. In the *Alaska Order,* 66 FR 67112 (December 28, 2001), the Commission concluded that there is nothing in section 254(h)(1)(B) that prohibits the Commission from granting a waiver of § 54.507(b)(2)(ii) of its rules to expand the use of such services, so long as in the first instance they are used for educational purposes. The Commission further determined that based on the special circumstances outlined in Alaska's petition, there was good cause to waive § 54.504(b)(2)(ii) of the Commission's rules for rural remote communities in Alaska who lack local or toll-free dial-up access to the Internet.

41. The Commission seeks comment more broadly on the types of situations that might warrant utilization of excess service obtained through the universal service mechanism for schools and libraries when services are not in use by the schools and libraries for educational purposes. Although we believe the Commission's current rule relating to educational purposes is appropriate in the overwhelming majority of circumstances, we seek comment on whether the Commission should revise its rules in order to expressly address such situations, and whether such revisions would further the goals of improving program operation, ensuring a fair and equitable distribution of benefits and preventing waste, fraud, and abuse.

42. If the Commission were to modify it's rules expressly to address the use of excess services in limited circumstances, we seek comment on whether to consider conditioning such use on several criteria: (1) That the school or library request only as much discounts for services as are reasonably necessary for educational purposes; (2) the additional use would not impose any additional costs on the schools and libraries program; (3) services to be used by the community would be sold on the basis of a price that is not usage sensitive; (4) the use should be limited to times when the school or library is not using the services; and (5) the excess services are made available to all capable service providers in a neutral manner that does not require or take into account any commitments or promises from the service providers. With respect to the fifth condition, we previously found that such a condition was ''consistent with the Act, which prohibits any discounted services or network capacity from being sold, resold, or transferred by such user in consideration for money or any other thing of value.'' The Commission seeks comment on the legal, operational, and enforcement issues raised by this approach.

43. The Commission believes that, to the extent we should adopt any such change, the resulting policy would need to be carefully circumscribed to prevent fraud, waste, and abuse. In light of these concerns, and our desire to ensure that the appropriate safeguards are in place, we also seek comment regarding how such an arrangement would function. In particular, we seek comment on how to ensure that any revised rule would not indirectly impose costs on the schools and libraries program or that applicants would not request more service than is necessary for educational purposes.

C. Appeals

1. Appeals Procedure

44. In the *Eighth Order on Reconsideration,* (not in **Federal Register**), the Commission established a process by which aggrieved parties could seek review from the Commission of decisions of the Administrator. As of January 1, 2002, the Commission has reviewed 740 appeals from the Administrator's decisions. Of these, 592 were denied or dismissed, 135 were granted, and 13 were granted in part. Of those appeals granted, a number involved situations where the Commission concluded that a close

examination of the rules and policies applicable to the underlying request was warranted. Our history to date thus leads us to conclude that the Administrator is applying existing rules and policies correctly in the vast majority of cases. Nevertheless, the opportunity for Commission review remains an important method by which we provide effective oversight of the Administrator's activities.

45. Our current rules provide that any person aggrieved by a decision of any Division of the Administrator may file an appeal directly with the Commission within 30 days of the date of the issuance of the decision. Alternately, the person may appeal the decision of a Division within 30 days of the date of the decision to the relevant Committee governing that Division, in which case the time for filing an appeal with the Commission is tolled during the pendency of the appeal before the Committee. Once the Committee has issued a decision on the appeal, the person then has up to 30 days to appeal that decision to the Commission. In each case, an appeal is deemed filed on the date that it is received, not the date it is postmarked.

46. Appeals to the Commission are decided by the Common Carrier Bureau, unless they raise novel issues of fact, law, or policy, in which case, they are decided by the full Commission. Whether an appeal is before the Common Carrier Bureau or the full Commission, the standard of review is *de novo*. This review process applies equally to decisions made by the three divisions of the Administrator defined in our regulations, the Schools and Libraries Division, the Rural Healthcare Division, and the High Cost and Low Income Division.

47. Numerous parties have recommended that we increase the time limit for filing an appeal with the Committee of the Schools and Libraries Division and the time limit for filing an appeal with the Commission. As noted above, the time limit in both cases is 30 days, which commences on the date of the decision and runs until the filing of the appeal. The parties have proposed increasing this period to 60 days. In *the Eighth Order on Reconsideration,* the Commission established the 30 day period partly in response to commenters' requests for a streamlined approach. Experience suggests, however, that this time period may be inadequate for parties wishing to appeal an adverse decision. To date, we have dismissed appeals as untimely approximately 22 percent of the time. Parties have suggested that some extension of time for filing appeals will provide aggrieved schools and libraries a greater opportunity to review the relevant decisions, and determine whether there are valid bases for appeal in light of the governing rules and Commission precedent. Moreover, they suggest, additional time would enable applicants to consult with the e-rate assistance offices that many States have now established to advise constituents who are seeking such funding. Nothing in this suggested change would prevent participants from filing appeals before the end of the appeals period.

48. The Commission therefore invites comment on whether this modification to our rules would improve program operation. In addition, we seek comment on the suggestion that we should treat appeals to the Administrator or to the Commission as having been received on the date they are post-marked rather than the date they are filed. This would depart from the Commission practice for filings in general. Such a change, however, would make the appeal procedure consistent with the Administrator's practice of treating FCC Form 471 applications as having been filed as of the post-mark date. Further, it could better ensure that rural and remote applicants will not be disadvantaged if it takes longer to mail an appeal to the Commission. We therefore seek comment on whether we should adopt this modification. Finally, we seek comment on any other changes to our rules or policies concerning the appeals procedure of the Administrator or the Commission that might further the goals of improving program operation, ensuring a fair and equitable distribution of benefits and preventing waste, fraud, and abuse consistent with the 1996 Act.

2. Funding of Successful Appeals

49. Each funding year, the Administrator sets aside a portion of the funds available that year for the schools and libraries universal service mechanism to ensure that sufficient funds will be available for any appeals that may be granted by the Administrator or the Commission. The Administrator calculates this amount in part by generating a prediction of the percentage of its decisions that will be reversed based on historical experience. Because the prediction may underestimate the actual number of reversed decisions, it is possible that the appeal reserve fund in a particular year will ultimately be inadequate to fund all successful appeals in that year.

50. In the *Eleventh Reconsideration Order and Further Notice,* the Commission proposed certain rules establishing funding priorities for the Administrator to apply when distributing funds from the appeal reserve to schools and libraries that successfully appeal decisions of the Administrator. Specifically, the Commission proposed that the Administrator should first fund all Priority One appeals, and then allocate any remaining funds in the appeal reserve to Priority Two appeals in order of descending discount rate. The Commission further proposed that if funds were not available for all Priority One appeals, then all funding should be allocated to Priority One appeals on a pro-rata basis. To ensure correct distribution of funds to Priority One appeals, the Commission proposed that the Administrator should wait until a final decision has been issued on all Priority One service appeals before allocating funds to such services on a pro-rata basis.

51. In response to these proposals, several commenters suggest that it is inappropriate to limit appellants to those funds in the appeal reserve fund because it might result in successful appellants being treated differently from applicants who were awarded funding initially. In some circumstances, two schools or libraries of similar eligibility that file simultaneous applications for identical support might receive different funding merely because one was subject to an erroneous initial funding decision that was subsequently reversed on appeal. To avoid such a result, the Commission now seeks comment on whether, to ensure a fair and equitable distribution of funds, we should instead fully fund successful appeals to the same extent that they would have been funded in the initial application process had they not been initially denied funding.

52. The Commission further seeks comment on what rules should govern if the new proposal were adopted, in the event that the funding year's appeal reserve is depleted. One option, for example, would be for the Administrator to rely on any other funds that remain from the current funding year first, including funds that had never been committed and funds that had been committed but were never used by the original recipients. If these sources are unavailable or insufficient, the Administrator could then use funds from the next funding year as soon as they become available, and reduce the level of discounts available in that next funding year by that amount. We seek comment on this and any other option consistent with our goals of improving program operation, ensuring a fair and equitable distribution of benefits, and

preventing waste, fraud, and abuse consistent with the 1996 Act.

53. Under such an option, it may be unnecessary to withhold funding until all appeals have been decided. Some delay in funding may be unavoidable, however, because if the Administrator must fund successful appeals in one year by drawing funds from the succeeding Funding Year, those funds would not be available until the beginning of that future funding year. The Commission believes that delays in funding of Priority Two internal connections will generally be less burdensome than delays in funding of Priority One services, because the latter services must be purchased by the applicant during the funding year regardless of whether funding for discounts is awarded at that time or not. We therefore seek comment on whether the Administrator should fund successful appellants in the order that decisions on appeal are issued, except that the Administrator should not commit funds to successful applicants requesting support for Priority Two services until the Administrator is certain that sufficient funds remain to fund all successful appellants requesting discounts for Priority One services. We seek comment on all of our current proposals regarding the funding of successful appellants.

D. Enforcement Tools

1. Independent Audits

54. In its December 2000 report, the General Accounting Office proposed strengthening application and invoice review procedures in order to reduce the amount of funds inadvertently spent on ineligible services. The Administrator has implemented a number of procedural changes suggested by the report, and has undertaken numerous measures on its own initiative. Working closely with the Commission's Office of the Inspector General (OIG), the Administrator has significantly stepped up its efforts aimed at detecting and resolving instances of waste, fraud, and abuse. For example, it has increased the number of audits, withheld suspect payments, withdrawn posted FCC Forms 470 from its website and rejected FCC Form 471 applications, and has increasingly coordinated its efforts with federal, state, and local law enforcement to combat fraud and other potentially criminal activity. We, in turn, have examined our rules to consider whether our existing enforcement tools should be strengthened in any way.

55. We seek comment on whether, so as to improve our oversight capacity to guard against waste, fraud, and abuse, our rules should explicitly authorize the Administrator to require independent audits of recipients and service providers, at recipients' and service providers' expense, where the Administrator has reason to believe that potentially serious problems exist, or is directed by the Commission. We specifically seek comment on the impact of such a rule on small entities. We further seek comment on alternatives that might provide other assurances of program integrity consistent with the goals of improving program operation, ensuring a fair and equitable distribution of benefits, and preventing waste, fraud, and abuse.

2. Prohibitions on Participation

56. The Act and our rules permit the Commission to initiate forfeiture proceedings against those that willfully or repeatedly fail to comply with statutory and regulatory requirements. There are no provisions in our current rules, however, to bar entities from participating in the program for periods of time.

57. The Commission seeks comment on whether, so as to further improve our oversight, we can and should adopt rules barring applicants, service providers, and others (such as consultants) that engage in willful or repeated failure to comply with program rules from involvement with the program, for a period of years. Assuming we were to adopt such a rule, we seek input on what standards should apply for barring such entities, and on what an appropriate length of time would be for such a prohibition. We also seek comment on other questions regarding implementation of such a prohibition, including whether the prohibition might apply to individuals, so that those responsible for actions that led to the barring of a particular entity do not evade the purpose of the prohibition by joining or forming another eligible entity.

58. The Commission seeks comment generally on whether to adopt additional measures to reduce potential waste, fraud, and abuse in the schools and libraries support mechanism. Consistent with our intent to continue strengthening program integrity, we seek input on further rules and procedures to address these matters.

E. Unused Funds

1. Overview

59. In each funding year, a portion of the $2.25 billion available under the program cap has gone unused, largely because some applicants do not fully use the funds committed to them in a given year. Under the Administrator's procedures in effect in the first three funding years of the program, the Administrator engaged in various ongoing analyses throughout each funding year to ensure that it did not commit more than the $2.25 billion cap each year. Although this $2.25 billion limit on commitments ensured that the level of funds actually disbursed remained under the $2.25 billion cap, the result, given that applicants do not seek disbursement of all committed funds, has been that some of the $2.25 billion has gone unused by applicants each year.

60. The Administrator issues funding commitment decision letters to applicants once their applications have been approved, but does not authorize payouts of committed funds until it receives valid invoices demonstrating that the applicants have obtained the requested products and services. The Administrator approves the disbursement of funds once it receives a certification from the recipient and invoices from the service provider or applicant, indicating that approved services have begun. In many cases, however, applicants and vendors do not submit the required documentation for all the funding, and therefore receive only partial funding, or none of the committed funds at all. As of June 30, 2001, approximately $940 million of the $3.7 billion in program funds committed to applicants during the first and second funding years was not disbursed because of the failure of applicants and providers to submit the required documentation. In the first funding year, the Administrator disbursed approximately 82 percent of committed funds. In the second funding year through June 30, 2001, the Administrator disbursed approximately 71 percent of committed funds. The Administrator projects that a similar proportion of committed funds will be disbursed in Funding Year 3.

61. The Commission seeks comment on whether there are any administrative modifications to the schools and libraries universal service support mechanism that we should implement to improve program operation, ensure a fair and equitable distribution of funds, or guard against waste, fraud, and abuse. We seek comment generally on whether there are modifications to the application and funding disbursement process that would serve our goals in this proceeding, that could be implemented immediately without need for a rule change.

62. In addition, the existence of unused funds each year raises two

issues that we address in this NPRM. The first issue is how to reduce the level of funds that go unused. The second issue is what to do with undisbursed funds, to the extent that they remain despite our reduction efforts. In the sections that follow, we seek comment on these issues.

2. Reduction of Unused Funds

63. The Commission anticipates that several recent administrative changes to the schools and libraries program should help to reduce the under-utilization of committed funds. Specifically, in May 2000, the Administrator released a new Form 500 that gives applicants a convenient tool to reduce or cancel commitments they will not use so that those funds can be made available for other applicants during the same funding year. Additionally, the Administrator developed new and more flexible procedures for service provider changes, consistent with governing precedent. The Administrator expects those procedures to permit approval of many pending service provider changes and the distribution of more funds each year. Furthermore, in order to address the under-utilization of program resources caused by this gap between committed and disbursed funds, the Administrator, in consultation with the Commission, will begin to base the overall amount of committed funds each year on a formula that takes into consideration past levels of disbursement. We believe that each of these changes will help prevent the likelihood of waste, fraud, and abuse by improving the disbursement of program funds.

64. It is the Commission's goal to reduce the gap between funds that have been committed and those that have been disbursed, in order to most effectively implement the goals of section 254(h) by providing for discounts as close as possible to the level of the annual $2.25 billion cap. We seek to develop a record on the reasons why applicants and providers may fail to fully use committed funds under the program. We also seek comment on whether any other program changes would likely result in an increased percentage of committed funds being disbursed each funding year, which will help to reduce the overall amount of unused funds from the schools and libraries mechanism. In the event we adopt additional measures to reduce the existence of unused funds, we seek comment on whether it is necessary to adopt procedures to address a situation in which more funds are committed and used than are available for disbursement.

3. Treatment of Unused Funds

65. Section 54.507(a) of the Commission's rules codifies the annual $2.25 billion cap on the schools and libraries support mechanism. The rule also provides that ''all *funding authority* for a given funding year that is unused in that funding year shall be carried forward into subsequent funding years for use in accordance with demand.'' Although § 54.507(a) addresses *funding authority,* it is silent as to the treatment of unused *funds, i.e.,* funds that the Administrator had available for disbursement, but that were not disbursed in that funding year. As discussed *infra,* unused funds from Funding Year 1 have been used to reduce the contribution factor for Funding Years 2 and 3, consistent with Commission rules and policies. We believe, however, that we should consider what should be done with unused funds that may occur in future years.

66. In accord with the Commission's efforts to reduce the amount of unused funds from the schools and libraries mechanism, we seek comment on revising the Commission's rules to clarify the appropriate treatment of such unused funds. As stated above, the Commission's rule adopted in accord with the *Universal Service Order* refers to unused *funding authority,* not unused *funds.* Thus, the Commission seeks comment on two options relating to the treatment of unused funds. The first option would be to modify the rule to require expressly that unused funds from the schools and libraries mechanism (beginning with Funding Year 2) should be credited back to contributors through reductions in the contribution factor. The second option would be to modify the rule to require expressly the distribution of the unused funds in subsequent years of the schools and libraries program, in excess of the annual cap. We seek comment on each of the alternatives. We believe that consumers may benefit from reducing the contribution factor with unused funds because it will decrease the contribution amounts that carriers recover from consumers. Alternatively, disbursing unused funds in subsequent funding years of the schools and libraries mechanism would provide additional resources for applicants, thereby assisting efforts to provide affordable telecommunications and information services to schools and libraries.

II. Revising or Eliminating Outmoded Rules

67. The Commission seeks comment on any administrative or procedural rules or policies of the Commission or SLD, relating to the schools and libraries support mechanism, that should be revised or eliminated because they have become outmoded. In the four years since the implementation of the support mechanism, some such rules or policies may have become obsolete through changed circumstances or technologies, or may have been rendered unnecessary or redundant in light of changes made to the program. We therefore seek comment on such rules or policies in order to determine whether any are no longer necessary or in the public interest.

IV. Procedural Matters

A. Paperwork Reduction Act Analysis

68. As part of our continuing effort to reduce paperwork burdens, the Commission invites the general public to take this opportunity to comment on the additional certification collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this NPRM. Comments should address: (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 estimates; (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.

B. Initial Regulatory Flexibility Analysis

69. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this NPRM. 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 provided below in section VI.C. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the Notice and IRFA (or

summaries thereof) will be published in the **Federal Register**.

1. Need for, and Objectives of, the Proposed Rules

70. The Commission is required by section 254 of the Act to promulgate rules to implement the universal service provisions of section 254. On May 8, 1997, the Commission adopted rules to reform our system of universal service support mechanisms so that universal service is preserved and advanced as markets move toward competition. In this NPRM, we seek comment on several changes to the schools and libraries universal service support mechanism. With respect to the application process, we seek comment on (1) issues related to the process for determining eligible services, and the eligibility for schools and libraries universal service support of such services as voice mail, wireless, and Wide Area Networks; (2) permitting schools and libraries to receive discounts for Internet access that may in certain limited cases contain content, as long as it is the most cost-effective form of Internet access; (3) the 30 percent processing benchmark for reviewing funding requests that include both eligible and ineligible services; (4) whether to require a certification by schools and libraries acknowledging their compliance with the requirements of the Americans With Disabilities Act and related statutes; and (5) modifying our rule governing when members of a consortium may receive service from a tariffed service provider at below-tariff rates.

71. Also seek comment on several issues that arise once discounts have been committed to applicants: (1) Providing schools and libraries the flexibility either to make up-front payments for services and receive reimbursement via the Billed Entity Applicant Reimbursement (BEAR) form process, or be charged only the non-discounted cost by the service providers, and require that service providers remit BEAR reimbursements to applicants within twenty days; (2) limiting transferability of equipment obtained with universal service discounts; and (3) allowing members of rural remote communities to use excess capacity from services obtained through the universal service support mechanism in certain limited situations.

72. With respect to the appeals process, the Commission seeks comment on increasing time limits for filing appeals to 60 days, and considering appeals filed as of the day they are post-marked; and procedures for funding successful appeals. Fourth, we seek comment on measures to strengthen our existing enforcement tools, including adopting a rule explicitly authorizing independent audits; and barring from the program certain applicants, service providers, and others that engage in willful or repeated failure to comply with program rules. On the issue of unused program funds, we seek comment on the reasons for unused funds, and on how the Commission should treat unused funds. We also deny certain petitions for reconsideration relating to unused funds, and seek comment on revising or eliminating outmoded administrative or procedural rules or policies relating to the schools and libraries universal service support mechanism.

2. Legal Basis

73. The legal basis for this NPRM is contained in sections 1 through 4, 201 through 205, 254, 303(r), and 403 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996, 47 U.S.C. 151 through 154, 201 through 205, 254, 303(r), and 403, and § 1.411 of the Commission's rules, 47 CFR 1.411.

3. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

74. 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 generally 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 that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the 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 such jurisdictions in the United States. This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, 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 percent) are small entities.

75. Small entities potentially affected by the proposals herein include eligible schools and libraries and the eligible service providers offering them discounted services, including telecommunications service providers, Internet Service Providers (ISPs) and vendors of internal connections.

a. Schools and Libraries

76. Under the schools and libraries universal service support mechanism, which provides support for elementary and secondary schools and libraries, an elementary school is generally ''a non-profit institutional day or residential school that provides elementary education, as determined under state law.'' A secondary school is generally defined as ''a non-profit institutional day or residential school that provides secondary education, as determined under state law,'' and not offering education beyond grade 12. For-profit schools and libraries, and schools and libraries with endowments in excess of $50,000,000, are not eligible to receive discounts under the program, nor are libraries whose budgets are not completely separate from any schools. Certain other statutory definitions apply as well. The SBA has defined as small entities elementary and secondary schools and libraries having $5 million or less in annual receipts. In funding year 2 (July 1, 1999 to June 20, 2000) approximately 83,700 schools and 9,000 libraries received funding under the schools and libraries universal service mechanism. Although we are unable to estimate with precision the number of these entities that would qualify as small entities under SBA's definition, we estimate that fewer than 83,700 schools and 9,000 libraries would be affected annually by the rules proposed in this NPRM, under current operation of the program.

b. Telecommunications Service Providers

77. The Commission has included small incumbent local exchange carriers in this RFA analysis. A ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.*, a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not ''national'' in

scope. We have therefore included small incumbent carriers in this RFA analysis, although we emphasize that this RFA action has no effect on the Commission's analyses and determinations in other, non-RFA contexts.

78. *Local Exchange Carriers.* Neither the Commission nor the SBA has developed a definition for small providers of local exchange services. The closest applicable definition under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the most recent *Trends in Telephone Service* report, 1,335 carriers classified themselves as incumbent local exchange carriers. We do not have data specifying the number of these carriers that are either dominant in their field of operations, are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of local exchange carriers that would qualify as small business concerns under the SBA's definition. Of the 1,335 incumbent carriers, 13 entities are price cap carriers that are not subject to these rules. Consequently, we estimate that fewer than 1,322 providers of local exchange service are small entities or small incumbent local exchange carriers that may be affected.

79. *Interexchange Carriers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to providers of interexchange services (IXCs). The closest applicable definition under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the most recent *Trends Report,* 204 companies reported that they were engaged in the provision of interexchange services. As some of these carriers have more than 1,500 employees, we are unable at this time to estimate with greater precision the number of IXCs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 204 small entity IXCs that may be affected by the proposals in this NPRM.

80. *Competitive Access Providers.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to competitive access services providers (CAPs). The closest applicable definition under the SBA rules is for wired telecommunications carriers. This provides that a wired telecommunications carrier is a small entity if it employs no more than 1,500 employees. According to the most recent *Trends Report,* 496 competitive service providers reported that they were engaged in the provision of competitive local exchange services. We do not have data specifying the number of these carriers that are not independently owned and operated, or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of CAPs that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are less than 349 small entity CAPs and 60 other local exchange carriers that may be affected.

81. *Cellular and Wireless Telephony.* Neither the Commission nor the SBA has developed a definition of small entities specifically for wireless telephony. The closest definition is the SBA definition for cellular and other wireless telecommunications. Under this definition, a cellular licensee is a small entity if it employs no more than 1,500 employees. According to the most recent *Trends Report,* 806 providers classified themselves as providers of wireless telephony, including cellular telecommunications, Personal Communications Service, and Specialized Mobile Radio (SMR) Telephony Carriers. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 806 wireless telephony carriers that may be affected.

82. *Other Wireless Services.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to wireless services other than wireless telephony. The closest applicable definition under the SBA rules is again that of cellular and other wireless telecommunications, under which a service provider is a small entity if it employs no more than 1,500 employees. According to the most recent *Trends Report,* 477 providers classified themselves as paging services, wireless data carriers or other mobile service providers. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of wireless service providers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 477 wireless service providers that may be affected.

c. Internet Service Providers

83. Under the new NAICS codes, SBA has developed a small business size standard for ''On-line Information Services,'' NAICS Code 514191. According to SBA regulations, a small business under this category is one having annual receipts of $18 million or less. According to SBA's most recent data, there are a total of 2,829 firms with annual receipts of $9,999,999 or less, and an additional 111 firms with annual receipts of $10,000,000 or more. Thus, the number of On-line Information Services firms that are small under the SBA's $18 million size standard is between 2,829 and 2,940. Further, some of these Internet Service Providers (ISPs) might not be independently owned and operated. Consequently, we estimate that there are fewer than 2,940 small entity ISPs that may be affected by the decisions and rules of the present action.

d. Vendors of Internal Connections

84. The Commission has not developed a definition of small entities applicable to the manufacturers of internal network connections. The most applicable definitions of a small entity are the definitions under the SBA rules applicable to manufacturers of ''Radio and Television Broadcasting and Communications Equipment'' (RTB) and ''Other Communications Equipment.'' According to the SBA's regulations, manufacturers of RTB or other communications equipment must have 750 or fewer employees in order to qualify as a small business. The most recent available Census Bureau data indicates that there are 1,187 companies with fewer than 1,000 employees in the United States that manufacture radio and television broadcasting and communications equipment, and 271 companies with less than 1,000 employees that manufacture other communications equipment. Some of these manufacturers might not be independently owned and operated. Consequently, we estimate that there are fewer than 1,458 small entity internal connections manufacturers that may be affected by the decisions and rules of the present action.

4. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

85. The NPRM seeks comment on the proposal that all recipients of discounts be required to certify that they are in compliance with the ADA, but does not specify the language or at what point in the process applicants should be required to make this certification. We already require applicants to make several certifications, both when they apply for discounted services and after approval of discounts when they file an FCC Form 486 indicating their receipt of those services. The new certification will merely require them to check one additional box prior to signing the relevant form. Regardless of the precise language of the certification, we estimate that it will take no more than one minute to review and check the appropriate certification box. Aside from this requirement, the specific proposals under consideration in this NPRM would, if adopted, result in no additional reporting or recordkeeping requirements.

5. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

86. 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): (1) The establishment of differing compliance and reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or part thereof, for small entities.

87. The Commission finds that the following proposals will have no significant economic impact on small entities: allowing, under certain circumstances, full discounts on Internet service that includes content, the proposed modification to the appeals process, requiring certification of compliance with the ADA, a proposed alteration to the rules regarding application of tariff rates to consortia, the proposed rule establishing the right of funding for all successful appellants and the funding methodology, and possible rule changes affecting overcommitted funding requests.

88. Requiring that recipients be allowed to choose their payment method could have a significant impact on service providers, including small entities, by depriving them of their full revenues for a period of time when the applicant chooses to pay only the discounted portion up-front. The Commission has considered the alternative of continuing to allow small service providers the discretion to mandate a particular payment method. However, as the Commission noted in *Universal Service Order,* ''requiring schools and libraries to pay [service providers] in full could create serious cash flow problems for many schools and libraries and would disproportionately affect the most disadvantaged schools and libraries.'' In order to comply with the goals of the Act, *i.e.,* to ensure the delivery of affordable telecommunications service to schools and libraries, including small entities, we conclude that we can justify any additional economic impact that might occur to small service providers.

89. However, in seeking to minimize the burdens imposed on small businesses where doing so does not compromise the goals of the universal service mechanism, the Commission has sought comment on whether to increase the current 10-day period for service providers to remit their payments to 20 days, and we invited comment on how the billing process might be made less burdensome for small entities. We further invited comment on whether, in the case of applicants that choose up-front payment of the full pre-discount cost followed by the provider's remittance of the discount fund through the BEAR process, some extension of the standard remittance period for small businesses may be appropriate. We again invite commenters to discuss the benefits of such changes on small businesses and whether these benefits are outweighed by resulting costs to schools and libraries that might also be small entities.

90. The Commission has sought comment on a proposed rule restricting transferability of equipment, which may have an economic impact on small entity schools and libraries. However, we expect that the impact on small entities will be minimal because the overall effect of the proposed rule is to restrict an entity's ability to purchase redundant systems. Thus, it should reduce rather than increase the entity's costs.

91. The Commission has sought comment on two options for the treatment of funds left unused at the end of a Funding Year. The first option, to use these funds to reduce the contribution factor used to calculate a carrier's contribution for universal service support, would temporarily reduce the burden of universal service support on telecommunications service providers, including many small businesses. In the alternative, we have sought comment on a proposal to distribute unused funds to schools and libraries in subsequent funding years, which would improve the opportunities of small entity schools and libraries but conversely would impose a greater burden on small businesses. It is therefore not clear which of these two alternatives would be more appropriate to minimizing the economic impact on small entities. In seeking comment on these two options, we invite commenters to discuss this question.

92. The Commission has further sought comment on numerous other areas of the program, including the reduction of the percentage of unused funds, the eligibility determination process, the specific eligibility of WANs, wireless services, and voice mail, the use of excess capacity in rural areas for non-educational purposes, the rules governing consortia, and the appropriate method of enforcement of our rules in general. We do not seek comment on specific proposals on these issues at this time, and therefore, cannot at this time determine how changes in these areas will impact on small entities in relation to the current regime. We therefore request that commenters, in proposing possible alterations to our rules, discuss the economic impact that those changes will have on small entities.

6. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

93. None.

C. Comment Due Dates and Filing Procedures

94. We invite comment on the issues and questions set forth in the NPRM and Initial Regulatory Flexibility Analysis contained herein. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments as follows: comments are due April 5, 2002 and reply comments are due May 6, 2002. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24,121 (1998).

95. 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. If multiple docket or rulemaking

numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. 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 electronic comments by Internet e-mail. To receive 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.

96. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. Parties who choose to file by paper are hereby notified that effective December 18, 2001, the Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at a new location in downtown Washington, DC. The address is 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location will be 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. This facility is the only location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. Accordingly, the Commission will no longer accept these filings at 9300 East Hampton Drive, Capitol Heights, MD 20743. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service (USPS) Express Mail and Priority Mail), must be addressed to 9300 East Hampton Drive, Capitol Heights, MD 20743. This location will be open 8:00 a.m. to 5:30 p.m. The USPS first-class mail, Express Mail, and Priority Mail should continue to be addressed to the Commission's headquarters at 445 12th Street, SW, Washington, DC 20554. The USPS mail addressed to the Commission's headquarters actually goes to our Capitol Heights facility for screening prior to delivery at the Commission.

If you are sending this type of document or using this delivery method . . .	It should be addressed for delivery to . . .
Hand-delivered or messenger-delivered paper filings for the Commission's Secretary.	236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002 (8:00 to 7:00 p.m.)
Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service Express Mail and Priority Mail).	9300 East Hampton Drive, Capitol Heights, MD 20743 (8:00 a.m. to 5:30 p.m.)
United States Postal Service first-class mail, Express Mail, and Priority Mail	445 12th Street, SW, Washington, DC 20554.

All filings must be sent to the Commission's Acting Secretary: William F. Caton, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Suite TW–A325, Washington, DC 20554.

97. Parties who choose to file by paper should also submit their comments on diskette to Sheryl Todd, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, 445 Twelfth Street, SW., Room 5–B540, Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM-compatible format using Microsoft Word 97 for Windows or a compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read-only'' mode. The diskette should be clearly labeled with the commenter's name, proceeding, including the lead docket number in the proceeding (CC Docket No. 02–6), type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase (''Disk Copy Not an Original.'') Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail at *qualexint@aol.com.*

98. Written comments by the public on the proposed and/or modified information collections pursuant to the Paperwork Reduction Act of 1995, Public Law No. 104–13, are due on or before April 5, 2002. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before April 22, 2002. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW., Washington, DC 20554, or via the Internet to *jboley@fcc.gov* and to Jeanette Thornton, OMB Desk Officer, 10236 NEOB, 725—17th Street, NW., Washington, DC 20503.

99. Accessible formats (computer diskette, large print, audio recording and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418–7426, (202) 418–7365 TTY, or at *bmillin@fcc.gov.*

VII. Ordering Clauses

100. Pursuant to the authority contained in sections 1–4, 201–205, 254, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151–154, 201–205, 254, 303(r), 403, and §§ 0.91, 0.291, 1.3, and 1.411 of the Commission's rules, 47 CFR 0.91, 0.291, 1.3, and 1.411, this notice of proposed rule making is adopted, as described herein.

101. The Commission's Consumer Information Bureau, Reference Information Center, shall send a copy of this Notice of Proposed Rule Making, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

102. Pursuant to § 1.106(j) of the Commission's rules, 47 CFR 1.106(j), that the following Petitions for Reconsideration are denied: Petition for Reconsideration of Proposed First Quarter 2000 Universal Service Contribution Factor by Greg Weisiger, filed December 20, 1999; Petition for Reconsideration of Proposed Third Quarter 2000 Universal Service Contribution Factor by Greg Weisiger, filed June 12, 2000; Petition for Reconsideration of Proposed Fourth Quarter 2000 Universal Service Contribution Factor by Greg Weisiger, filed September 18, 2000.

List of Subjects in 47 CFR Part 54

Reporting and recordkeeping requirements, Telecommunications, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Change

For the reason set forth in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 54 as follows:

PART 54—UNIVERSAL SERVICE

1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 1,4(I), 201, 205, 214 and 254 unless otherwise noted.

2. Revise § 54.501 (d)(1) to read as follows:

§ 54.501 Eligibility for services provided by telecommunications carriers.

* * * * *

(d) * * *

(1) For purposes of seeking competitive bids for telecommunications services, Internet access and internal connections, schools and libraries eligible for support under this subpart may form consortia with other customers. When ordering telecommunications and other supported services under this subpart, the consortium may even seek to negotiate for pre-discount prices below tariffed interstate rates on behalf of members that are eligible schools or libraries, health care providers eligible under subpart G, or public sector (governmental) entities, including, but not limited to, state colleges and state universities, state educational broadcasters, counties and municipalities. However, eligible schools and libraries may only receive support for their share of services as part of a consortium that includes ineligible private sector entities if the pre-discount prices of any interstate tariffed services that such ineligible private sector members of the consortium receive are at the tariffed rates.

* * * * *

[FR Doc. 02–3883 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–244; MM Docket No. 01–308; RM–10308]

Radio Broadcasting Services; Wickett, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; withdrawal.

SUMMARY: This document dismisses a petition for rule making filed by Katherine Pyeatt requesting the allotment of Channel 224A at Wickett, Texas. *See* 66 FR 56507, November 8, 2001. Neither Katherine Pyeatt nor any other party filed comments supporting an allotment at Wickett. As it is the Commission's policy to refrain from making an allotment absent supporting comments, we will dismiss the proposal for Wickett.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 01–308, adopted January 23, 2002, and released February 1, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–B402, Washington, DC, 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 02–4005 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–246; MM Docket No. 01–303; RM–10306]

Radio Broadcasting Services; Birch Tree, Missouri

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; withdrawal.

SUMMARY: This document dismisses a petition for rule making filed by Charles Crawford requesting the allotment of Channel 241A at Birch Tree, Missouri. *See* 66 FR 54972, October 31, 2001. Neither Charles Crawford nor any other party filed comments supporting an allotment at Birch Tree. As it is the Commission's policy to refrain from making an allotment absent supporting comments, we will dismiss the proposal for Birch Tree.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 01–303, adopted January 23, 2002, and released February 1, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 Twelfth Street, SW., Room CY–B402, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 02–4004 Filed 2–15–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 012902C]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Atlantic Coastal Fisheries Cooperative Management; Application for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject EFP application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue EFPs. Therefore, NMFS announces that the Regional Administrator has made a

preliminary decision to issue EFPs that would allow three federally permitted fishing vessels to conduct fishing operations otherwise restricted by the regulations governing the Northeast multispecies fishery. EFPs would allow the federally permitted vessels to compare a standard flounder otter trawl to a modified flounder otter trawl in order to estimate cod bycatch reduction in the modified trawl. EFPs are needed to allow the fishing activities to be conducted in areas of the Gulf of Maine (GOM) otherwise closed to fishing in March and April. Regulations under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before March 6, 2002.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930–2298. Mark the outside of the envelope ''Comments on EFP Proposal.'' Comments may also be sent via facsimile (fax) to (978) 281–9135. A copy of the proposal and the Environmental Assessment are available from the Northeast Regional Office at the address stated above.

FOR FURTHER INFORMATION CONTACT: Peter Christopher, Fishery Policy Analyst, 978–281–9288.

SUPPLEMENTARY INFORMATION: The Massachusetts Division of Marine Fisheries (MADMF) submitted an application on January 16, 2002, to conduct an experimental fishery using three federally permitted vessels to fish with experimental fishing gear in and near the GOM Rolling Closures during March and April, 2002. The experiment is a continuation of an experiment that the MADMF conducted in 2001.

The continuation of the experiment is necessary to expand the level of information and data that the MADMF has collected on the experimental flounder trawl and to conduct the experimental fishing at a time when, and in areas where, both flounder and cod are in abundance relative to other areas and times of the year. Experimental fishing in 2001 demonstrated a reduction of cod bycatch of between 75 and 90 percent, compared to traditional flounder otter trawl gear. The MADMF anticipates this reduction in bycatch to continue.

The proposed experiment would be conducted in March and April in statistical areas 123 and 124 in the GOM. According to the MADMF, operation of the experiment in statistical areas 123 and 124 in March and April would allow the experiment to occur when concentrations of flounder and cod are high enough to demonstrate sufficiently the gear's effectiveness in catching flounder and reducing cod bycatch. EFPs are required because statistical areas 123 and 124 are closed to fishing during March and April under the GOM Rolling Closure Areas I and II. The participating vessels would be allowed to retain 400 lb (181.4 kg) of cod for each 24–hour period they are fishing, as allowed by the regulations at 50 CFR 648.86(b)(i). Any remaining cod captured during the experiment would be immediately returned to the sea. The MADMF anticipates a 50–percent survival rate of released cod collected, based on research conducted by the MADMF.

The MADMF expects that the experiment this year will allow expansion of the data that they have collected from prior experiments, investigation of daytime and nighttime catches, and comparisons of the data between two different vessels. Information obtained by MADMF (and provided to NMFS after completion) could provide for potential gear modification alternatives to be used in the groundfish fishery to prevent the bycatch of cod in directed flounder fisheries.

Based on the results of this EFP, this action may lead to future rulemaking.

Dated: February 12, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–3980 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 012402A]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that an application to issue EFPs to six longline and tub trawl vessels, submitted by the Maine Department of Marine Resources (Maine DMR), contains all the information required by the regulations governing exempted experimental fishing under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under these EFPs would be consistent with the goals and objectives of the Northeast Multispecies Fishery Management Plan (FMP) and is within the scope of earlier analyses of the impacts. However, further review and consultation may be necessary before a final determination is made to issue six EFPs.

Regulations under the Magnuson-Stevens Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments on this notification must be received at the appropriate address or fax number (see **ADDRESSES**) on or before March 6, 2002.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on EFP Proposal.'' Comments may also be sent via facsimile to (978) 281–9135. Comments will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT: Allison Ferreira, Fishery Management Specialist, 978–281–9103.

SUPPLEMENTARY INFORMATION: NMFS announces that the Regional Administrator intends to issue EFPs to allow six federally permitted vessels to fish for, land, and possess Atlantic halibut (*Hippoglossus hippoglossus*) in excess of the allowable landing and possession limit specified at 50 CFR 648.86(c) within a portion of the Gulf of Maine/Georges Bank Regulated Mesh Area (GOM/GB RMA). The EFPs would also allow these vessels to possess temporarily Atlantic halibut less than the minimum size requirement specified at § 648.83(a)(1) for purposes of collecting scientific information.

Maine DMR submitted a proposal on November 6, 2001, to conduct an experimental Atlantic halibut fishery in a portion of the GOM/GB RMA. The

industry collaborative experiment involves Maine DMR, with consultation provided by the NMFS Northeast Fisheries Science Center (Center). The purpose of the experiment is to continue the collection of data on the distribution, relative abundance, migration, stock definition, mortality rates, stock size, yield, and other significant biological reference points of the Atlantic halibut resource to be used in the long-term management of the species. In addition, the experiment proposes to collect information on age and growth, size and sex composition, and rate and onset of sexual maturity. The proposed experiment is a continuation of experimental fisheries conducted by Maine DMR in 2000 and 2001.

The study would occur from April 1 through May 31, 2002, and would take place in a portion of the GB/GOM RMA defined by the following coordinates:

Area Point	N. Latitude	W. Longitude
HAL 1	Mainland Maine Coastline	69° 00″
HAL 2	43° 12.3″	69° 00″
HAL 3	43° 58.3″	67° 21.5″
HAL 4*	Mainland Maine Coastline and U.S./Canada Maritime Boundary	Mainland Maine Coastline and U.S./Canada Maritime Boundary

*Between points HAL 3 and HAL 4, the area follows the U.S. /Canada maritime boundary.

A maximum of six traditional longline and tub trawl vessels would be authorized to participate in the experiment at any given time. These vessels would be limited to a maximum number of 700 hooks per boat, and would be restricted to using circle hooks no smaller than 14/0 in size. Each of the six participating vessels would also be limited to a total allowable catch (TAC) of 50 halibut, with no possession or landing limit. Once this TAC is reached by an individual vessel, that vessel would be restricted to possessing and landing no more than six legal-sized halibut per day. The maximum number of Atlantic halibut that could be harvested as part of this study would be 1,080 halibut, the amount established for the 2000 and 2001 experimental fisheries.

Logbooks supplied by Maine DMR would be used to record information on length of all halibut caught, whether retained or released, time and place of all halibut caught, tag number (if applicable), amount of gear used, and bait type. In addition, species identification and length of all species caught as bycatch during the course of the study would be recorded. For all halibut that are retained, participants would be required to preserve stomachs, gonads, and any other biological samples (including scale and otolith samples) requested by scientists from Maine DMR and the NMFS for further analyses. All halibut less than 36 inches (91.4 cm) total length would be measured, tagged and released. Only legal-sized halibut would be retained for commercial sale. Training in the procedures for collecting this information would be provided by Maine DMR or Center personnel. In addition, participants would be required to complete a training program in the tagging and release of halibut.

Vessels may be required to carry onboard observers as requested by NMFS and Maine DMR. Onboard observers will consist primarily of Maine DMR staff and possibly University of Maine students. Maine DMR or Center personnel would train observers in the protocols of the experiment.

The 2001 experimental Atlantic halibut fishery took place from April 12—May 31, 2001, within the same study area as the proposed 2002 experimental fishery. Although six vessels were permitted to fish in the 2001 experimental fishery, only four actively participated. Over the course of 50 days, 152 Atlantic halibut were caught, of which 126 were kept and 26 were tagged and released. Most of the kept halibut were sold for consumption, but 45 of the 126 kept halibut were sold live to the University of Maine for use as brood stock. Two of the fish that were caught were recaptured from the 2000 experimental fishery. One of the recaptured fish was re-released, while the other was sold live to the University of Maine. Otolith and gonad samples were taken from all fish retained, except for the 45 fish sold live to the University of Maine.

The 2000 experimental Atlantic halibut fishery took place from April 15 to June 15, 2000. Three vessels participated in this experimental fishery capturing 234 halibut, of which 162 were kept. At an average weight of 40 lb (based on data from the 2000 and 2001 experimental fisheries), this equates to 6,480 lb (2.9 mt) of halibut caught. Compared to a total of 11 mt (24,250 lb) of Atlantic halibut landed from the Gulf of Maine and Georges Bank during 2000, the experimental fishery was responsible for approximately 27 percent of total Atlantic halibut landings in 2000. Furthermore, the amount of Atlantic halibut landed in 2000 from the Gulf of Maine and Georges Bank was 1 mt less than the Atlantic halibut landed from this region in 1999.

As stated previously, 126 Atlantic halibut were landed during the 2001 Atlantic halibut experimental fishery. This is approximately 22 percent less than the halibut landed during the 2000 experimental fishery. Commercial 2001 halibut landings data are not yet available. However, the percentage of halibut retained during the 2001 experimental fishery in relation to total 2001 halibut landings is not expected to exceed the percentage for 2000, or 27 percent. Based on this information, NMFS believes that the catch rates for the 2002 experimental fishery will not exceed those of the 2000 and 2001 studies. Therefore, the impact of the proposed 2002 experimental halibut fishery on the Atlantic halibut resource as a whole is expected to be minimal. Furthermore, the Center intends to closely monitor the catch rates of vessels participating in this experimental fishery. If the Center determines that catch rates are declining, indicating a significant impact to the resource, NMFS would have the authority to terminate the experimental fishery.

Up to six EFPs would be issued at any one time to exempt these vessels from the landing and possession limit for Atlantic halibut established under the FMP. The EFPs would also authorize the participating vessels to temporarily possess Atlantic halibut less than the minimum size requirement of 36 in. (91.4 cm) TL for purposes of scientific data collection.

Based on the results of this EFP, this action may lead to future rulemaking.

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

Dated: February 11, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–3981 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 012802D]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery off the Southern Atlantic States; Amendment 6

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

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

SUMMARY: The South Atlantic Fishery Management Council (Council) intends to prepare a DSEIS to assess the impacts on the natural and human environment of the management measure being developed in its draft Amendment 6 to the Fishery Management Plan for the Shrimp Fishery of South Atlantic Region (FMP).

DATES: Written comments on the scope of issues to be addressed in the preliminary DSEIS will be accepted through March 21, 2002.

ADDRESSES: Comments and requests for copies of the scoping documents should be sent to Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699, FAX: 843-769-4520; email: robert.mahood@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Office; 843-571-4366 or kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION: The shrimp fishery off the South Atlantic States in the exclusive economic zone (EEZ) is managed under the FMP. Following Council preparation, the FMP was approved and implemented by NMFS under the authority of the Magnuson Fishery Conservation and Management Act in June of 1993. Currently, the Council is preparing draft FMP Amendment 6 and a DSEIS as an integrated part of the Amendment. The DSEIS will discuss the proposed Amendment 6 management measures in conjunction with reasonable alternatives. Each alternative will be assessed in relation to the environmental consequences with a no-action alternative considered as one of the options.

The South Atlantic shrimp fishery consists of white (*Penaeus setiferus*), brown (*Penaeus aztecus*), pink (*Penaeus duorarum*), rock (*Sicyonia brevirostris*), and royal red shrimp (*Hymenopenaeus robustus*). The FMP applies to the shrimp fishery in the South Atlantic EEZ from the southeast coast of Florida to the North Carolina/Virginia border. The management unit consists of white and rock shrimp, which were added under the original FMP and amendment 1 respectively. Amendment 2 added both brown and pink shrimp.

Current management measures are intended to reduce and protect shrimp populations and habitat. One key element of the management plan allows the states bordered by the South Atlantic EEZ to request a closure in Federal waters adjacent to closed state waters for white shrimp following severe cold weather that results in an 80-percent or greater reduction in the population of white shrimp (whiting, royal red and rock shrimp fisheries are exempt from a Federal closure for white shrimp). During such closure, no trawling is allowed with a net having less than 4 inches (10.16 cm) stretch mesh within a zone extending seaward from shore 25 nautical miles.

The FMP has curbed the potential negative effects of trawling through the protection of bottom habitat in specific areas and by requiring the use of bycatch reduction devices (BRD) by all penaeid shrimp trawlers. A crucial component for habitat protection was established in Amendment 1 with the prohibition of rock shrimp trawling within the *Oculina* Bank Habitat Area of Particular Concern. In addition, NMFS is currently reviewing the Council's proposed Amendment 5, which would require vessel monitoring systems and standard mesh sizes on all rock shrimp vessels.

Through Amendment 6, the Council is considering adjusting the overfishing definitions; establishing minimum stock size thresholds (MSSTs) and maximum fishing mortality thresholds (MFMTs); and modifying the requirements for testing and approving BRDs (BRD protocol).

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that FMPs include overfishing definitions and criteria for determining when overfishing is occurring. NMFS has published guidance on using tools such as MSST and MFMT to assess the condition of a fishery and avoid overfished situations. The Council is reviewing its overfishing definitions in light of current information and is considering establishing values for MSST and MFMT.

In addition, the Magnuson-Stevens Act requires FMPs to minimize bycatch to the extent practicable. The Council believes that by revising the BRD protocol, they could facilitate development of improved BRD technology that could lead to further reductions in bycatch. Following the mandates set by Shrimp FMP Amendment 2 to develop a protocol for BRD testing, the Bycatch Reduction Device Testing Protocol Manual was developed in 1997. In this manual, the specifications test the effectiveness of any new or modified BRD in reducing bycatch of targeted species. The Council is considering modification of the protocol, and how it is administered, to insure that more efficient BRDs are allowed in the fishery.

A scoping meeting to determine the scope of significant issues to be addressed in the DSEIS and the associated Amendment 6 will be conducted at the Council's March 4-8, 2002, meeting in Savannah, GA.

Authority: 6 U.S.C. 1801 *et seq.*

Dated: February 12, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–3979 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 020702E]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; South Atlantic Fishery Management Council; Public Hearing

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

ACTION: Notice of public hearings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will convene a public hearing to consider additional alternatives for the Sargassum Fishery Management Plan (FMP). The Secretary of Commerce has prepared a Draft Supplemental

Environmental Impact Statement (DSEIS) that identifies and analyzes additional alternatives that the Council had not previously analyzed. See **SUPPLEMENTARY INFORMATION** for more information.

DATES: The public hearing will be held March 6, 2002, at 1:30 p.m. Written comments must be received in the Council office by March 6, 2002.

ADDRESSES: The hearing will be held at the Hilton Savannah DeSoto, 15 East Liberty Street, Savannah, Georgia 31401; phone 800–426–8483 or 912–232–9000. Written comments should be sent to Bob Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699, or via email to safmc@safmc.net. Copies of the SDEIS are available from Kim Iverson, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699; telephone: 843–571–4366.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699; telephone: 843–571–4366; fax: 843–769–4520; email address: kim.iverson@safmc.net.

SUPPLEMENTARY INFORMATION: Both the Sargassum FMP and the Fishery Management Plan for the Calico Scallop Fishery in the South Atlantic Region (Calico Scallop FMP) were originally incorporated in the Comprehensive Amendment Addressing Essential Fish Habitat in the Fishery Management Plans for the South Atlantic Region (EFH FMP). A Draft Environmental Impact Statement (DEIS) on the Comprehensive EFH Amendment, including the Sargassum and Calico Scallop measures, was filed with the Environmental Protection Agency (EPA) in July 1998 (63 FR 38643, July 17, 1998). On advice from the National Marine Fisheries Service (NMFS), the Council subsequently removed both the Sargassum FMP and the Calico Scallop FMP from the EFH FMP and created stand alone documents.

NMFS prepared a Supplemental Draft Environmental Impact Statement in order to analyze additional alternatives for the Sargassum FMP and to give the public additional opportunity to comment on the proposed actions. The notice of availability of the SDEIS published in the **Federal Register** January 11, 2002 (67 FR 1461) with the comment period ending February 25, 2002. At the March meeting, the Council intends to review NMFS' SDEIS as well as comments received during the comment period and consider whether modification to the FMP is appropriate.

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 March 1, 2002.

Dated: February 12, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–3982 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register
Vol. 67, No. 33
Tuesday, February 19, 2002

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

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Farm Service Agency

Rural Business-Cooperative Service

Rural Utilities Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, Farm Service Agency, Rural Business-Cooperative Service, Rural Utilities Service, USDA.

ACTION: Proposed collection; Comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agencies' intention to request an extension for a currently approved information collection in support of the program for 7 CFR 1901–K.

DATES: Comments on this notice must be received by April 22, 2002, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Linda Price, Rural Development, Policy and Analysis Division, 1400 Independence Ave, SW STOP 0786, Washington, DC 20250–0786; Telephone (202) 690–2151.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR 1901 K, subpart K, ''Certificates of Beneficial Ownership and Insured Notes.''

OMB Number: 0575–0064.

Type of Request: Extension of a currently approved information collection.

Abstract: The mandate of Rural Development and the Farm Service Agency is to serve as a temporary lender to rural America. In doing so, Rural Development and the Farm Service Agency make three basic types of loans. They are farm ownership and farm operating loans, home ownership and repair loans, and community facility and water system loans. These loans are funded through the congressional appropriations process. They were formerly funded through mechanisms such as the sale of Certificates of Beneficial Ownership (CBO) to private investors and the Federal Financing Bank (FFB). A CBO is a debt instrument that allows Rural Development and the Farm Service Agency to sell, to investors, CBO's secured by loan assets and receive cash from the purchaser. Rural Development and the Farm Service Agency agree to pay interest annually on the CBO and to buy back the CBO after a certain period, usually 5 to 20 years. Until 1974, Rural Development and the Farm Service Agency sold CBO's to the public and the Federal Financing Bank. The FFB is part of the U.S. Treasury that was created to buy CBO's from government agencies. Today, Rural Development and the Farm Service Agency no longer sell CBO's to the public or to the FFB, but rely instead on Federal appropriations. However, some of the CBO's are still outstanding.

The policy for servicing of outstanding CBO's and insured notes held by investors is found in the regulation, 7 CFR 1901–K. These investors who transfer, sell, or request replacement of their insured notes or CBO's are required to prepare or submit data to Rural Development and the Farm Service Agency so that the appropriate changes can be made in the applicable records. Rural Development and the Farm Service Agency should also be notified in the event of the death of a holder of an insured note or CBO.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.60 hours per response.

Respondents: Individuals or households, business or other for-profit, non-profit institutions, and small businesses or organizations.

Estimated Number of Respondents: 4.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 4.

Estimated Total Annual Burden on Respondents: 2½ hours.

Copies of this information collection can be obtained from Barbara Williams, Regulations and Paperwork Management Branch, Support Service Division at (202) 692–0045.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agencies', including whether the information will have practical utility; (b) the accuracy of the Agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent Barbara Williams, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250–0742. 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.

Dated: January 25, 2002.

James C. Alsop,

Acting Administrator, Rural Housing Service.

Dated: February 1, 2002.

Larry Walker,

Acting Administrator, Farm Service Agency.

Dated: January 25, 2002.

John Rosso,

Acting Administrator, Rural Business-Cooperative Service.

Dated: January 29, 2002.

Hilda Gay Legg,

Administrator, Rural Utilities Service.

[FR Doc. 02–3966 Filed 2–15–02; 8:45 am]
BILLING CODE 3410–XT–P

DEPARTMENT OF AGRICULTURE

Forest Service

Sheep Creek Range Analysis EIS—Lewis and Clark National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement on a proposal to implement

the direction and objectives of the Forest Plan (in compliance with applicable laws, regulations and policies) in authorizing livestock grazing in the Sheep Creek area of the White Sulphur Springs Ranger District on the Lewis and Clark National Forest, Montana.

DATES: Comments concerning the scope of the analysis and issues were received during a comment period in June 2001. Although the formal scoping period is completed for this EIS, comments will be accepted and an opportunity to comment on the draft EIS will be provided.

ADDRESSES: Send written comments to Timothy J. Benedict, White Sulphur Springs District Ranger, Lewis and Clark National Forest, PO. Box A, Great Falls, MT 59645. Electronic mail may be sent to *comment/1_lewisclark@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Eldon Rash, EIS Team Leader, (406) 791–7700.

SUPPLEMENTARY INFORMATION: The schedule developed by the Lewis and Clark National Forest, as outlined by the 1995 Rescission Bill, requires adequate National Environmental Policy Act planning be completed on the Sheep Creek allotments by 2001. The Forest Plan prescribes allotment planning on intervals of 10 to 20 years. Of the cattle and horse allotments being analyzed, 23 would have out-dated plans by end of 2001. None of the 5 special use pastures, 2 agriculture special uses or 2 administrative pastures have current plans. Eleven parcels of National Forest System lands are fenced with private land, but are not currently authorized for use under a permit. The proposed actions assume that the proposed land exchange between the Forest Service and the Bair Foundation in the Tenderfoot area will be completed as proposed. If the exchange does not occur, allocation of livestock between private and forest permits in the Bald Hills and Tenderfoot allotments will be revised based on forage capacity of each ownership. The proposed actions are expected to be implemented over a four-year period after the decision is made.

Decisions To Be Made: The District Ranger will decide whether to (a) authorize grazing on reorganized allotments, (b) establish maximum allowable use standards for each pasture, (c) establish seasonal rotation of grazing, (d) reduce length of season of grazing, (e) issue special use permits and/or relocate fences to eliminate unauthorized livestock grazing, (f) construct range improvement and implement ecosystem prescribed burning, and (g) monitor allotments on a schedule.

Responsible Official: Timothy J. Benedict, White Sulphur Spring District Ranger, is the Responsible Official for making the decision to implement any of the alternatives evaluated. He will document his decision and rationale in a Record of Decision.

Preliminary Issues: Issues associated with allotment management planning include upland vegetation, riparian area function, and economics.

Public Involvement, Rationale, and Public Meetings: Scoping for this project began in September 2001. A letter was sent to 109 individuals requesting comment on the proposed action. Scoping comments were received from seventeen individuals or interest groups and will be considered for alternative development, however, public participation in this analysis is welcome at any time. A 45-day review period for comments on the Draft EIS will be provided. Comments received will be considered and included in documentation of the Final EIS. The public is encouraged to take part in the process and to visit with Forest Service officials at any time during the analysis and prior to the decision. The Forest Service has sought and will continue to seek information, comments and assistance from Federal, State and local agencies and other individuals or organizations who may be interested in, or affected by, the proposed action.

Electronic Access and Filing Addresses: Comments may be sent by electronic mail (e-mail) to *comment/r1_lewisclark@fs.fed.us.* Please reference the Sheep Creek Range Analysis EIS on the subject line. Also, include your name and mailing address with your comments so documents pertaining to this project may be mailed to you.

Estimated Dates for Filing: The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by June, 2002. At that time EPA will publish a Notice of Availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the EPA publishes the Notice of Availability in the **Federal Register**. It is very important that those interested in the management of this area participate at that time.

The final EIS is scheduled to be completed by September, 2002. In the final EIS, the Forest Service is required to respond to comments received during the comment period that pertain to the environmental consequences of the action, as well as those pertaining to applicable laws, regulations, and policies. These will be considered in making a decision regarding the proposal.

The Reviewers Obligation To Comment: The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so 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, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, 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 period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. 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.

Dated: February 11, 2002.

Rick Prausa,

Lewis and Clark Forest Supervisor.

[FR Doc. 02–3879 Filed 2–15–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Georgia Transmission Corporation; Notice of Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact (FONSI) with respect to a request from Georgia Transmission Corporation for assistance from the RUS to finance the construction of a 230/12 kV electric substation in Fulton County, Georgia.

FOR FURTHER INFORMATION CONTACT: Bob Quigel, Environmental Protection Specialist, Engineering and Environmental Staff, RUS, Stop 1571, 1400 Independence Avenue, SW., Washington, DC 20250–1571, telephone (202) 720–0468, fax (202) 720–0820, e-mail at *bquigel@rus.usda.gov.*

SUPPLEMENTARY INFORMATION: Georgia Transmission Corporation proposes to construct the 230/12 kV electric substation in Fulton County, Georgia, at the southwest corner of the intersection of McGinnis Ferry Road and Old Atlanta Road. The substation will be named the Shakerag Substation. The project will include an access road and short transmission loop to tie the substation to the existing 230 kV transmission line that passes just north of the proposed substation site. Approximately 6.4 acres will be cleared and graded for the substation and approximately 1.0 acre for the access road and transmission loop. The length of the transmission loop is approximately 0.2 mile.

Copies of the FONSI are available for review at, or can be obtained from, RUS at the address provided herein or from Ms. Wende Martin, Georgia Transmission Corporation, 2100 East Exchange Place, Tucker, Georgia 30085–2088, telephone (770) 270–7591. Ms. Martin's e-mail address is *wende.martin@gatrans.com.*

Dated: February 13, 2002.

Blaine D. Stockton,

Assistant Administrator, Electric Program.

[FR Doc. 02–3967 Filed 2–15–02; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; Black, Sivalls & Bryson (UK) Ltd.

In the Matter of: Black, Sivalls & Bryson (UK) Ltd., Centre House, 68 Sheen Lane, London SW14 8LP, United Kingdom, Respondent.

Order

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter BXA), having notified Black, Sivalls & Bryson (UK) Ltd. of its intention to initiate an administrative proceeding against it pursuant to Part 766 of the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2001)) (the Regulations),[1] issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401–2420 (1994 & Supp. V 1999)) (the Act),[2] based on allegations that on three separate occasions, on or about April 15, 1996, on or about May 5, 1997, and on or about February 5, 1998, Black, Sivalls & Bryson (UK) Ltd. received oil production equipment in the United Kingdom that it knew or had reason to know its affiliated company in the United States, BS&B Process systems, Inc., had exported from the United States without the required authorization, and forwarded the items to Iran, thereby violating Section 787.4 of the former Regulations and Section 764.2(e) of the Regulations; and

BXA and Black, Sivalls & Bryson (UK) Ltd. having entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agree to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered,

First, that Black, Sivalls & Bryson (UK) Ltd. shall be assessed a civil penalty in the amount of $32,000, of which $11,000 shall be paid to BXA within 30 days from the date of entry of this Order, $11,000 shall be paid to BXA within one year of the date of entry of this Order, and the remaining $10,000 shall be paid to BXA within two years of the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C.A. Secs. 3701–3720E (1983 and Supp. 1999)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, respondent will be assessed, in addition to interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that, for a period of three years from the date of entry of this Order, Black, Sivalls & Bryson (UK), Ltd., Centre House, 68 Sheen Lane, London SW14 8LP, United Kingdom, may not participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as item) exported or to be exported from the United States, that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing if, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Fourth, that no person may, directly, or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person

[1] The alleged violations occurred in 1996, 1997 and 1998. The Regulations governing the violations at issue are found in the 1996, 1997 and 1998 versions of the Code of Federal Regulations (15 CFR parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996) (hereinafter the ''former Regulations''), 15 CFR parts 730–774 (1997)), and 15 CFR parts 730–774 (1998)). The March 25, 1996, issue of the **Federal Register** redesignated, but did not republish, the then-existing Regulations as 15 CFR Parts 768A–799A. In addition, the March 25, 1996, issue of the **Federal Register** reorganized and restructured the Regulations, redesignating them as an interim rule at 15 CFR parts 730–774, effective April 24, 1996. The former Regulations and the Regulations define the various violations that BXA alleges occurred. The Regulations establish the procedures that apply to this matter.

[2] From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. Secs. 1701–1706 (1994 & Supp. V 1999)) (IEEPA). On November 13, 2000, the Act was reauthorized by Pub. L. No. 106–508 and remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and that is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fifth, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Black, Sivalls & Bryson (UK) Ltd. by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Sixth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Seventh, that, as authorized by Section 766.18(c) of the Regulations, the last two years of the denial period set forth above shall be suspended for a period of two years beginning one year from the date of entry of the appropriate Order and shall thereafter be waived, provided that Black, Sivalls & Bryson (UK) Ltd. has committed no violation of the Act, or any regulation, order, or license issued thereunder, including failure to make timely payments of the civil penalty set forth above.

Eighth, that the proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 4th day of February, 2002.

Michael J. Garcia,

Assistant Secretary for Export Enforcement.

[FR Doc. 02–3856 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; BS&B Process Systems, Inc.

In the matter of: BS&B Process Systems, Inc., 2727 Allen Parkway, Houston, Texas 77019, Respondent.

Order

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (BXA), having notified BS&B Process Systems, Inc. of its intention to initiate an administrative proceeding against pursuant to Part 766 of the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2001)) (The Regulations), [1] issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. Secs. 2401–2420 (1994 & Supp. V 1999)) (the Act),[2] based on allegations that, on or about April 15, 1996, on or about May 5, 1997, and on or about February 5, 1998, BS&B Process Systems, Inc. exported oil production equipment from the United States to Iran, through the United Kingdom, without obtaining the authorization it knew or had reason to know was required, thereby committing violations of Sections 787.4 and 787.6 of the former Regulations and violations of Sections 764.2(a) and 764.2(e) of the Regulations, and that, in connection with the export to Iran on or about May 5, 1997, BS&B Process Systems, Inc. prepared a Shipper's Export Declaration stating that the ultimate destination of the export was the United Kingdom, when in fact the ultimate designation was Iran, thereby making a false or misleading representation directly or indirectly to a U.S. Government agency in connection with the preparation of an export control document in violation of Section 764.2(g) of the Regulations, and that, in connection with the export to Iran on or about February 5, 1998, BS&B Process Systems, Inc. failed to prepare the required Shipper's Export Declaration, thereby violating Section 764.2(g) of the Regulations; and

BXA and BS&B Process Systems, Inc. having entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agree to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered,

First, that a civil penalty of $86,000 is assessed against BS&B Process Systems, Inc., of which $30,000 shall be paid to BXA within 30 days from the date of entry of this Order, $30,000 shall be paid to BXA within one year of the date of entry of this Order, and the remaining $26,000 shall be paid to BXA within two years of the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701–3720E (1983 and Supp. 1999)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, respondent will be assessed, in addition to interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that, for a period of three years from the date of entry of this Order, BS&B Process Systems, Inc., 2727 Allen Parkway, Houston, Texas 77019, may not participate, directly or indirectly, in any ways in any transaction involving any commodity, software or technology (hereinafter collectively referred to as item) exported or to be exported from the United States, that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

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[1] The alleged violations occurred in 1996, 1997 and 1998. The Regulations governing the violations at issue are found in the 1996, 1997 and 1998 versions of the Code of Federal Regulations (15 CFR parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996) (hereinafter the ''former Regulations''), 15 CFR parts 730–774 (1997)), and 15 CFR parts 730–774 (1998)). The March 25, 1996, issue of the **Federal Register** redesignated, but did not republish, the then-existing Regulations as 15 CFR parts 768A–779A. In addition, the March 25, 1996, issue of the **Federal Register** reorganized and restructured the Regulations, designating them as an interim rule at 15 CFR parts 730–774, effective April 24, 1996. The former Regulations and the Regulations define the various violations that BXA alleges occurred. The Regulations establish the procedures that apply to this matter.

[2] From August 21, 1994, through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1994 & Supp. V 1999)) (IEEPA). On November 13, 2000, the Act was reauthorized by Pub. L. Nos 106–508 and remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Fourth, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and that is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fifth, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to BS&B Process Systems, Inc. by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Sixth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Seventh, that, as authorized by Section 766.18(c) of the Regulations, the denial period set forth above shall be suspended in its entirety for a period of three years from the date of entry of this Order, and shall thereafter be waived, provided that, during the period of suspension, BS&B Process Systems, Inc. has committed no violation of the Act, or any regulation, order, or license issued thereunder, including failure to make timely payments of the civil penalty set forth above.

Eighth, that the proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 4th day of February, 2002.

Michael J. Garcia,

Assistant Secretary for Export Enforcement.

[FR Doc. 02–3857 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No.: 00–BXA–07]

Action Affecting Export Privileges; Eli Cohen

In the Matter of: ELI COHEN, 23rd Halamad Hay Avenue, Haifa 32202, Israel, Respondent.

Order Relating to Respondent, Eli Cohen

The Bureau of Export Administration, United States Department of Commerce (''BXA''), having initiated an administrative proceeding against Eli Cohen (''Cohen'') pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. secs. 2401–2420 (1991 & Supp. V 1999)) (the ''Act''),[1] and the export Administration Regulations (currently codified at 15 CFR Parts 730–774 (2001)) (the ''Regulations''),[2] based on allegations that on or about September 8, 1996, Cohen provided a false and misleading representation or statement of material fact directly to BXA and concealed material facts from BXA in connection with an improper transfer of an infrared camera, an item subject to the Regulations, in Israel, in violation of Section 764.2(g) of the Regulations.

BXA and Cohen having entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered:

First, a civil penalty of $10,000 is assessed against Cohen which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701–3720E (1983 & Supp. V 1999)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Cohen will be assessed, in addition to interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that, for a period of five years from the date of this Order, Cohen, and when acting for or on behalf of Cohen, his representatives, agents, assigns, and employees (''denied persons''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as

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[1] From August 21, 1994, through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which was extended by successive Presidential Notices, the last of which was issued on August 3, 2000 (3 CFR 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1994 & Supp. V 1999)) (''IEEPA''). On November 13, 2000, the Act was reauthorized by Public Law 106–508 and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

[2] The violation charged occurred in 1996. The Regulations governing the violation at issue are found in the 1996 version of the Code of Federal Regulations (15 CFR parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996)). The March 25, 1996 **Federal Register** publication redesignated, but did not republish, the then-existing Regulations as 15 CFR parts 768A–799A. In addition, the March 25, 1996 **Federal Register** publication restructured and reorganized the Regulations, designating them as an interim rule at 15 CFR parts 730–774, effective April 24, 1996. The Regulations define the violation that BXA alleges occurred in 1996, and establish the procedures that apply to this matter.

''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Fourth, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United states; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person is such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fifth, that after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Cohen by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Sixth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Seventh, that a copy of this Order shall be delivered to the United States Coast Guard ALJ Docketing Center, 40 Gay Street, Baltimore, Maryland 21202–4022, notifying that office that this case is withdrawn form adjudication, as provided by Section 766.18(b) of the Regulations.

Eighth, that, the charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 30th day of January, 2002.

Michael J. Garcia,

Assistant Secretary for Export Enforcement.

[FR Doc. 02–3855 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No. 99–BXA–06]

Action Affecting Export Privileges; Thane-Coat, Inc.

In the Matters of: Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson, Respondents.

Order Relating to Respondent, Thane-Coat, Inc.

The Bureau of Export Administration, United States Department of Commerce (''BXA''), having initiated an administrative proceeding against Thane-Coat, Inc. pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. secs. 2401–2420 (1991 & Supp. V 1999)) (the ''Act''),[1] and the Export Administration Regulations (currently codified at 15 CFR Parts 730–774 (2001)) the (The ''Regulations''),[2] based on allegations that Thane-Coat, Inc. committed 112 violations of the former Regulations—one violation of section 787.3(b), 32 violations of section 787.4, five violations of section 787A.4, 32 violations of section 787.5(a), five violations of section 787A.5(a), 32 violations of section 787.6, and five violations of section 787A.6 of the former Regulations. Specifically the charges are:

1. *One Violation of 15 CFR 787.3(b): Conspiracy:* Beginning in June 1994 and continuing through July 1996, Thane-Coat, Inc. conspired with Jerry Vernon Ford, Preston John Engebretson, TIC, Ltd. and Export Materials, Inc., to violate the former Regulations by devising and employing a scheme to export and by exporting polyurethane (isocyanate/polyol) and polyether polyurethane (collectively referred to as ''pipe coating materials''), items subject to the former Regulations, from the United States through the United Kingdom to Libya, a country subject to comprehensive economic sanctions, without applying for and obtaining the required export authorizations from the U.S. Government.

2. *37 Violations of 15 CFR 787.6 and 787A.6: Exports Without the Required Licenses:* Between on or about February 12, 1995 and on or about April 25, 1996, on 37 separate occasions, Thane-Coat, Inc. exported or caused to be exported pipe coatings materials from the United States to Libya without obtaining validated export licenses from the Department of Commerce as required by sections 772.1(b), 772A1(b), 785.7, and 785A.7 of the former Regulations.

3. *37 Violations of 15 CFR 787.4 and 787A.4: Acting with Knowledge of a Violation:* In connection with each of

[1] Form August 21, 1994, through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1994 & Supp. V 1999)) (''IEEPA''). On November 13, 2000, the Act was reauthorized by Public Law No. 106–508 and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

[2] The violations at issue occurred from 1994 through 1996. The Regulations governing the violations at issue are found in the 1994 through 1996 versions of the Code of Federal Regulations (15 CFR parts 768–799 (1994–1995), and 15 CFR parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996)) (the ''former Regulations''). The March 25, 1996 **Federal Register** publication redesignated, but did not republish, the then-existing Regulations as 15 CFR parts 768A–799A. In addition, the March 25, 1996 **Federal Register** publication restructured and reorganized the Regulations, designating them as an interim rule at 15 CFR parts 730–774, effective April 24, 1996. The former Regulations define the various violations that BXA alleges occurred and the Regulations establish the procedures that apply to this matter.

the exports described in paragraph 2 above, on 37 separate occasions, Thane-Coat, Inc. acted with knowledge or had reason to know that validated licenses were required from the Department of Commerce before the pipe coating materials could be sold to Libya.

4. *37 Violations of 15 CFR 787.5(a) and 787A.5(a): Misrepresentation and Concealment:* In connection with each of the exports described in paragraph 2 above. Thane-Coat, Inc., on 37 separate occasions, filed or caused to be filed Shipper's Export Declarations or bills of lading, export control documents as defined in sections 770.2 and 770A.2 of the former Regulations, on which it represented that the ultimate end-use of the pipe coating materials was in the United Kingdom. These statements of material fact were false as the ultimate end-use of the pipe coating materials was in Libya, and were made, directly or indirectly, to an official of the U.S. Government.

BXA and Thane-Coat, Inc. having entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered:

First, a civil penalty of $1,120,000 is assessed against Thane-Coat, Inc. Thane-Coat, Inc. shall pay $200,000 to the U.S. Department of Commerce within 30 days from the date of entry of this Order, it shall make a second payment of $200,000 to the U.S. Department of Commerce within 60 days from the date of entry of this Order, and it shall make a third payment of $200,000 to the U.S. Department of Commerce within 90 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions. Payment of the remaining $520,000 shall be suspended for a period of two years from the date of entry of this Order and thereafter shall be waived, provided that during the period of suspension, Thane-Coat, Inc. has committed no violation of the Act, or any regulation, order or license issued by BXA; and has made the three payments described above in a timely manner.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701–3720E (1983 & Supp. V 1999)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Thane-Coat, Inc. will be assessed, in addition to interest, the amount suspended, and a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that, for a period of 25 years from the date of this Order, Thane-Coat, Inc., its successors or assigns, and when acting for or on behalf of Thane-Coat, Inc., its officers, representatives, agents or employees (''denied persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Fourth, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied persons any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied persons of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied persons acquired or attempt to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied persons of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied persons in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied persons, or service any item, of whatever origin, that is owned, possessed or controlled by the denied persons if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fifth, that after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Thane-Coat, Inc. by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Sixth, that this Order does not prohibit any export, reexport, or other transactions subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Seventh, that a copy of this Order shall be delivered to the United States Coast Guard ALJ Docketing Center, 40 Gay Street, Baltimore, Maryland 21202–4022, notifying that office that this case is withdrawn from adjudication, as provided by Section 766.18 of the Regulations.

Eighth, that the charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 24th day of January, 2002.

Michael J. Garcia,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 02–3852 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No.: 99–BXA–06]

Action Affecting Export Privileges: Jerry Vernon Ford

In the matters of: Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson, Respondents.

Order Relating to Respondent, Jerry Vernon Ford

The Bureau of Export Administration, United States Department of Commerce

(''BXA''), having initiated an administrative proceeding against Jerry Vernon Ford (''Ford'') pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. Secs. 2401–2420 (1991 & Supp. V 1999)) (the ''Act''),[1] and the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2001)) (the ''Regulations''),[2] based on allegations that Ford committed 112 violations of the former Regulations—one violation of section 787.3(b), 32 violations of section 787.4, five violations of section 787A.4, 32 violations of section 787.5(a), five violations of section 787A.5(a), 32 violations of section 787.6, and five violations of section 787A.6 of the former Regulations. Specifically the charges are:

1. *One Violation of 15 CFR 787.3(b): Conspiracy:* Beginning in June 1994 and continuing through July 1996, Ford conspired with Thane-Coat, Inc., Preston John Engebretson, TIC, Ltd. and Export Materials, Inc., to violate the former Regulations by devising and employing a scheme to export and by exporting polyurethane (isocyanate/polyol) and polyether polyurethane (collectively referred to as ''pipe coating materials''), items subject to the former Regulations, from the United States through the United Kingdom to Libya, a country subject to comprehensive economic sanctions, without applying for and obtaining the required export authorizations from the U.S. Government.

2. *37 Violations of 15 CFR 787.6 and 787A.6: Exports Without the Required Licenses:* Between on or about February 12, 1995 and on or about April 25, 1996, on 37 separate occasions, Ford exported or caused to be exported pipe coating materials from the United States to Libya without obtaining validated export licenses from the Department of Commerce as required by sections 772.1(b), 772A.1(b), 785.7, and 785A.7 of the former Regulations.

3. *37 Violations of 15 CFR 787.4 and 787A.4: Acting with Knowledge of a Violation:* In connection with each of the exports described in paragraph 2 above, on 37 separate occasions, Ford acted with knowledge or had reason to know that validated licenses were required from the Department of Commerce before the pipe coating materials could be sold to Libya.

4. *37 Violations of 15 CFR 787.5(a) and 787A.5(a): Misrepresentation and Concealment:* In connection with the exports described in paragraph 2 above, Ford, on 37 separate occasions, filed or caused to be filed Shipper's Export Declarations or bills of lading, export control documents as defined in sections 770.2 and 770A.2 of the former Regulations, which represented that the ultimate end-use of the pipe coating materials was in the United Kingdom. These statements of material fact were false as the ultimate end-use of the pipe coating materials was in Libya. The false statements were made, directly or indirectly, to an official of the U.S. Government.

BXA and Ford having entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered:

First, that, for a period of 25 years from the date of this Order, Ford, and when acting for or on behalf of Ford, his representatives, agents, assigns, or employees (''denied persons''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied persons any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied persons of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied persons acquire or attempt to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied persons of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied persons in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied persons, or service any item, of whatever origin, that is owned, possessed or controlled by the denied persons if such service involves the use of any item to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Ford by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations

[1] From August 21, 1994, through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1994 & Supp. V 1999)) (''IEEPA''). On November 13, 2000, the Act was reauthorized by Public Law 106–508 and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

[2] The violations at issue occurred from 1994 through 1996. The Regulations governing the violations at issue are found in the 1994 through 1996 versions of the Code of Federal Regulations (15 CFR parts 768–799 (1994–1995), and 15 CFR parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996)) (the ''former Regulations''). The March 25, 1996 **Federal Register** publication redesignated, but did not republish, the then-existing Regulations as 15 CFR parts 768A–799A. In addition, the March 25, 1996, **Federal Register** publication restructured and reorganized the Regulations, designating them as an interim rule at 15 CFR parts 730–774, effective April 24, 1996. The former Regulations define the various violations that BXA alleges occurred and the Regulations establish the procedures that apply to this matter.

where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Fifth, that a copy of this Order shall be delivered to the United States Coast Guard ALJ Docketing Center, 40 Gay Street, Baltimore, Maryland 21202–4022, notifying that office that this case is withdrawn from adjudication, as provided by Section 766.18 of the Regulations.

Sixth, that, the charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 24th day of January, 2002.

Michael J. Garcia,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 02–3853 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No.: 99–BXA–06]

Action Affecting Export Privileges; Preston John Engebretson

In the Matters of: Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson, Respondents.

Order Relating to Respondent, Preston John Engebretson

The Bureau of Export Administration, United States Department of Commerce (''BXA''), having initiated an administrative proceeding against Preston John Engebretson (''Engebretson'') pursuant to section 13(c) of the Administration Act of 1979, as amended (50 U.S.C. secs. 2401–2420 (1991 & Supp. V 1999)) (the ''Act''),[1] and the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2001)) (the ''Regulations''),[2] based on allegations that Engebretson committed 112 violations of the former Regulations—one violation of section 787.3(b), 32 violations of section 787.4, five violations of section 787A.4, 32 violations of section 787.5(a), five violations of section 787A.5(a), 32 violations of section 787.6, and five violations of section 787A.6 of the former Regulations. Specifically the charges are:

1. *One Violation of 15 CFR 787.3(b): Conspiracy:* Beginning in June 1994 and continuing through July 1996, Engebretson conspired with Thane-Coat, Inc., Jerry Vernon Ford, TIC, Ltd. and Export Materials, Inc., to violate the former Regulations by devising and employing a scheme to export and by exporting polyurethane (isocyanate/polyol) and polyether polyurethane (collectively referred to as ''pipe coating materials''), items subject to the former Regulations, from the United States through the United Kingdom to Libya, a country subject to comprehensive economic sanctions, without applying for and obtaining the required export authorizations from the U.S. Government.

2. *37 Violations of 15 CFR 787.6 and 787A.6: Exports Without the Required Licenses:* Between on or about February 12, 1995 and on or about April 25, 1996, on 37 separate occasion, Engebretson exported or caused to be exported pipe coating materials from the United States to Libya without obtaining validated export licenses from the Department of Commerce as required by sections 772.1(b), 772A.1(b), 785.7, and 785A.7 of the former Regulations.

3. *37 Violations of 15 CFR 787.4 and 787A.4: Acting with Knowledge of a Violation:* In connection with each of the exports described in paragraph 2 above, on 37 separate occasions, Engebretson acted with knowledge or had reason to know that validated licenses were required from the Department of Commerce before the pipe coating materials could be sold to Libya.

4. *37 Violations of 15 CFR 787.5(a) and 787A.5(a): Misrepresentation and Concealment:* In connection with each of the exports described in paragraph 2 above, Engebretson, on 37 separate occasions, filed or caused to be filed Shipper's Export Declarations or bills of landing, export control documents as defined in sections 7702 and 770A.2 of the former regulations, which represented that the ultimate end-use of the pipe coating materials was in the United Kingdom. These statements of material fact were false as the ultimate and-use of the pipe coating materials was in Libya. These false statements were made, directly or indirectly, to an official of the U.S. Government.

BXA and Engebretson having entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered:

First, that, for a period of 25 years from the date of this Order, Engebretson, and when acting for or on behalf of Engebretson, his representatives, agents, assigns, or employees (''denied persons''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied persons of the ownership, possession, or control of any item subject to the Regulations that has been

[1] From August 21, 1994, through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1994 & Supp. V 1999)) (''IEEPA''). On November 13, 2000, the Act was reauthorized by Public Law 106–508 and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

[2] The violations at issue occurred from 1994 through 1996. The Regulations governing the violations at issue are found in the 1994 through 1996 versions of the Code of Federal Regulations (15 CFR parts 768–799 (1994–1995), and 15 CFR parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996)) (the ''former Regulations''). The March 25, 1996 **Federal Register** publication redesignated, but did not republish, the then-existing Regulations as 15 CFR parts 768A–799A. In addition, the March 25, 1996, **Federal Register** publication restructured and reorganized the Regulations, designating them as an interim rule at 15 CFR parts 730–774, effective April 24, 1996. The former Regulations define the various violations that BXA alleges occurred and the Regulations establish the procedures that apply to this matter.

or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied persons acquire or attempt to acquire or such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied persons of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied persons in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied persons, or service any item, of whatever origin, that is owned, possessed or controlled by the denied persons if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Engebretson by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Fifth, that a copy of this Order shall be delivered to the United States Coast Guard ALJ Docketing Center, 40 Gay Street, Baltimore, Maryland 21202–4022, notifying that office that this case is withdrawn from adjudication, as provided by Section 766.18 of the Regulations.

Sixth, that, the charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 24th day of January, 2002.

Michael J. Garcia,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 02–3854 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet March 5, 2002, 9 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistance Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuiing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Update on pending regulations.
4. Working group activity reports.
5. Update on the Wassenaar Arrangement.
6. Discussion on status of Automated Export System regulations.
7. Discussion on status of pending encryption regulations.

Closed Session

8. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to the following address: Ms. Lee Ann Carpenter, OSIES/EA/EXA, MS: 3876, 14th St. & Constitution Ave., NW., U.S. Department of Commerce, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 12, 2001, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and 10(a)(3) of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For more information, call Lee Ann Carpenter at (202) 482–2583.

Dated: February 14, 2002.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 02–3996 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–801, A–570–844, A–583–825]

Notice of Final Results

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

ACTION: Notice of Final Results of Five-Year Sunset Reviews and Revocation of Antidumping Duty Orders on Melamine Institutional Dinnerware from Indonesia (A–560–801), the People's Republic of China (A–570–844), and Taiwan (A–583–825).

SUMMARY: On January 2, 2002, the Department of Commerce (''the Department'') initiated sunset reviews of the antidumping duty orders on melamine institutional dinnerware (''dinnerware'') from Indonesia, the People's Republic of China (''PRC'') and Taiwan (67 FR 57). Because no domestic interested party responded to the sunset review notice of initiation by the applicable deadline, the Department is revoking these orders.

EFFECTIVE DATE: February 25, 2002.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW.,

Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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

Background

On February 25, 1997, the Department issued the antidumping duty orders on dinnerware from Indonesia, China, and Taiwan, and amended final determination of sales at less than fair value on dinnerware from Indonesia (62 FR 8426). Pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'') and 19 CFR 351.218, the Department initiated sunset reviews of these orders by publishing a notice of the initiation in the **Federal Register**, January 2, 2002, (67 FR 57). In addition, as a courtesy to interested parties, the Department sent letters, via certified and registered mail, to each party listed on the Department's most current service list for these proceedings to inform them of the automatic initiation of a sunset review of these orders.

No domestic interested parties in any of these sunset reviews of these orders responded to the notice of initiation by the January 17, 2002, deadline (*see* 351.218 (d)(1)(i).

Determination to Revoke

Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.218(d)(1)(iii)(B)(3), if no domestic interested party responds to the notice of initiation, the Department shall issue a final determination, within 90 days after the initiation of the review, revoking the order. Because no domestic interested party responded to the notice of initiation by the applicable deadline, January 17, 2002 (*see* 19 CFR 351.218 (d)(1)(i) and 19 CFR 351.218 (e)(1)(i)(C)(1)) of the Sunset Regulations)), we are revoking these antidumping duty orders.

Effective Date of Revocation

In accordance with sections 751(c)(3)(A) and 751(d)(2) of the Act, and 19 CFR 351.222(i)(2)(i), the Department will instruct the Customs Service to terminate the suspension of liquidation of the merchandise subject to these orders entered, or withdrawn from warehouse, on or after February 25, 2002. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping/countervailing duty deposit requirements. The Department will complete any pending administrative reviews of these orders and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

Dated: February 12, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–3970 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–824]

Certain Corrosion–Resistant Carbon Steel Flat Products From Japan: Notice of Final Results of Changed Circumstances Review, and Revocation in Part of Antidumping Duty Order

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

ACTION: Notice of Final Results of Changed Circumstances Review, and Revocation in Part of Antidumping Duty Order.

SUMMARY:

On December 31, 2001, the Department of Commerce (''the Department'') published a notice of initiation and preliminary results of a changed circumstances review with the intent to revoke, in part, the antidumping duty order on certain corrosion–resistant carbon steel flat products from Japan. See Certain Corrosion–Resistant Carbon Steel Flat Products From Japan: Notice of Initiation and Preliminary Results of Changed Circumstances Review of the Antidumping Order and Intent to Revoke Order in Part, 66 FR 67507 (December 31, 2001) (''Initiation and Preliminary Results''). In our Initiation and Preliminary Results, we gave interested parties an opportunity to comment; however, we did not receive any comments. We are now revoking this order, in part, with respect to the particular carbon steel flat products described below, based on the fact that domestic parties have expressed no interest in the continuation of the order with respect to these particular carbon steel flat products.

EFFECTIVE DATE: February 19, 2002.

FOR FURTHER INFORMATION CONTACT: Catherine Bertrand, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–3207.

THE APPLICABLE STATUTE AND REGULATIONS

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations as codified at 19 C.F.R. Part 351 (2001).

SUPPLEMENTARY INFORMATION:

Background

On November 21, 2001, Dana Glacier Daido America, LLC (''Dana'') requested that the Department revoke in part the antidumping duty order on certain corrosion–resistant carbon steel flat products from Japan. Specifically, Dana requested that the Department revoke the order with respect to imports meeting the following specifications: carbon steel coil or strip, measuring a minimum of and including 1.10 millimeters to a maximum of and including 4.90 millimeters in overall thickness, a minimum of and including 76.00 millimeters to a maximum of and including 250.00 millimeters in overall width, with a low carbon steel back comprised of: carbon under 0.10%, manganese under 0.40%, phosphorous under 0.04%, sulfur under 0.05%, and silicon under 0.05%; clad with aluminum alloy comprised of: under 2.51% copper, under 15.10% tin, and remainder aluminum as listed on the mill specification sheet.

On November 29, 2001, domestic producers of the like product, Bethlehem Steel Corporation, LTV Steel Company, Inc., National Steel Corporation, and U.S. Steel Group LLC, informed the Department that they have no interest in the importation or sale of steel from Japan with these specialized characteristics. Subsequently, as noted above, we gave interested parties an opportunity to comment on the Initiation and Preliminary Results. We received no comments from interested parties.

Scope of Changed Circumstances Review

The merchandise covered by this changed circumstances review is certain corrosion–resistant carbon steel flat products from Japan. This changed circumstances administrative review covers all manufacturers/exporters of carbon steel flat products meeting the following specifications: carbon steel coil or strip, measuring a minimum of and including 1.10 millimeters to a maximum of and including 4.90 millimeters in overall thickness, a minimum of and including 76.00 millimeters to a maximum of and including 250.00 millimeters in overall width, with a low carbon steel back comprised of: carbon under 0.10%, manganese under 0.40%, phosphorous under 0.04%, sulfur under 0.05%, and silicon under 0.05%; clad with aluminum alloy comprised of: under 2.51% copper, under 15.10% tin, and remainder aluminum as listed on the mill specification sheet.

Final Results of Review; Partial Revocation of Antidumping Duty Order

The affirmative statement of no interest by petitioners concerning carbon steel flat products, as described herein, constitutes changed circumstances sufficient to warrant partial revocation of this order. Also, no party commented on the Initiation and Preliminary Results. Therefore, the Department is partially revoking the order on certain corrosion–resistant carbon steel flat products from Japan with regard to products which meet the specifications detailed above, in accordance with sections 751(b) and (d) and 782(h) of the Act and 19 CFR 351.216(d). We will instruct the U.S. Customs Service (''Customs'') to liquidate without regard to antidumping duties, as applicable, and to refund any estimated antidumping duties collected for all unliquidated entries of certain corrosion–resistant carbon steel flat products meeting the specifications indicated above, and not subject to final results of an administrative review as of the date of publication in the Federal Register of the final results of this changed circumstances review in accordance with 19 CFR 351.222.

This notice serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This changed circumstances administrative review, partial revocation of the antidumping duty order and notice are in accordance with sections 751(b) and (d) and 782(h) of the Act and sections 351.216(e) and 351.222(g) of the Department's regulations.

February 12, 2002

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–3968 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–814]

Notice of Extension of Time Limit of Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from France

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

EFFECTIVE DATE: February 19, 2002.

FOR FURTHER INFORMATION CONTACT: Alex Villanueva, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0408.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are 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 (the Department's) regulations are to 19 CFR part 351 (April 2001).

Background

On October 1, 2001, the Department published a notice of initiation of the administrative review of the antidumping duty order on Stainless Steel Sheet and Strip in Coils from France, covering the period July 1, 2000, through June 30, 2001 (66 FR 49924). The preliminary results are currently due no later than April 2, 2002.

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Act states that the administering authority shall make a preliminary determination within 245 days after the last day of the month in which occurs the anniversary of the date of publication of the order, finding, or suspension agreement for which the review under paragraph (1) is requested. If it is not practicable to complete the review within the foregoing time, the administering authority may extend that 245 day period to 365 days. Completion of the preliminary results within the 245 day period is impracticable for the following reasons: (1) This review involves certain complex issues (e.g., home market downstream sales); (2) this review involves certain complex U.S. further manufacturing; (3) the corporate structure has changed from previous administrative reviews which affects several calculations including, but not limited to, warehouse expenses, inland freight, and inventory. See also 19 CFR 351.213(h)(2).

Because it is not practicable to complete this review within the time specified, we are extending the time limit of the preliminary results of the administrative review of stainless steel sheet and strip in coils from France by 120 days, in accordance with section 751(a)(3)(A) of the Act.

The deadline for issuing the preliminary results is extended from April 2, 2002, to July 31, 2002.

February 12, 2002

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 02–3969 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Amended Export Trade Certificate of Review, Application No. 97–5A003.

SUMMARY: The Department of Commerce issued an amended Export Trade Certificate of Review to the Association for the Administration of Rice Quotas, Inc. on February 5, 2002. Notice of issuance of the original Certificate was published in the **Federal Register** on January 28, 1998, (63 FR 4220).

FOR FURTHER INFORMATION CONTACT: Vanessa M. Bachman, Acting Director,

Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131, *oetca@ita.doc.gov.* This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001 *et seq.*) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2000).

The Office of Export Trading Company Affairs (''OETCA'') is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

The Association for the Administration of Rice Quotas, Inc. (''AARQ'') original Certificate was issued on January 21, 1998 (63 FR 4220, January 28, 1998), and last amended on April 5, 2001, (66 FR 21368, April 30, 2001).

AARQ's Export Trade Certificate of Review has been amended to:

1. Add the following companies as new ''Members'' of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): Rickmers Rice USA, Inc., St. Louis, Missouri; Commodity Specialists Company, Minneapolis, Minnesota.

2. Delete the following companies as ''Members'' of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): Affiliated Rice Milling, Inc., Alvin , Texas; Garnac Grain Co., Inc., Overland Park, Kansas.

3. Change the listings of the names of the current Members as follows: ''AFE (USA), Inc., Houston, Texas'' to ''AFE (USA), Inc., Portland, Oregon;'' ''California Pacific Rice Milling, Ltd., Arbuckle, California'' to ''CAL PAC Investments, LLC dba California Pacific Rice Milling, Woodland, California;'' ''Glencore Ltd., Stamford, Connecticut (a subsidiary of Glencore International AG), for the activities of Glencore Grain Division and Glencore Ltd.'s subsidiary, LaGrain International Inc., Baton Rouge, Louisiana;'' to ''Glencore Ltd., Stamford, Connecticut (a subsidiary of Glencore International AG), for the activities of Glencore Grain Division.''

Dated: February 12, 2002.

Vanessa M. Bachman,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 02–3935 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021202B]

Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT); Spring Species Working Group Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Advisory Committee to the U.S. Section to ICCAT announces its spring meeting with its Species Working Group Technical Advisors on March 5 and 6, 2002.

DATES: The open sessions of the Committee meeting will be held on March 5, 2002, from 9:30 a.m. to 12 p.m., and on March 6, 2002, from 11:30 a.m. to 5 p.m.. Closed sessions will be held on March 5, 2002, from 1:15 p.m. to approximately 6 p.m., and on March 6, 2002, from 9 a.m. to 11:30 a.m.

ADDRESSES: The meeting will be held at the Hilton Hotel Silver Spring, 8727 Colesville Road, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Erika Carlsen at (301) 713–2276.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in two open sessions to receive and discuss information on (1) the 2001 ICCAT meeting results and U.S. implementation of ICCAT decisions; (2) 2002 ICCAT and NMFS research and monitoring activities; (3) ICCAT's allocation criteria development process results; (4) U.S. development of its National Plan of Action on Illegal, Unregulated, and Unreported (IUU) Fishing; (5) the U.S. Endangered Species Act status review of white marlin; (6) NMFS International Bycatch Task Force activities; (7) upcoming ICCAT working group meetings on combating IUU fishing, using trade measures to promote conservation, and improving ICCAT's monitoring and control regime; (8) next steps and future directions given the end of the 2001 ICCAT meeting; (9) Committee operational issues; (10) the Atlantic Tunas Convention Act required consultation on the identification of countries that are diminishing the effectiveness of ICCAT; (11) the results of the meetings of the Committee's Species Working Groups; and (12) other matters relating to the international management of ICCAT species. The public will have access to the open sessions of the meeting, but there will be no opportunity for public comment.

The Advisory Committee will go into executive session during part of the afternoon of March 5, 2002, to discuss sensitive information relating to upcoming international negotiations and for a portion of the morning of March 6 to discuss internal operational matters. In addition, the Committee will meet in its Species Working Groups for a portion of the afternoon of March 5 and morning of March 6, 2002. These sessions are not open to the public, but the results of the species working group discussions will be reported to the full Advisory Committee during the Committee's afternoon open session on March 6.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Erika Carlsen at (301) 713–2276 at least 5 days prior to the meeting date.

Dated: February 12, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–3976 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020602D]

Pacific 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 Pacific Fishery Management Council (Council) and its advisory entities will hold public meetings.

DATES: The Council and its advisory entities will meet March 10–15, 2002. The Council meeting will begin on

Tuesday, March 12, at 8 a.m., reconvening each day through Friday. All meetings are open to the public, except a closed session will be held from 8 a.m. until 9:30 a.m. on Tuesday, March 12 to address litigation and personnel matters. The Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: The meetings and hearing will be held at the Red Lion Hotel Sacramento, 1401 Arden Way, Sacramento, CA 95815; telephone: (916) 922–8041.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The following items are on the Council agenda, but not necessarily in this order:

A. Call to Order

1. Opening Remarks, Introductions
2. Council Member Appointments
3. Roll Call
4. Executive Director's Report
5. Approve Agenda
6. Approve September and November 2001 Meeting Minutes

B. Salmon Management

1. NMFS Report
2. Final Review of Methodology Changes to the Klamath Ocean Harvest Model and Coho Fishery Regulation Assessment Model
3. Review of 2001 Fisheries and Summary of 2002 Stock Abundance Estimates
4. Inseason Management Recommendations for Openings Prior to May 1 off the Oregon Coast
5. Identification of Management Objectives and Preliminary Definition of 2002 Options
6. Council Recommendations for 2002 Management Option Analysis
7. Salmon Fishery Management Plan Amendment Scoping
8. Salmon Hearings Officers
9. Adoption of 2002 Management Options for Public Review

C. Habitat Issues: Essential Fish Habitat Issues

D. Marine Reserves

1. Status of Marine Reserves Proposals for Channel Islands National Marine Sanctuary

E. Pacific Halibut Management

1. NMFS Report
2. Report on International Pacific Halibut Commission Annual Meeting
3. Proposed 2002 Incidental Catch Regulations for the Troll Salmon and Fixed Gear Sablefish Fisheries

F. Groundfish Management

1. NMFS Report
2. Pacific Whiting Harvest Levels for 2002
3. Update on Revision of Amendment 12 - Rebuilding Plans
4. Groundfish Strategic Plan Implementation
5. Groundfish Fishery Management Plan Environmental Impact Statement

G. Highly Migratory Species Management

1. NMFS Report
2. Highly Migratory Species Fishery Management Plan

H. Coastal Pelagic Species Management

1. NMFS Report
2. Amendment 10

I. Administrative and Other Matters

1. Status of Legislation
2. Appointments to Advisory Bodies, Standing Committees, and Other Forums
3. Council's ''Statement of Organization, Practices, and Procedures'' and ''Council Operating Procedures'' Documents
4. Research and Data Needs Process
5. Report on Council Staff Retreat
6. Council Staff Work Load Priorities
7. April 2002 Council Meeting Agenda

SCHEDULE OF ANCILLARY MEETINGS

SUNDAY, MARCH 10, 2002

Klamath Fishery Management 2 p.m. Comstock 3 Room

MONDAY, MARCH 11, 2002

Council Secretariat 8 a.m. California Room
Scientific and Statistical Cmte 8 a.m. Comstock 2 Room
Salmon Advisory Subpanel 8 a.m. Sierra B Room
Salmon Technical Team 8 a.m. Sierra A Room
Habitat Steering Group 10 a.m. Comstock 1 Room
Klamath Fishery Management Council As Needed Comstock 3 Room
Tribal Policy Group As Needed Almanor Room 303
Tribal and Washington Technical Groups As Needed Shasta Room 305
Washington State Delegation As Needed Oroville Room 608

TUESDAY, MARCH 12, 2002

Council Secretariat 7 a.m. California Room
California State Delegation 7 a.m. Sierra B Room
Oregon State Delegation 7 a.m. Comstock 2 Room
Scientific and Statistical Cmte 8 a.m. Comstock 2 Room
Salmon Advisory Subpanel 8 a.m. Sierra B Room
Salmon Technical Team 8 a.m. Sierra A Room
Enforcement Consultants Immediately after Council session Tahoe Room 514
Washington State Delegation As Needed Oroville Room 608
Tribal Policy Group As Needed Almanor Room 303
Tribal and Washington Technical Groups As Needed Shasta Room 305
Klamath Fishery Management Council As Needed Comstock 3 Room

WEDNESDAY, MARCH 13, 2002

Council Secretariat 7 a.m. California Room
California State Delegation 7 a.m. Sierra B Room
Oregon State Delegation 7 a.m. Comstock 2 Room
Salmon Advisory Subpanel 8 a.m. Sierra B Room
Salmon Technical Team 8 a.m. Sierra A Room
Highly Migratory Species A.S. 8 a.m. Comstock 1 Room
Coastal Pelagic Species 10 a.m. Comstock 2 Room
Highly Migratory Species Team As Needed Klamath Room 513
Tribal Policy Group As Needed Needed Almanor Room 303
Tribal and Washington Technical Groups As Needed Shasta Room 305
Enforcement Consultants As Needed Tahoe Room 514
Klamath Fishery Management Council As Needed Comstock 3 Room
Washington State Delegation As Needed Oroville Room 608

THURSDAY, MARCH 14, 2002

Council Secretariat 7 a.m. California Room
California State Delegation 7 a.m. Sierra B Room
Oregon State Delegation 7 a.m. Comstock 2 Room
Salmon Advisory Subpanel 8 a.m. Sierra B Room
Salmon Technical Team 8 a.m. Sierra A Room
Washington State Delegation As Needed Needed Oroville Room 608
Tribal Policy Group As Needed Almanor Room 303
Tribal and Washington Technical Groups As Needed Shasta Room 305
Enforcement Consultants As Needed Tahoe Room 514
Klamath Fishery Management Council As Needed Comstock 3 Room

FRIDAY, MARCH 15, 2002

Council Secretariat 7 a.m. California Room

California State Delegation 7 a.m. Sierra B Room

Oregon State Delegation 7 a.m. Comstock 2 Room

Salmon Advisory Subpanel 8 a.m. Sierra B Room

Salmon Technical Team 8 a.m. Sierra A Room

Washington State Delegation As Needed Oroville Room 608

Tribal Policy Group As Needed Almanor Room 303

Tribal and Washington Technical Groups As Needed Shasta Room 305

Enforcement Consultants As Needed Tahoe Room 514

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject 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 Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: February 12, 2002.

Richard W. Surdi,

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

[FR Doc. 02–3977 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 012502B]

Marine Mammals; File No.481–1623–00

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that LGL Ltd., environmental research associates, 22 Fisher Str., P.O.B. 280, King City, Ontario, Canada L7B 1A6 [Principal Investigator: W. John Richardson, Ph.D.]has been issued a permit to take ringed seals (Phoca hispida) and incidentally take bearded seals(Erignathus barbatus) and spotted seals (Phoca largha)for purposes of scientific research.

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

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

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586–7221; fax (907) 586–7249.

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

SUPPLEMENTARY INFORMATION: On November 19, 2001, notice was published in the **Federal Register** (66 FR 57939) that a request for a scientific research permit to take above listed species had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: February 12, 2002.

Eugene T. Nitta,

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

[FR Doc. 02–3983 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

February 12, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: February 19, 2002.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being increased for carryover and the recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 66 FR 65178, published on December 18, 2001). Also see 66 FR 58446, published on November 21, 2001.

D. Michael Hutchinson

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 12, 2002.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 14, 2001, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 2002 and extends through December 31, 2002.

Effective on February 19, 2002, you are directed to increase the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
338/638	1,419,850 dozen.
339/639	1,689,619 dozen.
340/640	1,461,657 dozen.
342/642	1,028,601 dozen.
347/348/647/648	3,498,920 dozen of which not more than 1,848,483 dozen shall be in Categories 647/648.
351/651	1,752,276 dozen.
442	87,626 dozen.
443	151,074 numbers.
444	87,626 numbers.

Category	Adjusted twelve-month limit [1]
448	45,141 dozen.
633	214,468 dozen.

[1]The limits have not been adjusted to account for any imports exported after December 31, 2001.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 02–3904 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DR–S

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Activity—Customer Satisfaction Surveys

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the November 16, 2001 **Federal Register** (66 FR 57707), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) to announce the agency's intention to seek extension of approval of 5 customer satisfaction surveys to determine the kind and quality of services CPSC customers want and customers' level of satisfaction with existing services. The Commission now announces that it has submitted to the Office of Management and Budget a request for extension of approval of that collection of information.

CPSC will use the information it obtains in these surveys to improve its work on behalf of the American public. In addition, the CPSC Office of Planning and Evaluation will use information from the surveys to prepare sections of the agency's annual performance report (required by the Government Performance and Results Act (GPRA)). This information will provide measures of the quality and effectiveness of agency efforts related to three goals in its strategic plan (informing the public, industry services, and customer satisfaction). In the past, information from these surveys has shown an overall high level of customer satisfaction. If this information is not periodically collected, we would not have useful measures of our effectiveness in reaching consumers and others, and the information necessary to guide program development and improvement would not be available. We would be unable to measure our ability to meet our identified GPRA goals.

CPSC will collect this information in several ways, such as using telephone interviews and mail questionnaires. Fewer than 5 customer surveys or information collection activities a year would be conducted using this clearance.

Additional Information About the Request for Extension of Approval of Information Collection Activity

Title of information collection: Customer Satisfaction Surveys: Fast track recall survey; ombudsman survey; state partner survey; hotline survey; and clearinghouse survey.

Type of request: Extension of approval.

Frequency of collection: Each survey will be conducted once during a 3-year period.

General description of respondents: (1) Persons telephoning the Hotline; (2) persons or companies contacting the National Injury Information Clearinghouse for information; (3) State representatives who work with CPSC on cooperative programs; (4) firms using CPSC's Fast-Track Product Recall Program; and (5) small businesses that have contacted the CPSC's small business ombudsman.

Estimated Number of respondents: 501 per year.

Estimated average number of responses per respondent: One per year.

Estimated number of responses for all respondents: 501 per year.

Estimated number of hours per response: 3.5 minutes.

Estimated number of hours for all respondents: 29.2 per year.

Estimated cost of collection for all respondents: $608 per year.

Comments: Comments on this request for extension of approval of an information collection activity should be submitted by March 21, 2002 to (1) Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington DC 20503; telephone: (202) 395–7340, and (2) the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Comments may be delivered to the Office of the Secretary, room 502, 4330 East-West Highway, Bethesda, Maryland, 20814. Comments may also be sent to the Office of the Secretary by facsimile at (301) 504–0127, or by e-mail at *cpsc-os@cpsc.gov.*

Copies of this request for extension of approval of an information collection activity are available from Linda L. Glatz, Management & Program Analyst, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504–0416, extension 2226.

Dated: February 13, 2002.

Todd Stevenson,

Secretary Consumer Product Safety Commission.

[FR Doc. 02–4000 Filed 2–15–02; 8:45 am]

BILLING CODE 6355–01–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 21, 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 13, 2002.

John Tressler, Leader,

Regulatory Information Management, Office of the Chief Information Officer.

Office of English Language Acquisitions

Type of Review: New.

Title: Application for Grants under English Language Acquisition: National Professional Development Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden: Responses: 300. *Burden Hours:* 30,000.

Abstract: The Department needs and uses this information to make grants. The respondents are institutions of higher education and are required to provide this information in applying for grants.

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 Sheila Carey at (202) 708–6287 or via her internet address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–4012 Filed 2–15–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Docket Nos. EA–257]

Application to Export Electric Energy; Emera Energy Services, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Emera Energy Services, Inc. (EES) has applied to export electric energy from the United States to Canada, pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before March 21, 2002.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Import/Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. § 824a(e)).

On January 10, 2002, EES applied to the Department of Energy (''DOE) for authority to export electric energy from the Unites States to Canada. EES, a Delaware corporation with its principal place of business in Bangor, Maine, is a wholly-owned indirect subsidiary of Emera Incorporated, a Nova Scotia corporation that is a diversified energy and services company. EES does not own or control any electric generation or transmission facilities nor does it have a franchised service area. Emera Incorporated owns and operates transmission facilities in the United States through its operating divisions. EES will be engaged in the marketing of power as both a broker and as a marketer of electric power at wholesale. EES plans to purchase the power that it will sell from cogeneration facilities, federal power marketing agencies, electric utilities and exempt wholesale generators within the United States.

In FE Docket No. EA–257, EES proposes to export electric energy to Canada and to arrange for the delivery of those exports to Canada over the international transmission facilities owned by Citizens Utilities, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Maine Electric Power Company, Maine Public Service Company and Vermont Electric Transmission Company.

The construction of each of the international transmission facilities to be utilized by EES has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the EES application to export electric energy to Canada should be clearly marked with Docket EA–257. Additional copies are to be filed directly with Calvin Bell, Emera Energy Services, Inc., One Cumberland Place, Suite 102, Bangor, ME 04401, Michael E. Small, Wendy N. Reed, Wright & Talisman, P.C., 1200 G Street, NW., Suite 600, Washington, DC 20005 *AND* Mr. Richard J. Smith, Secretary and General Counsel, Emera Incorporated, 1894 Barington Street, 18th Floor, Barrington Tower, PO Box 910, Halifax, Nova Scotia, CANADA B3J 2W5.

A final decision will be made on this application after the environmental impact has been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at *http://www.fe.doe.gov.* Upon reaching the Fossil Energy Home page, select ''Regulatory'' Programs,'' then ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menus.

Issued in Washington, DC, on February *8,* 2002.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Import/Export, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 02–3887 Filed 2–15–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Steel Industry Research Challenge Number DE–PS07–02ID14279

AGENCY: Idaho Operations Office, Department of Energy.

ACTION: Notice of availability of solicitation.

SUMMARY: The U.S. Department of Energy (DOE), Idaho Operations Office (ID) is seeking applications for conceptual designs for steel making processes that will revolutionize the way steel is made in the 21st century. This is the next ''stretch'' step in advancing the future of the domestic steel industry and compliments the current program based on the Steel Technology Roadmap. Each award made in response to this solicitation will be for a maximum of two years. During this period, each awardee will develop a conceptual design with supporting technical, marketing, economic and policy data; describe opportunities and barriers; and develop energy, environmental and economic targets. Multi-partner collaborations between steel companies, equipment suppliers, engineering firms, and educational institutions are strongly encouraged; collaboration with educational institutions and their students is mandatory. At the end of the two year period, a panel of judges made up of steel industry executives will determine which designs will be selected for long term cost-shared research and development investment.

DATES: The deadline for receipt of applications is 3 p.m. MDT April 15, 2002. The issuance date of Solicitation No. DE–PS07–02ID14279 will be approximately February 5, 2002.

ADDRESSES: Applications should be submitted through DOE's Industry Interactive Procurement System (IIPS) at *http://e-center.doe.gov*

FOR FURTHER INFORMATION CONTACT: Marshall Garr, Contract Specialist, at *garrmc@id.doe.gov* or telephone (208) 526–1536.

SUPPLEMENTARY INFORMATION: Approximately $1,000,000 in federal funds are expected to be available to fund the first year of selected design concept efforts. It is anticipated that equivalent funds should be available for any follow-on contract year. DOE anticipates making 1 to 4 cooperative agreement awards each with a duration of two years or less. The cooperative agreements will be awarded in accordance with DOE Financial Assistance regulations, Title 10 of the Code of Federal Regulations, chapter II subchapter H, part 600 (10 CFR 600). Award of a cooperative agreement under this solicitation does not commit the Government to fund any follow-on research. Successful applicants will be required to submit reports to DOE as identified in the reporting requirements checklist. No fee or profit will be paid to cooperative agreement award recipients.

No cost share is required. However, cost sharing is encouraged by the participants. Cost share may be provided as cash or in-kind cost share. Cost share may not be other federal funding. For additional information reference 10 CFR 600.127.

For-profit, non-profit, state and local governments, Indian Tribes, and institutions of higher education may submit applications in response to this solicitation. National laboratories will not be eligible for an award under this solicitation. However, an application that includes performance of a portion of the work by a National Laboratory may be considered for award provided the applicant clearly identifies the unique capabilities, facilities and/or expertise the Laboratory offers the primary applicant. National Laboratories will receive their funding through their existing arrangements with the Government via Field Work Proposals (FWP). The solicitation will be available in full text via the Internet on DOE's Industry Interactive Procurement System (IIPS) at *http://e-center.doe.gov.* Technical and non-technical questions should be submitted in writing to Marshall Garr by e-mail *garrmc@id.doe.gov,* or facsimile at 208–526–5548 no later than March 12, 2002.

The statutory authority for this program is the Federal Non-Nuclear Energy Research and Development Act of 1974 (Public Law 93–577).

Issued in Idaho Falls on February 5, 2002.

R. Jeffrey Hoyles,

Director, Procurement Services Division.

[FR Doc. 02–3891 Filed 2–15–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket Nos. 01–16–NG, 01–60–NG, 02–01–NG, 01–36–NG, 02–02–NG, and 00–100–NG]

Office of Fossil Energy; Cinergy Marketing & Trading, LP (Formerly Cinergy Marketing & Trading, LLC), Cinergy Marketing & Trading, LP (Formerly Cinergy Marketing & Trading, LLC), Texaco Energy Marketing L.P., TXU Energy Trading Company LP (Formerly TXU Energy Trading Company), EPCOR Merchant and Capital (US) Inc., IDACORP Energy L.P. (Formerly IDACORP Energy Solutions L.P.); Orders Granting and Transferring Authority to Import and Export Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during January 2002, it issued Orders granting and transferring authority to import and export natural gas. These Orders are summarized in the attached appendix and may be found on the FE Web site at *http://www.fe.doe.gov* (select gas regulation), or on the electronic bulletin board at (202) 586–7853. They are also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on February 5, 2002.

Yvonne Caudillo,

Acting Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import & Export Activities, Office of Fossil Energy.

APPENDIX—ORDERS GRANTING AND TRANSFERRING IMPORT/EXPORT AUTHORIZATIONS

Order No.	Date issued	Importer/exporter FE docket No.	Import volume	Export volume	Comments
1679–A	1–7–02	Cinergy Marketing & Trading, LP (Formerly Cinergy Marketing & Trading, LLC) 01–16–NG.			Transfer of blanket import and export authority.
1731–A	1–10–02	Cinergy Marketing & Trading, LP (Formerly Cinergy Marketing & Trading, LLC) 01–60–NG.			Transfer of blanket import and export authority.

APPENDIX—ORDERS GRANTING AND TRANSFERRING IMPORT/EXPORT AUTHORIZATIONS—Continued

Order No.	Date issued	Importer/exporter FE docket No.	Import volume	Export volume	Comments
1753	1–16–02	Texaco Energy Marketing L.P. 02–01–NG.	120 Bcf		Import natural gas from Canada, beginning on January 21, 2002, and extending through January 20, 2004.
1699–A	1–17–02	TXU Energy Trading Company LP (Formerly TXU Energy Trading Company) 01–36–NG.			Transfer of blanket import and export authority.
1754	1–25–02	EPCOR Merchant and Capital (US) Inc. 02–02–NG.	22 Bcf	33 Bcf	Import and export natural gas from and to Canada, beginning on January 25, 2002, and extending through January 24, 2004.
1633–A	01–28–02	IDACORP Energy L.P. (Formerly IDACORP Energy Solutions LP.) 00–100–NG.			Transfer of blanket import and export authority.

[FR Doc. 02–3890 Filed 2–15–02; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Extension of Collection; Comment Request

AGENCY: Energy Information Administration, DOE.

ACTION: Agency information collection activities: Proposed collection; comment request.

SUMMARY: The Energy Information Administration (EIA) is soliciting comments on the proposed three-year extension to the Form EIA–28, Financial Reporting System (FRS), under section 3507(h)(1).

DATES: Written comments must be submitted within 60 days of the publication of this notice. If you anticipate difficulty in submitting comments within that period, contact the person identified below as soon as possible.

ADDRESSES: Comments should be directed to Gregory P. Filas of EIA. To ensure receipt of the comments by the due date, submission by FAX (202–586–9753) or e-mail (*greg.filas@eia.doe.gov*) is recommended. Mr. Filas mailing address is Energy Information Administration (EI–62), Financial Analysis Team, Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Filas may be telephoned at (202) 586–1347.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Mr. Filas at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974, (Pub. L. No. 93–275, 15 U.S.C. 761 *et seq.*), and the Department of Energy Organization Act (Pub. L. No. 95–91, 42 U.S.C. 7101 *et seq.*), require the Energy Information Administration (EIA) to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer-term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) of the collections under section 3507(h) of the Paperwork Reduction Act of 1995.

Under Pub. L. 95–91, section 205(h), the Administrator of the EIA is required to ''identify and designate'' the major energy companies who must annually file Form EIA–28 to ensure that the data collected provide ''a statistically accurate profile of each line of commerce in the energy industry in the United States.'' Data collected on Form EIA–28 are published and used in analyses of the energy industry.

II. Current Actions

EIA is proposing a three-year extension with no changes to the previously approved Form EIA–28.

III. Request for Comments

Prospective respondents and other interested persons are invited to comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments.

General Issues

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent

A. Are the Form EIA–28 instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can information be submitted by the due date?

C. Public reporting burden for the Form EIA–28 collection, including proposed changes, is estimated to average 450 hours per response. The estimated burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose and provide the information.

Please comment on (1) the accuracy of the agency's estimate and (2) how the agency could minimize the burden of collecting this information, including the use of information technology.

D. The agency estimates respondents will incur no additional costs for reporting other than the hours required to complete the collection. What is the estimated: (1) Total dollar amount annualized for capital and start-up costs; and (2) recurring annual costs of operation and maintenance, and purchase of services associated with this data collection?

E. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the method(s) of collection.

As a Potential User

A. Is the information useful at the levels of detail indicated on the form?

B. For what purpose(s) would the information be used? Be specific.

C. Are there alternate sources for the information and are they useful? If so, what are their deficiencies and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13, 44 U.S.C. Chapter 35).

Issued in Washington, DC.

Nancy J. Kirkendall,

Director, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 02–3889 Filed 2–15–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–347–003]

Canyon Creek Compression Company; Notice of Compliance Filing

February 12, 2002.

Take notice that on February 6, 2002, Canyon Creek Compression Company (Canyon) tendered for filing to be part of its FERC Gas Tariff, Third Revised Volume No. 1, certain pro forma tariff sheets . No effective date is indicated on these revised tariff sheets.

Canyon states that the purpose of this filing is to comply with the Commission's Letter Order in Docket No. RP00–347–002 issued on January 17, 2002. This proceeding relates to compliance by Canyon with Order Nos. 637, *et seq.*

Canyon states that copies of the filing are been mailed to each person designated on the official service list.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at http://www.ferc.gov using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3912 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR02–4–000]

Chevron Products Company, Complainant, v. SFPP, L.P., Respondent; Notice of Complaint

February 12, 2002.

Take notice that on February 11, 2002, pursuant to rule 206 of the Commission's rules of practice and procedure (18 CFR 385.206) and the Procedural Rules Applicable to Oil Pipeline Procedures (18 CFR 343(a)(1)), Chevron Products Company (Chevron) filed a complaint in this proceeding. Chevron alleges that SFPP, L.P. (SFPP) has been and is in violation of the Interstate Commerce Act, 49 U.S.C. App. Section 1, *et seq.* (ICA), by charging unjust and unreasonable rates for the shipment of petroleum products in interstate commerce, particularly from points in Texas and in California to points in Arizona.

Chevron requests that the Commission (1) determine just and reasonable rates for shipment of petroleum products on SFPP's East and West Lines, (2) order refunds, reparations, damages and other just and appropriate relief, including but not limited to the reasonable costs of litigation, (3) consolidate its Complaint with ongoing proceedings in Docket Nos. OR96–2–000, et al., and (4) examine existing SFPP rates and charges for shipment of petroleum products on the East and West Lines and determine that such are unjust, unreasonable and otherwise not in accordance with applicable law.

Chevron has served a copy of the Complaint on SFPP.

Any person desiring to be heard or to protest this 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 must be filed on or before March 4, 2002. 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. Answers to the complaint shall also be due on or before March 4, 2002. 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, interventions and answers 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. 02–3908 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–407–003, and RP00–619–004]

High Island Offshore System; Notice of Compliance Filing

February 12, 2002.

Take notice that on February 5, 2002, High Island Offshore System (HIOS), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets referenced in Appendix A to its filing. HIOS requests that the tariff sheets become effective March 7, 2002.

HIOS states that it is submitting the referenced tariff sheets to comply with the directives of the Commission's November 8, 2001 Order regarding segmentation and secondary mainline point priority.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3913 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–78–000]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Application

February 12, 2002.

Take notice that on January 31, 2002, Maritimes & Northeast Pipeline, L.L.C. (Maritimes), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP02–78–000, an application pursuant to Section 7(c) of the Natural Gas Act (NGA), for a certificate of public convenience and necessity to construct and operate certain pipeline and compression facilities in order to render up to 400,000 dekatherms per day of firm transportation service, all as more fully set forth in the application 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).

Specifically, Maritimes proposes to construct and operate: (1) Approximately 31.3 miles of 36-inch diameter pipeline loop in Washington County, Maine; (2) four new compressor stations in the state of Maine in the towns of Eliot, Gorham, Searsmont, and Brewer, each consisting of 26,800 horsepower (a total of 107,200 horsepower); (3) modifications at the existing Baileyville and Richmond Compressor Stations; (4) modifications to three existing compressor stations; and (5) a new meter station in Haverhill, Massachusetts. In addition, Maritimes proposes to construct various auxiliary installation under Section 2.55 of the Commission's regulations. Maritimes estimates that the cost of the proposed facilities is $250 million and will be financed by equity (25 percent) and a combination of short-term and long-term debt (75 percent).

Maritimes further states that it will provide firm and interruptible service for the capacity created by its proposed facilities pursuant to its existing rate schedules on file with the Commission and the General Terms and Conditions of its FERC Gas Tariff. PanCanadian Energy Services Inc. (PanCanadian) has executed a precedent agreement for a ten-year term for the firm transportation of the entire capacity created by the proposed facilities. Maritimes states that it will provide service to PanCanadian at negotiated rates in accordance with its FERC Gas Tariff.

Maritimes states that its proposal is consistent with the Commission's Certificate Policy Statement. Maritimes maintains that its existing customers will not subsidize the proposed facilities since the revenues associated with the transportation of the PanCanadian volumes will exceed the costs associated with the proposed facilities.[1] Maritimes adds that its proposed facilities will have minimal impact on existing pipelines and their customers, or on landowners and communities and that the public benefits of its proposal outweigh any adverse effects.

Any questions regarding the application should be directed to Joseph F. McHugh, Director, Regulatory Affairs, M&N Management Company, 1284 Soldiers Field Road, Boston, Massachusetts 02135 at 617–560–1518.

[1] Maritimes states that it does not seek a determination at this time regarding the appropriateness of rolling-in the costs of the proposed facilities, but may do so in a future rate case.

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 March 5, 2002, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-

environmental issues prior to the completion of its review of the environmental aspects of the project. The preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3906 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–81–000]

Natural Gas Pipeline Company of America; Notice of Abandonment Application

February 12, 2002.

On February 7, 2002, Natural Gas Pipeline Company of America (Natural), 747 East 22nd Street, Lombard, Illinois, 60148, filed an application in Docket No. CP02–81–000 pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon certain facilities as detailed below, by sale to Prism Gas Systems, Inc. (Prism) and Panther Pipeline, Ltd. (Panther), two non-jurisdictional gathering companies (which are each to own a fifty percent (50%) interest in the facilities to be abandoned). The application also requests that the Commission determine that the facilities to be sold to Prism and Panther, and the services rendered by means of such facilities, are non-jurisdictional gathering facilities and services, and will be exempt from the Commission's jurisdiction under the NGA, all as more fully set forth in the application 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 be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from follow the instructions (call (202)208–2222 for assistance).

Any questions regarding this application should be directed to James J. McElligott, Senior Vice President, Natural Gas Pipeline Company of America, 747 East 22nd Street, Lombard, Illinois 60148, at (630) 691–3525 or Philip R. Telleen, Esq. at (630) 691–3749.

Specifically, Natural requests authorization to abandon by sale the following:

(1) 26.70 miles of 16-inch diameter offshore and related onshore pipeline and appurtenances originating at the High Island (HI) Block 71A Platform Offshore Texas and terminating onshore near a connection with Natural's 30-inch Louisiana No. 1 Mainline in Jefferson County, Texas including a forty (40) foot portion of 12-inch line in HI Block 48 (HI 71A Lateral), a dual 8-inch meter and appurtenances located on the HI Block 71A Platform Offshore Texas, a dual 8-inch meter and appurtenances located onshore at Natural's Booster Station No. 344 (BS 344) in Jefferson County, Texas, two 12-inch subsea taps located in HI Block 11 and HI Block 48 (all authorized in Docket No. CP72–233), and two (2) 12-inch taps in HI Block 48 and an 8-inch tap in HI Block 71 all authorized in CP82–402 (HI 71A Facilities);

(2) 26.36 miles of 16-inch diameter offshore pipeline and appurtenances originating at the HI Block 139A Platform Offshore Texas and terminating at a 12-inch subsea tie-in tap in HI Block 48 (HI 139A Lateral), a dual 8-inch meter and appurtenances located on the HI Block 139 Platform Offshore Texas, three (3) 12-inch subsea taps in HI Block 51, HI Block 93 and HI Block 109 (authorized in Docket No. CP80–252), and an 8-inch subsea tap in HI Block 68 authorized in Docket No. CP82–402 (HI 139A Facilities);

(3) 3.12 miles of 20-inch onshore pipeline and appurtenances originating near Natural's BS 344 in Jefferson County, Texas and terminating near a connection with Natural's 30-inch Louisiana No. 2 in Jefferson County, Texas (Sabine Pass Lateral) and a dual 12-inch meter and appurtenances located at BS 344 (all authorized in Docket No. CP80–86, as amended) (Sabine Pass Facilities).

There are two ways to become involved in the Commission's review of this abandonment. First, any person wishing to obtain legal status by becoming a party to the proceedings for this abandonment should, on or before March 5, 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 abandonment. 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 abandonment provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this abandonment should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the

Commission) and will not have the right to seek court review of the Commission's final order.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying abandonment will be issued.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3907 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–155–000 and CP01–407–001]

Ozark Gas Transmission, L.L.C.; Notice of Tariff Filing and Compliance Filing

February 12, 2002.

Take notice that on January 29, 2002, Ozark Gas Transmission, L.L.C. (Ozark) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the revised tariff sheets listed in Appendix A attached to the filing, to be effective March 1, 2002.

Ozark states that the purpose of this filing is to comply with the Commission's order Granting Certificates and Approving Market-Based Storage Rates, issued December 21, 2001 in Docket No. CP01–407–000, directing Ozark to file certain pro forma tariff sheets as actual sheets and to develop cost-based storage rates for no-notice service.

Ozark further states that it has served copies of the filing upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before February 19, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. 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. 02–3914 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP99–580–005 and CP99–582–006]

Southern LNG Inc.; Notice of Compliance Filing

February 12, 2002.

Take notice that on January 10, 2002, Southern LNG Inc. (Southern LNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following proposed sheets to become effective December 1, 2001:

Substitute Original Sheet No. 9
Substitute Original Sheet No. 23
Substitute Original Sheet No. 107
Substitute Original Sheet No. 133

Southern LNG states that the filing implements certain directives in the Commission's order issued on January 7, 2002 in the captioned proceeding. SLNG states that copies of the filing will be served upon its customers and interested state commissions, and upon each party designated on the official service listed compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before February 19, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3905 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC02–48–000, et al.]

Otter Tail Power Company, et al.; Electric Rate and Corporate Regulation Filings

February 11, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. [Docket No. EC02–48–000] Otter Tail Power Company

Take notice that on February 5, 2002, Otter Tail Power Company, a division of Otter Tail Corporation, (Otter Tail) pursuant to 18 CFR 33.2(i), tendered for filing a supplement to its Application to Transfer Contractual Rights Over Transmission Facilities to the Midwest Independent Transmission System Operator, Inc. filed on January 31, 2002. This supplement is Exhibit L and contains a copy of an order by the North Dakota Public Service Commission, issued on January 31, 2002, regarding Otter Tail's petition for approval of transfer of functional control of certain transmission facilities to the Midwest Independent Transmission System Operator, Inc.

Comment Date: February 26, 2002.

2. Northeast Utilities Service Company, The Connecticut Light and Power Company, Western Massachusetts Electric Company, Select Energy, Inc.

[Docket No. EC02–50–000]

Take notice that on February 5, 2002, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light and Power Company (CL&P), Western Massachusetts Electric Company (WMECO), and Select Energy, Inc. (Select), filed an application for an

order authorizing the proposed transfer of the Bulk Power Service Agreement Between NUSCO, as agent for CL&P and WMECO, and the Town of Madison, Department of Electric Works, to Select.

Comment Date: February 26, 2002.

3. Southern California Edison Company

[Docket No. ER01–2609–003]

Take notice that on February 6, 2002, Southern California Edison Company (SCE) submitted for filing revised sheets for FERC Electric Tariff, First Revised Volume No. 6 Service Agreement No. 10, the Interconnection Facilities Agreement (IFA) between SCE and Wildflower Energy LP (Wildflower).

The purpose of this filing is to comply with the Commission's November 7, 2001 Order Conditionally Accepting Interconnection Agreement for Filing with Modifications in Southern California Edison Company, 97 FERC ¶ 61,148 (2001), which order required certain changes to be made to the IFA.

Copies of this filing were served upon the Public Utilities Commission of the State of California, the California Independent System Operator and Wildflower.

Comment Date: February 27, 2002.

4. Colton Power L.P.

[Docket No. ER01–2644–004]

Take notice that on February 5, 2002, Colton Power L.P. (Applicant) tendered for filing an amended market-based rate schedule under Section 205 of the Federal Power Act in order to comply with the Federal Energy Regulatory Commission's Letter Order accepting Applicant's market-based rate tariff on January 30, 2002 in the above referenced dockets.

Comment Date: February 26, 2002.

5. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–290–001]

Take notice that on February 6, 2002, Midwest Independent Transmission System Operator, Inc. (Midwest ISO), tendered for filing with the Federal Energy Regulatory Commission (Commission), an Attachment U to its Open Access Transmission Tariff (OATT), FERC Electric Tariff, Original Volume No. 1, which contains the Midwest ISO's Process for the Use of Network Resources Outside of the Midwest ISO and Resolving Competing Requests for Transmission Service Among Network Customers and between Point-to-Point and Network Customers.

The Midwest ISO has electronically served copies of its filing, with attachments, upon all Midwest ISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, the Midwest ISO Advisory Committee participants, Policy Subcommittee participants, as well as all state commissions within the region. In addition, the filing has been electronically posted on the Midwest ISO's website at www.midwestios.org under the hearing ''Filings to FERC'' for other interested parties in this matter.

Comment Date: February 27, 2002.

6. CinCap Madison, LLC

[Docket Nos. ER02–322–002 and ER00–1784–004]

Take notice that on February 4, 2002, CinCap Madison, LLC tendered for filing with the Federal Energy Regulatory Commission (Commission) an amendment to its notice of change in status and an amendment to the market-based rate tariff and code of conduct.

Comment Date: February 25, 2002.

7. Shady Hills Power Company, LLC

[Docket No. ER02–537–001]

Take notice that on February 6, 2002, Shady Hills Power Company, LLC (Shady Hills) tendered for filing, pursuant to a letter order issued by the Federal Energy Regulatory Commission (Commission) on January 30, 2002, a compliance filing enclosing revised tariff sheets reflecting the correct effective date and including the service agreement as Sheet No. 4 to Shady Hills' market-based rate tariff.

Comment Date: February 27, 2002.

8. Otter Tail Power Company

[Docket No. ER02–912–001]

Take notice that on February 5, 2002, Otter Tail Power Company submitted corrections to its proposal to implement a Control Area Services and Operations Tariff and terminate its Open Access Transmission Tariff, which was filed on January 31, 2002. The corrections concern the Control Area Services and Operations Tariff.

Comment Date: February 26, 2002.

9. Otter Tail Power Company

[Docket No. ER02–916–001]

Take notice that on February 5, 2002, Otter Tail Power Company filed a revised version of the Ancillary Services Agreement between Otter Tail Power Company and the Midwest Independent Transmission System Operator, Inc. to replace the initial version filed on January 31, 2002. The revised version contains the signatures of both parties on a single page and also includes the designations required by Order No. 614.

Copies of this filing were sent to those persons on the official service list compiled by the Secretary in this proceeding and upon each person served the original filing made on January 31, 2002.

Comment Date: February 26, 2002.

10. Entergy Services, Inc.

[Docket No. ER02–970–000]

Take notice that on February 6, 2002, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing a Non-Firm Point-To-Point Transmission Service Agreement and a Short-Term Firm Point-To-Point Transmission Service Agreement both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Entergy Power Generation Corporation.

Comment Date: February 27, 2002.

11. DTE East China, LLC

[Docket No. ER02–971–000]

Take notice that on February 6, 2002, DTE East China, LLC (DTE East China) submitted for filing with the Federal Energy Regulatory Commission (Commission), pursuant to Section 205 of the Federal Power Act, and Part 35 of the Commission's regulations, a Petition for authorization to make sales of electric capacity and energy, and for certain waivers and blanket authorizations of the Commission's regulations typically granted to entities with market-based rate authorizations.

Comment Date: February 27, 2002.

12. Illinois Power Company

[Docket No. ER02–972–000]

Take notice that on February 6, 2002, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, filed with the Federal Energy Regulatory Commission (Commission), a Network Integration Transmission Service Agreement entered into by Illinois Power, as transmission provider, with Illinois Power, as retail merchant. The Agreement was entered into pursuant to Illinois Power's Open Access Transmission Tariff.

Illinois Power requests an effective date of February 1, 2002.

Illinois Power states that a copy of this filing has been sent to the customer.

Comment Date: February 27, 2002.

13. International Transmission Company

[Docket No. ER02–974–000]

Take notice that on February 6, 2002, International Transmission Company

(International Transmission) tendered for filing pursuant to Section 205 of the Federal Power Act, 16 U.S.C. § 824d (1994), transmission service agreements for the provision of network integration transmission service and short-term firm point-to-point transmission service under the joint open access transmission tariff between International Transmission and Michigan Electric Transmission Company to the following customers: CMS MS&T Michigan L.L.C., Engage Energy America LLC, Quest Energy L.L.C., and Nordic Marketing LLC.

Comment Date: February 27, 2002.

14. Energy.com Corporation

[Docket No. ER02–976–000]

Take notice that on January 31, 2002, Energy.com Corporation and its parent company, eVulkan Inc. d/b/a beMany, filed a cancellation of rate schedule.

Energy.com requests an effective date of January 31, 2002.

Comment Date: February 21, 2002.

15. Entergy Services, Inc.

[Docket No. ER02–980–000]

Take notice that on February 6, 2002, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing a Long-Term Firm Point-To-Point Transmission Service Agreement between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Calpine Energy Services, L.P.

Comment Date: February 27, 2002.

16. California Independent System Operator Corporation

[Docket No. ER02–981–000]

Take notice that on February 6, 2002, the California Independent System Operator Corporation (ISO), tendered for filing with the Federal Energy Regulatory Commission (Commission) a Scheduling Coordinator Agreement between the ISO and Allegheny Energy Supply Company, LLC for acceptance by the Commission.

The ISO is requesting the Coordinator Agreement to be made effective as of January 31, 2002.

The ISO states that this filing has been served on Allegheny Energy Supply Company, LLC and the California Public Utilities Commission.

Comment Date: February 27, 2002.

17. Koch Energy Trading, Inc.

[Docket No. ER02–982–000]

Take notice that on February 6, 2002, Koch Energy Trading, Inc. tendered for filing with the Federal Energy Regulatory Commission (Commission), a Notice of Termination of a Service Agreement with Koch Energy Trading, Inc. under Rate Schedule FERC No. 210 previously filed under the Commission's Docket No. ER00–993–000 with an effective termination date of February 1, 2002.

Comment Date: February 27, 2002.

18. Illinois Power Company

[Docket No. ER02–983–000]

Take notice that on February 6, 2002, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, filed with the Federal Energy Regulatory Commission (Commission) a Notice of Cancellation, effective at 11:59 p.m. on January 31, 2002, of Rate PS Power Sales Tariff, FERC Electric Tariff, Original Volume No. 7.

Illinois Power states that a copy of the Notice of Cancellation has been mailed to each person on the official service list in this proceeding and each party having a service agreement under Rate PS Power Sales Tariff.

Comment Date: February 27, 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. 02–3862 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2342–011 Washington]

PacifiCorp, Notice of Intention to Hold a Public Meeting on the Draft Supplemental Final Environmental Impact Statement for the Condit Hydroelectric Project

February 12, 2002.

On January 29, 2002, the Commission staff delivered the Draft Supplemental Final Environmental Impact Statement (draft supplemental FEIS) to the U.S. Environmental Protection Agency, resource and land management agencies, and interested organizations and individuals. The draft supplemental FEIS evaluates the environmental consequences of removing Condit dam located on the White Salmon River in Klickitat and Skamania Counties, Washington.

The draft supplemental FEIS was noticed in the **Federal Register** on February 8, 2002, and comments are due by March 25, 2002.

Commission staff will conduct a public meeting to present the draft supplemental FEIS findings, answer questions about the findings, and solicit public comment. The public meeting will be recorded by a court reporter, and all meeting statements (oral or written) will become part of the Commission's public record of this proceeding.

The meeting will be held Wednesday, March 13, 2002, in the Columbia Room, at the Best Western Hood River Inn, 1108 East Marina Way, Hood River, Oregon. The meeting will begin at 7:00 p.m. and end at 9:30 p.m.

For further information, please contact Nicholas Jayjack at (202) 219–2825.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3911 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Site Visit

February 12, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Amended application for new license.

b. *Project No.:* 1354.

c. *Date filed:* July 28, 2001.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Crane Valley.

f. *Location:* On Willow Creek, North Fork Willow Creek, South Fork Willow Creek, Chilkoot Creek, and Chiquito Creek within the San Joaquin River Basin. The project is in Madera and Fresno counties near the town of Oakhurst, California.

The project includes 738.11 acres of federal lands within the Sierra National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791 (a)–825(r).

h. *Applicant Contact:* Mr. James Holeman (415) 973–6891 or Mr. Nicholas Markevich (415) 973–5358.

i. FERC Contact: Jim Fargo at (202) 219–2848; e-mail *james.fargo@ferc.fed.us.*

j. This application has been accepted, but is not ready for environmental analysis at this time.

k. The Crane Valley—with 26.7 megawatts (MW) of normal operating capacity—has storage, diversion, water conveyance, and power production facilities.

- The Crane Valley reservoir (Bass Lake) with a maximum storage capacity of 45,410 acre-feet (ac-ft) and Chilkoot reservoir, upstream of Crane valley, with a maximum capacity of 310 ac-ft.
- A small diversion on a tributary to the West Fork Chiquito Creek that brings water to Chilkoot reservoir.
- A conveyance system—including three diversion dams, three forebays, one afterbay, and about 14 miles of canals, tunnels and flumes—linking these five powerhouses:

—Crane Valley, with 0.9 MW of normal operating capacity
—San Joaquin No. 3, with 3.4 MW of normal operating capacity
—San Joaquin No. 2, with 3.2 MW of normal operating capacity
—San Joaquin No. 1A, with 0.4 MW of normal operating capacity
—Wishon, with 18.8 MW of normal operating capacity.

Historically, the project produces 123.3 gigawatthours (GWh) of electrical energy annually and has a dependable capacity of 8.4 MW.

1. Site visit: On March 12 and 13, 2002, the participants will meet at 9:00 a.m. at the registration desk at the Pines Resort at Bass Lake in Oakhurst, California. The site visit will extend to 5:00 p.m. Those interested in participating should contact Mr. Nicholas Markevich (415) 973–5358, in advance. Participants should provide their own transportation and apparel for the site visit. Participants are responsible for their own lunches; however, we will be stopping at nearby restaurants.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3909 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Scoping Meeting and Soliciting Scoping Comments for an Applicant Prepared Environmental Assessment Using the Alternative Licensing Process

February 12, 2002.

a. Type of Application: Alternative procedures to prepare a new license application.

b. Project Nos.: P–2146–090, P–82–019, P–618–104, and P–2165–015.

c. Applicant: Alabama Power Company.

d. Name of Projects: Coosa River Project (Weiss, Neely Henry, Logan Martin, Lay and Bouldin developments), Mitchell Project, Jordan Project, and Warrior River Project (Lewis Smith and Bankhead developments), collectively called the Coosa-Warrior Projects.

e. Location: On the Coosa and Warrior Rivers, in Cherokee, Etowah, Calhoun, St. Clair, Talladega, Chilton, Coosa, Shelby, Elmore, Walker, Winston, Cullman, and Tuscaloosa Counties, Alabama and Floyd County, Georgia. The Warrior River Project occupies federal lands within the Bankhead National Forest.

f. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791(a)—825®).

g. Applicant Contacts: Jim Crew, Relicensing Project Manager, Alabama Power Company, 600 North 18th Street, Birmingham, AL 35291, (205) 257–4265, e-mail jfcrew@southernco.com or Barry Lovett, Relicensing Project Manager, Alabama Power Company, 600 North 18th Street, Birmingham, AL 35291, (205) 257–1268, e-mail *bklovett@southernco.com.*

h. FERC Contact: Ronald McKitrick at (770) 452–3778; e-mail ronald.mckitrick@ferc.fed.us.

i. Deadline for filing scoping comments: April 12, 2002.

All documents (original and eight copies) should be filed with: Magalie Roman Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Scoping comments may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(l)(iii) and the instructions of the Commission's web site (*http://ww.ferc.gov*) under the ''e-filing'' link.

The existing Coosa River Project consists of five developments (Weiss, Neely Henry, Logan Martin, Lay, and Bouldin) with a total rated capacity of 705.78 MW. Lay and Bouldin operate principally as run-of-river projects. Weiss, Neely Henry, and Logan Martin operate as peaking projects. The Mitchell Project has a rated capacity of 170 MW and operates principally as run-of-river. The Jordan Project has a rated capacity of 100 MW and operates principally as run-of-river. The Warrior River Projects consists of two developments (Lewis Smith and Bankhead) with a total rated capacity of 210 MW, Lewis Smith is a peaking project and Bankhead operates principally as run-of-river. The Bankhead development is located on an existing ACOE dam and reservoir. The project includes the powerhouse only.

k. Scoping Process

Alabama Power Company (APC) intends to utilize the Federal Energy Regulatory Commission's (Commission) alternative licensing process (ALP). Under the ALP, APC will prepare an Applicant Prepared Environmental Assessment (APEA) and license application for the Coosa-Warrior Projects.

APC expects to file the APEA and the license application for the Coosa-Warrior Projects with the Commission by July 2005.

The purpose of this notice is to inform you of the opportunity to participate in the upcoming scoping meeting identified below, and to solicit your scoping comments.

Scoping Meeting

APC and the Commission staff will hold an evening scoping meeting to help us identify the scope of issues to be addressed in the APEA.

All interested individuals, organizations, and agencies are invited to attend the meeting, to assist the staff in identifying the environmental issues and reasonable alternatives that should be analyzed in the APEA. The time and location of the evening meeting is as follows:

Tuesday, March 12, 2002, 7:00 pm to 9:00 pm.

Sheraton Birmingham South Hotel, 8 Perimeter Drive, Birmingham, Alabama 35243, (205) 967–2700.

Scoping Document 1 (SD1) outlines the subject areas to be addressed in the APEA and describes the accomplishments of the stakeholders during early scoping efforts for the

APEA. The purpose of the SD1 is to help focus discussions at the meeting. SD1 was mailed by February 18th to the APEA participants, in addition copies will be available at the scoping meeting. If you did not receive a copy of SD1 and would like to review the document before the meeting you can locate the document on the APC website using the following link *http://www.southernco.com/alpower/hydro.* (For assistance, please contact APC at (205) 257–2211). You may also use the Commission's website at *www.ferc.gov* using the ''RIMS'' link—select ''Docket No.'' and follow the instructions (call (202)–452–3778 or by email at *ronald.mckitrick@ferc.fed.us.* You may also receive a copy via electronic mail.

Based on all written comments received, a Scoping Document 2 (SD2) may be issued. SD2 will include a revised list of issues, based on the scoping sessions.

Objectives

At the scoping meeting, the Commission staff and APC will: (1) summarize the environmental issues tentatively identified for analysis in the APEA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from the experts and the public on issues that should be analyzed in the APEA, including viewpoints in opposition to, or in support of stakeholder's list of issues as defined in SD1; (4) determine the resource issues to be addressed in the APEA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

The meeting will be recorded by a stenographer and will become part of the formal record of the Commission proceeding on the project.

Individuals, organizations and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the APC in defining and clarifying the issues to be addressed in the APEA.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3910 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Energy Imbalance Service

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Extension of Comment Period.

SUMMARY: The Western Area Power Administration (Western), a Federal power marketing agency of the Department of Energy (DOE), published on December 20, 2001, in the **Federal Register**, a notice announcing a revision to the current rate schedule for Energy Imbalance Service for the Western Area Colorado Missouri control area (WACM).

Western held an informal public information meeting on January 15, 2002. As a result of this meeting, several requests were made to extend the comment period to allow for further review of data for those entities within WACM. This will also allow those entities to submit more in-depth comments on the subject.

This **Federal Register** notice extends the comment period for the Proposed Rate for Energy Imbalance Service from January 31, 2002, to February 28, 2002, and will delay the date that the interim rate is to be placed into effect from April 1, 2002, to May 1, 2002.

DATES: The consultation and comment period has been extended to February 28, 2002. The date that the interim rate is to be placed into effect has been delayed from April 1, 2002, to may 1, 2002.

ADDRESSES: Send written comments about this proposed rate schedule revision to: Mr. Joel K. Bladow, Regional Manager, Rocky Mountain Customer Service Region, Western Area Power Administration, PO Box 3700, Loveland, CO 80539–3003. Interested parties may also fax their comments addressed to Mr. Bladow at (970) 461–7213. Western must receive all written comments by 6 p.m. (MST) February 28, 2002, to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Daniel T. Payton, Rates Manager, 970–461–4772; Paul Humberson, Project Manager, 970–461–7327; or Lynn E. Richardson, Public Utilities Specialist, 970–461–7440.

Dated: February 5, 2002.

Michael S. Hacskaylo,

Adminstrator.

[FR Doc. 02–3888 Filed 2–15–02; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7146–9]

Proposed CERCLA Administrative Order on Consent for Remedial Investigation/Feasibility Study—Bountiful/Woods Cross/5th South PCE Plume NPL Site, Woods Cross, Davis County, UT

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for public comment.

SUMMARY: In accordance with the requirements of section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(h)(1), notice is hereby given of the proposed administrative settlement under section 122(h) of CERCLA, 42 U.S.C. 9622(h), between EPA and W.S. Hatch Company (''Settling Party'') regarding the W.S. Hatch facility (the ''Facility''). The property which is the subject of this proposed Consent Order is a parcel of land approximately three acres in size and is located at approximately 643 South and 800 West in Woods Cross, Davis County, Utah. The settlement, embodied in the proposed Administrative Order on Consent for Remedial Investigation/Feasibility Study (''RI/FS''), EPA Docket No. CERCLA–8–2001–14 (''AOC''), is intended to resolve the Settling Party's liability at the Site for and all response costs incurred and paid, or to be incurred and paid, by EPA in connection with the work performed at the Site as provided for in the AOC.

W.S. Hatch Company is the owner of a parcel of land which has been impacted by business operations at the Hatchco Facility and is included within the defined boundaries of the Site. The proposed AOC will resolve Settling Party's liability under section 107(a)(1) of CERCLA, 42 U.S.C. 9607(a)(1). Under the terms of the proposed AOC, the Settling Party agrees to conduct a RI/FS on the Settling Party's property. In exchange, the Settling Party will settle its liability for all response costs incurred and paid, or to be incurred and paid, at the Site in connection with the work performed at the Site as provided for in the AOC.

OPPORTUNITY FOR COMMENT: For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received on the Reimbursement of Response and Oversight Costs portion of the AOC only (Section XXII) and may modify or

withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado.

DATES: Comments must be submitted on or before March 21, 2002.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Records Center, 999 18th Street, 5th Floor, in Denver, Colorado. Comments and requests for a copy of the proposed settlement should be addressed to Carol Pokorny, Enforcement Specialist (8ENF–T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, and should reference the Bountiful/Woods Cross/5th South PCE Plume NPL Site (Hatchco Property), Woods Cross, Davis County, Utah, and the EPA Docket No. CERCLA–8–200–14 (Hatchco AOC).

FOR FURTHER INFORMATION CONTACT: Carol Pokorny, Enforcement Specialist (8ENF–T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, (303) 312–6970.

It is so agreed:

Dated: February 4, 2002.

Carol Rushin,

Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Region VIII.

[FR Doc. 02–3923 Filed 2–15–02; 8:45 am]

BILLING CODE 6560–50–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Meeting of the President's Council of Advisors on Science and Technology

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for a meeting of the President's Council of Advisors on Science and Technology (PCAST), and describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (FACA).

Dates and Place: March 5, 2002, Washington, DC. This meeting will take place in the Board Room of the American Institute of Architects, 1735 New York Avenue, NW, Washington, DC.

Type of Meeting: Open.

Proposed Schedule and Agenda: The President's Council of Advisors on Science and Technology is tentatively scheduled to meet in open session on Tuesday, March 5, 2002, at approximately 10:30 a.m., to discuss: (1) The science and technology of combating terrorism; (2) policies and technologies to improve energy efficiency; (3) the federal investment in science and technology research and development; and (4) demand issues that can speed the deployment of a 21st Century broadband infrastructure. The work of the PCAST panels on these topics will also be discussed. This session will end at approximately 4:30 p.m.

Public Comments: There will be a time allocated for the public to speak on any of the above agenda items. Please make your request for the opportunity to make a public comment five (5) days in advance of the meeting. The time for public comments will be limited to no more than 5 minutes per person. Written comments are welcome at any time prior to or following the meeting. Please notify Stan Sokul, PCAST Executive Director, at (202) 456–6070, or fax your request/comments to (202) 456–6021.

FOR FURTHER INFORMATION: For information regarding time, place and agenda, please call Cynthia Chase at (202) 456–6010, prior to 3:00 p.m. on Friday, March 1, 2002. Information may also be available at the PCAST Web site at: *http://www.ostp.gov/PCAST/pcast.html.* Please note that public seating for this meeting is limited and is available on a first-come, first-served basis.

SUPPLEMENTARY INFORMATION: The President's Council of Advisors on Science and Technology was established by Executive Order 13226, on September 30, 2001. The purpose of PCAST is to advise the President on matters of science and technology policy, and to assist the President's National Science and Technology Council in securing private sector participation in its activities. The Council members are distinguished individuals appointed by the President from non-Federal sectors. The PCAST is co-chaired by Dr. John H. Marburger, III, the Director of the Office of Science and Technology Policy, and by E. Floyd Kvamme, a Partner at Kleiner Perkins Caufield & Byers.

Barbara Ann Ferguson,

Assistant Director for Budget and Administration, Office of Science and Technology Policy.

[FR Doc. 02–3885 Filed 2–15–02; 8:45 am]

BILLING CODE 3170–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Establishment of the FDIC Advisory Committee on Banking Policy

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice.

SUMMARY: The Chairman of the Federal Deposit Insurance Corporation has determined to establish the FDIC Advisory Committee on Banking Policy (''the Committee''). The Committee will provide advice and recommendations on a broad range of issues relating to the FDIC's mission and activities, including, but not limited to: the delivery of services by the FDIC, its corporate infrastructure, and policy initiatives in the areas of deposit insurance, supervision of financial institutions, resolutions and management of failing and failed institutions, and other issues impacting the financial services industry. The Chairman certifies that the establishment of this advisory committee is in the public interest in connection with the performance of duties imposed on the FDIC by law.

FOR FURTHER INFORMATION CONTACT: Joan S. van Berg, Legal Division, FDIC, 550 17th Street, NW., Washington, DC 20429; telephone (202) 898–6891.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act (''FACA''), 5 U.S.C. App. 2, notice is hereby given that the Chairman of the FDIC intends to establish the FDIC Advisory Committee on Banking Policy (''the Committee''). After consultation with the General Services Administration as required by section 9(a)(2) of FACA and 41 CFR 102–3.65, the Chairman of the FDIC certifies that he has determined that the establishment of the Committee is in the public interest in connection with the performance of duties imposed on the FDIC by law.

The Committee will provide advice and recommendations on a broad range of issues relating to the FDIC's mission and activities, including, but not limited to: the delivery of services by the FDIC, its corporate infrastructure, and policy

initiatives in the areas of deposit insurance, supervision of financial institutions, resolutions and management of failing and failed institutions, and other issues impacting the financial services industry. The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. To achieve the Committee's goals, members will be appointed that can effectively represent the varied and diverse interests affected by the range of issues to be considered. The Committee's membership may include, among others, representatives from academia, financial institutions, the financial services industry, private industry, consumer or public interest groups, state supervisory authorities, or others impacted by banking-related and operational issues. The Committee's members will be chosen to ensure a fairly balanced membership to bring into account a diversity of viewpoints, expertise, and backgrounds.

Dated: February 13, 2002.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 02–3975 Filed 2–15–02; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Program; Information Collection Request

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Publication of FMCS seeking comments on the following information collection.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) is seeking comments on the following information colleciton requests. FMCS submitted to the Office of Management and Budget (OMB) a request for review of six FMCS forms. The forms are SF–242 Application or Reimbursement, (LM–8) Project Performance, SF–269a (LM–7) Financial Status Report, (LM–9) FMCS Grants Program Grantee Evaluation and (LM–3) Accounting System and Financial Capability Questionnaire.

DATES: Comments must be submitted within *60* days from the date of this publication in the **Federal Register.**

ADDRESSES: Send Comments to: Office of Information and Regulatory Affairs of Office of Management and Budget, Attention: Desk Officer for the Federal Mediation and Conciliation Service, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jane A. Lorber, (202) 606–8181.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Notice of Forms SF–424, SF–270 (LM–6), (LM–8), SF–269a (LM–7), (LM–9), and (LM–3) submitted for extension and review to the Office of Management and Budget.

SUMMARY: This notice announces that six information collection requests contained in the Federal Mediation and Conciliation Service (FMCS) agency forms are coming up for renewal. FMCS submitted to the Office of Management and Budget (OMB) a request for review of six FMCS forms: SF–424 Application for Federal Assistance, SF–270 (LM–6)—Request for Advance or Reimbursement, (LM–8)—Project Performance, SF–269 (LM–7)—Financial Status Report, (LM–9)—FMCS Grants Program Grantee Evaluation Questionnaire, and (LM–3)—Accounting System and Financial Capability Questionnaire. In addition to renewing these forms in paper format, FMCS will also provide the forms on-line in a fillable format to allow for application by electronic means as required by the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106–107. The request seeks OMB approval for a three-year expiration date of Forms SF–424, SF–269a (LM–6), (LM–8), SF–270a (LM–7), (LM–9) and (LM–3) until December 31, 2004. FMCS is soliciting comments on specific aspects of the collection as described below.

DATES: Comments must be submitted on or before February 28, 2002.

ADDRESSES: Submit written comments identified by the appropriate agency form number by mail to to the Office of Information and Regulatory Affairs of Office of Management and Budget, Attn: Desk Office for the Federal Mediation and Conciliation Service, Room 10235, Washington, DC 20503. Copies of the complete agency forms may be obtained from the Labor Management Grants Program at Federal Mediation and Conciliation Service, the Labor Management Grants Program, 2100 K Street, NW., Washington, DC 20427 or by contacting the person whose name appears under the section headed, **FOR FURTHER INFORMATION CONTACT.**

Comments and data may also be submitted by fax at (202) 606–3434 or electronically by sending electronic (e-mail) to *ilorber@fmcs.gov* or *lstubbs@fmcs.gov.* All comments and data in electronic form must be identified by the appropriate agency form number. No confidential business information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of the information as ''CBI''. Information so marked will not be disclosed but a copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by FMCS without prior notice. All written comments will be available for inspection in Room 714 at the Washington, DC address above from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Jane Lorber, Director of Labor Management Grants Program or Ms. Linda Stubbs, Grants Management Specialists, FMCS 2100 K Street, NW., Washington, DC 20427. Telephone (202) 606–8181; Fax (202) 606–3434.

SUPPLEMENTARY INFORMATION: Copies of each of the agency forms are available from the Labor-Management Grants Program, by calling, facing, or writing, Ms. Linda Stubbs at the above address. Please ask for the form by title and agency form number.

I. Information Collection Requests

FMCS is seeking comments on the following information collection requests contained in FMCS agency forms.

Agency: Federal Mediation and Conciliation Service.

Form Number: OMB No. 3076–0006.

Type of Request: Extension of Expiration date of a currently approved collection without any change in the substance. In compliance with the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106–107, an electronic filing is being added as a collection method.

Affected Entities: Potential applicants/grantees who received our grant application kit. Also, applicants/grantees who have received a grant from FMCS.

Frequency:

a. Three of the forms the SF–424, LM–6, and LM–9 are submitted at the applicant/grantee's discretion.

b. To conduct the quarterly submission, LM–7/LM–8 forms are

used. Less than quarterly reports would deprive FMCS of the opportunity to provide promptly technical assistance to deal with those problems identified in the report.

c. Once per application. The LM–3 is the only form to which a ''similar information'' requirement could apply. That form takes the requirement into consideration by accepting recent audit reports in lieu of applicant completion of items C2 through 9 and items D1 through 3.

Burden: SF–424 Application for Federal Assistance, SF–270 (LM–6) Request for Advance or Reimbursement-30 minutes, (LM–8) Project Performance-60 minutes, SF–269a (LM–7) Financial Status Report-30 minutes, (LM–9) FMCS Grants Program Evaluation Questionnaire-60 minutes, and (LM–3) Accounting System and Financial Capability Questionnaire 60 minutes.

Abstract: Except for the FMCS Forms LM–3 and LM–9, the forms under consideration herein are either required or recommended on OMB Circulars. The two exceptions are non-recurring forms, the former a questionnaire sent only to non-governmental potential grantees and the latter a questionnaire sent only to former grantees for voluntary completion and submission.

The collected information is used by FMCS to determine annual applicant suitability, to monitor quarterly grant project status, and for on-going program evaluation. If the information were not collected, there could be no accounting for the activities of the program. Actual use has been the same as intended use.

II. Request for Comments

FMCS solicits 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 estimates of the burden of the proposed collection of information.

(ii) Enhance the quality, utility, and clarity of the information to be collected.

(iv) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic collection technologies or other forms of information technology, e.g. permitting electronic and fax submission of responses.

III. The Official Record

The official record is the paper records maintained at the address in **ADDRESSES** at the beginning of this document. FMCS will transfer all electronically received comments into printed form as they are received. These records are available for inspection from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

List of Subjects

Labor-Management Cooperation Program and Information collection requests.

Dated: December 21, 2001.

Jane A. Lorber,

Director, Labor Management Grants Program.

[FR Doc. 02–3886 Filed 2–15–02; 7:45 am]

BILLING CODE 6372–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 4, 2002.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Paul J. Thompson, Leawood, Kansas; Mark C. Thompson, Kansas City, Missouri; and Timothy J. Thompson, Fairway, Kansas; to acquire voting shares of CCB Corporation, Kansas City, Missouri, and thereby indirectly acquire voting shares of Country Club Bank, National Association, Prairie Village, Kansas, and Acquisition Corporation, Leawood, Kansas, and thereby acquire shares of MidAmerican Bank and Trust Company, National Association, Leavenworth, Kansas

Board of Governors of the Federal Reserve System, February 12, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–3880 Filed 2–15–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. 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 each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 14, 2002.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. First Community Bancshares, Xenia, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of First Community Bank, Xenia-Flora, Xenia, Illinois.

Board of Governors of the Federal Reserve System, February 12, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–3881 Filed 2–15–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
TRANSACTIONS GRANTED EARLY TERMINATION—01/22/2002			
20020314	SBC Communications Inc.	Yahoo! Inc.	Yahoo! Inc.
20020315	CKE Restaurants, Inc.	Santa Barbara Restaurants Group, Inc.	Santa Barbara Restaurants Group, Inc.
20020320	DBBC, L.L.C.	Cumulus Media Inc.	Cumulus Media Inc.
20020323	Atmos Energy Corporation	Robert M. Hearin Support Foundation	Mississippi Valley Gas Company.
20020327	Kirin Brewery Company, Limited	Diageo plc	Joseph E. Seagram & Sons, Inc.
20020333	General Electric Company	W. Don Cornwell	KNTV License, Inc. KNTV Television, Inc.
20020335	Joseph M. & Marie Field	Tribune Company	Tribune Denever Radio, Inc.
20020339	Crandell C. & Erskine B. Bowels	Carl M. & Marie T. Bouckaert	Beaulieu Canada Company. Beaulieu Group, LLC.
20020340	Heartland Industrial Partners, L.P.	Carl M. & Marie T. Bouckaert	Beaulieu Canada Company. Beaulieu Group, LLC.
TRANSACTIONS GRANTED EARLY TERMINATION—01/23/2002			
20020290	GTCR Fund VII, L.P.	Verizon Communications Inc.	TSI Telecommunications Services Inc.
20020332	The Bank of New York Company, Inc.	Credit Suisse Group	Autranet LLC.
20020348	SBC Communications, Inc.	Newco	Newco.
TRANSACTIONS GRANTED EARLY TERMINATION—01/24/2002			
20020351	Tyco International Ltd.	McGrath RentCorp	McGrath RentCorp.
TRANSACTIONS GRANTED EARLY TERMINATION—01/25/2002			
20020325	Yahoo! Inc.	HotJobs.com, Ltd.	HotJobs.com,Ltd
20020342	Nextel Communications, Inc.	NeoWorld Holdings, LLC	NeoWorld Communications, Inc.
20020346	Digi International Inc.	NetSilicon, Inc.	NetSilicon, Inc.
TRANSACTIONS GRANTED EARLY TERMINATION—01/28/2002			
20020353	Moore Corporation Limited	The Nielsen Group, Inc.	The Nielsen Company.
20020355	Chiron Corporation	Matrix Pharmaceutical, Inc.	Matrix Pharmaceutical, Inc.
20020356	Danaher Corporation	Marconi plc	Marconi Data Systems, Inc.
20020359	Dycom Industries, Inc.	Arguss Communications, Inc.	Arguss Communications, Inc.
20020360	Sumner M. Redstone	Sumner M. Redstone	MTVI Group LP.
20020361	Barcardi U.S.A., Inc.	Tequila Cazadores, S.A. de C.V.	Tequila Cazadores, S.A. de C.V.
20020366	IM Internationalmedia AG	Spyglass Enterainment Group, Inc.	Spyglass Entertainment Group, Inc.
20020367	Gray Barber	IM Internationalmedia AG	IM Internationalmedia AG.
20020370	Pierre Lassonde	Newmont Mining Corporation	Newmont Mining Corporation.
20020371	Seymour Schulich	Newmont Mining Corporation	Newmont Mining Corporation
TRANSACTIONS GRANTED EARLY TERMINATION—01/29/2002			
20020324	Carl C. Icahn	Willamette Industries, Inc.	Willamette Industries, Inc.
20020328	Northwestern Corporation	The Montana Power Company	The Montana Power Company
20020357	Alpha Industries, Inc.	Conexant Systems, Inc.	Washington Sub, Inc.
20020365	Respironics, Inc.	Novametrix Medical Systems Inc.	Novametrix Medical Systems Inc.
20020369	General Electric Company	PII Group Limited	PII Group Limited
TRANSACTIONS GRANTED EARLY TERMINATION—01/30/2002			
20020264	Danaher Corporation	Pennon Group, Plc	Viridor Instrumentation Limited.

Trans #	Acquiring	Acquired	Entities
TRANSACTIONS GRANTED EARLY TERMINATION—02/01/2002			
20020306	Elan Corporation, plc	Ligand Pharmaceuticals Incorporated	Ligand Pharmaceuticals Incorporated.
20020336	Adelphia Communications Corporation	ML Media Partners, L.P.	Century/ML Cable Venture.
20020374	Nestle S.A.	PhotoCure ASA	PhotoCure ASA.
20020375	Mrs. L. Bettencourt	PhotoCure ASA	PhotoCure ASA.
20020377	Yellow Pages Investments, L.P.	McLeodUSA Incorporated	McLeodUSA Media Group, Inc.
20020389	Mr. Jeffrey H. Loria	Mr. John W. Henry	Florida Marlins Baseball Club, L.L.C. Marlins Ballpark Development Company.
20020390	Mr. John W. Henry	The Jean R. Yawkey Trust, dated July 28, 1981, as amended.	Boston Red Sox Baseball Club L.P.
20020393	UBS AG	Enron Corp.	Enron Corp.
20020395	CenturyTel, Inc.	Verizon Communications Inc.	Verizon Communications Inc.
20020396	Voting Trust Agreement	R.R. Engstrom	Darr Equipment Operating Co., L.P. Darr Rental Co.
20020401	Peter M. Holt	R.R. Engstrom	Darr Energy Services, L.P. Darr Equipment Operating Co., L.P. Darr Rental Co.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, or Chandra L. Kennedy, Contact Representatives. Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary .

[FR Doc. 02–3830 Filed 2–15–02; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0259]

Proposed Collection for Public Comments; Comment Request Entitled Market Research Questionnaire

AGENCY: Federal Supply Service, GSA.

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (3090–0259), Market Research Questionnaire.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the General Services Administration (GSA) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Market Research Questionnaire.

Public comments are particularly invited on: Whether this collection of market research information is necessary for the proper performance of GSA procurement, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: *Comment Due Date*: April 22, 2002.

ADDRESSES: Submit comments regarding this information collection to Stephanie Morris, General Services Administration, Acquisition Policy Division, 1800 F Street, NW., Room 4035, Washington, DC 20405 or fax to (202) 501–4067. Please cite OMB Control Number 3090–0259.

FOR FURTHER INFORMATION CONTACT: Charles P. Gallagher, Federal Supply Service, GSA (703) 305–6930.

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration will be requesting the Office of Management and Budget (OMB) to review and approve information collection, 3090–0259, concerning the Market Research Questionnaire. The Market Research Questionnaire is used to gather information that is necessary to develop and/or revise Federal specifications and other purchase descriptions.

B. Annual Reporting Burden

Respondents: 25.
Annual Responses: 25.
Average hours per response: 0.5.
Burden Hours: 12.5.

Obtaining Copies of Proposal: Requester may obtain a copy of the proposal from the General Services Administration, Acquisition Policy Division (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4744. Please cite OMB Control No. 3090–0259, Market Research Questionnaire.

Dated: February 11, 2002.

Michael W. Carleton,

Chief Information Officer (I).

[FR Doc. 02–3997 Filed 2–15–02; 8:45 am]

BILLING CODE 6020–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

Protection of Human Subjects: Common Rule (56 FR 28003) and HHS Regulations at 45 CFR Part 46—999–0020—The Common Rule (56 FR 28003) establishes Federal policy for the protection of human subjects of Federal government conducted or sponsored research. The Common Rule, published in 1991, request applicant and awardee institutions to establish procedures to report, disclose and maintain required records to include informed consent, assurances that an Institutional Review Board (IRB) has been established, IRB recordkeeping and disclosure requirements and certification that

projects have been reviewed by the IRB. Respondents: Individuals, Business or other for-profit, Non-profit institutions, Federal, State, Local or Tribal Governments.

BURDEN INFORMATION

Section of rule and description	Annual number of responses	Burden (hrs) per response	Total (hrs) burden
103(a)–(c)—assurances	3,300	3	9,900
Written policies and procedures	1,800	13.89	27,000
103(b)(3)—change IRB membership	500	1	500
103(b)(5)—incident reporting (non-compliance cases)	120	80	9,600
103(b)(5)—incident reporting (other)	275	4	1,100
103(f)—certification	20,574	.083	1,708
103(b), 116, 117, 115(a) IRB actions, informed consent, recordkeeping	20,574	5	102,870
103(b)(4)—changes to IRB	41,148	1	41,148
113—termination of IRB approval	275	2	550

Total Burden: 194,376 hours.

OMB Desk Officer: Allison Herron Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Written comments should be received within 30 days of this notice.

Dated: February 11, 2002.

Kerry Weems,

Acting Deputy Assistant Secretary, Budget.

[FR Doc. 02–3984 Filed 2–15–02; 8:45 am]

BILLING CODE 4150–28–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–1537]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medicare/Medicaid Hospital Survey Report Form and Supporting Regulations in 42 CFR 482.2 through 482.57; *Form No.:* HCFA–1537 (OMB# 0938–0382); *Use:* Section 1861(e) of the Social Security Act (the Act) provides that hospitals participating in Medicare under the Act must meet specific requirements. These requirements are presented as Condition of Participation. State agencies must determine compliance with these conditions through the use of this report form.; *Frequency:* Annually; *Affected Public:* State, Local, or Tribal Government; *Number of Respondents:* 630; *Total Annual Responses:* 630; *Total Annual Hours:* 2,048.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Julie Brown, CMS–1537, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 6, 2002.

John P. Burke, III,

Reports Clearance Officer, Security and Standards Group Division of CMS Enterprise Standards.

[FR Doc. 02–3987 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–10059]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden

estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection; *Title of Information Collection:* Survey of Medicare Private Fee-for-Service (PFFS) Enrollees and Nonenrollees; *Form No.:* CMS–10059 (OMB# 0938–NEW); *Use:* Private fee-for-service was established in the Balanced Budget Act (BBA) of 1997 as an important variant of the Medicare+Choice program. As of September 2001, the only PFFS product was being offered by Sterling Insurance Company in some or all of 25 states with enrollees 24,300 including disenrollees. CMS wishes to survey approximately 6,322 enrollees and nonenrollees to evaluate the impact of this option on Medicare beneficiary on their awareness and knowledge of PFFS, decision making for/against PFFS, access to care, out-of-pocket costs, satisfaction with PFFS, etc.; *Frequency:* Other: One-time; *Affected Public:* Individuals or households; *Number of Respondents:* 6,322; *Total Annual Responses:* 6,322; *Total Annual Hours:* 1,581.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Dawn Willinghan, CMS–10059, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 6, 2002.

John P. Burke, III,

Reports Clearance Officer, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3989 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Docket Identifier: CMS–10048]

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services, (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Health Insurance Flexibility and Accountability Section 1115 Model Waiver; *Form No.:* CMS–10048 (OMB# 0938–0848); *Use:* This Health Insurance Flexibility and Accountability (HIFA) Section 1115 Model Demonstration will enable states to use Medicaid and SCHIP funds in concert with private health insurance options to expand coverage to low-income uninsured individuals, with a focus on those with income at or below 200 percent of the Federal poverty level. The model demonstration application will facilitate State efforts in designing programs to cover the uninsured; *Frequency:* Other: 5 years after initial submission; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 10, *Total Annual Responses:* 10; *Total Annual Hours:* 50.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMB document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: January 24, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3988 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Document Identifier: CMS–21]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to

minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Quarterly Children's Health Insurance Program Statement of Expenditures for title XXI; *Form No.:* CMS–21 (OMB# 0938–00731); *Use:* States use certain schedules of form 21 to report their budget, expenditure, and related statistical information required for the implementation of the Children's Health Insurance Program (title XXI of the Social security Act); *Frequency:* Quarterly; *Affected Public:* State, local or tribal govt.; *Number of Respondents:* 56; *Total Annual Responses:* 448; *Total Annual Hours:* 7,840.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Brenda Aguilar, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: January 24, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3990 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Document Identifier: CMS–R–238]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Inpatient Psychiatric Services for Individuals Under Age 21 and Supporting Regulations in 42 CFR 441.152; *Form No.:* CMS—(OMB# 0938–0754); *Use:* Certification requirements in section 441.152 are modified to require that the certification of need for inpatient psychiatric services include documented clinical evidence that serves as the basis for the certification of need for inpatient psychiatric care. Section 1905(h)(1)(B) requires physicians and other personnel qualified to make determinations with respect to mental health conditions and the treatment thereof certify the need for care which they have determined to be necessary on an inpatient basis; *Affected Public:* State, local, or tribal govt, business or other for-profit, not-for-profit institutions; *Number of Respondents:* 80,000; *Total Annual Responses:* 80,000; *Total Annual Hours:* 1.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: January 9, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3991 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Document Identifier: CMS–R–131]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* Advance Beneficiary Notice; *Form No.:* CMS–R–131 (OMB# 0938–0566); *Use:* Physicians, practitioners, suppliers, and providers furnishing Part A or Part B items or services may bill a patient for items or services denied by Medicare as not reasonable and necessary if they informed the patient, before furnishing the item or service, that Medicare was likely to deny payment for the items or services and the patient, after being informed, agreed to pay for the items or services; *Frequency:* On occasion; *Affected Public:* Businesses or other for-profit, Individuals or households, Not-for-profit institutions; *Number of*

Respondents: 1,028,585; *Total Annual Responses:* 19,660,110; *Total Annual Hours:* 1,638,345.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS'' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: January 24, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3992 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Document Identifier: CMS–R–50]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medical Records Review Under PPS and Supporting Regulations in 42 CFR 412.40–412.52; *Form No.:* CMS–R–0050 (OMB# 0938–0359); *Use:* Peer Review Organizations (PRO) are authorized to conduct medical review activities under the Prospective Payment System. In order to conduct the medical review activities we depend upon hospitals to make available medical records. PROs ensure that admissions are medically necessary, provided in the appropriate setting, and that they meet acceptable standards of quality; *Frequency:* When records are reviewed; *Affected Public:* Business or other for profit; *Number of Respondents:* 7,087; *Total Annual Responses:* 899,340; Total Annual Hours: 26,865.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: January 9, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3993 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Document Identifier: CMS–64]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; Title of Information Collection: Quarterly Medicaid Statement of Expenditures for the Medical Assistance Program; *Form No.:* CMS–64 (OMB# 0938–0067); *Use:* State Medicaid agencies use the CMS–64 to report their actual program benefit costs and administrative expenses to CMS. CMS uses this information to compute the Federal financial participation for the State's Medicaid program; *Frequency:* Quarterly; *Affected Public:* State, local or tribal govt.; *Number of Respondents:* 56; *Total Annual Responses:* 224; *Total Annual Hours:* 16,464.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS'' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Brenda Aguilar, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: January 24, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3994 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Cancer Institute Director's Consumer Liaison Group.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Director's Consumer Liaison Group.

Date: March 11, 2002.

Time: 2:00 PM to 4:00 PM.

Agenda: To follow up on the Survivorship Forum and to get reports from the Working Groups.

Place: 6116 Executive Boulevard, Room 3068A, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Elaine Lee, Executive Secretary, Office of Liaison Activities, National Institutes of Health, National Cancer Institute, 6116 Executive Boulevard, Suite 300C, Bethesda, MD 20892, 301/594–3194.

Information is also available on the Institute's/Center's home page: deainfo.nci.nih.gov/advisory/dclg/delg.htm, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Direction and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3949 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of Scientific Counselors, National Cancer Institute. The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualification and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Cancer Institute, Subcommittee A—Clinical Sciences and Epidemiology.

Date: March 24–25, 2002.

Time: 7:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Abby B. Sandler, PhD, Scientific Review Administrator, Institute Review Office, Office of the Director, National Cancer Institutes of Health, 6116 Executive Boulevard, Room 7031, Rockville, MD 20852, (301) 496–7628.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3950 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, National Cancer Institute. The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Cancer Institute, Subcommittee B—Basic Sciences.

Date: March 24–25, 2002.

Time: 7:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Florence E. Farber, PhD, Executive Secretary, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 7027, Rockville, MD 20852, (301) 496–7628.

Any interested person may file written comments with the committee by forwarding the statement to the Contract Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology

Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3951 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Cooperative Family Registry for Colorectal Cancer Studies.

Date: March 1, 2002.

Time: 8:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Gerald G. Lovinger, PhD, Scientific Review Administrator, Special Review and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8101, Rockville, MD 20892–7405, 301/496–7987.

Name of Committee: National Cancer Institute Special Emphasis Panel, Enhancing T Cell Therapy of Cancer.

Date: March 13, 2002.

Time: 1 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: 6116 Executive Blvd., Rockville, MD 20892 (Telephone Conference Call).

Contact Person: William D. Merritt, PhD, Scientific Review Administrator, Grants Review Branch, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8034, MSC 8328 Bethesda, MD 20892–8328, 301–496–9767.

Name of Committee: National Cancer Institute Special Emphasis Panel, Letter RFA Advanced Technology Radiation Therapy.

Date: March 14, 2002.

Time: 1:30 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 6116 Executive Boulevard, 8th Floor, Room 8023, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Gerald G. Lovinger, PhD, Scientific Review Administrator, Special Review and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8101, Rockville, MD 20892–7405, 301/496–7987.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS.)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3952 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group, Subcommittee F—Manpower & Training.

Date: March 3–5, 2002.

Time: 6:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Georgetown, 2101 Wisconsin Ave., Washington, DC 2007.

Contact Person: Mary Bell, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, PHS, DHHS, 6116 Executive Boulevard, Room 8113, Bethesda, MD 20892–8328, 301–496–7978, *bell@dea.nci.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394. Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397; 93, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3953 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Effects of the Chernobyl Accident on Thyroid Cancer and Leukemia and Related Diseases.

Date: March 11, 2002.

Agenda: To review and evaluate contract proposals.

Place: Executive Plaza North, Conference Room D, 6130 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Kenneth L. Bielat, PhD, Scientific Review Administrator, Davis of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8043, Bethesda, MD 20892, (301) 496–7576.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Constitution;

93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3954 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel Communications Technology.

Date: March 15, 2002.

Time: 9:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Room 1AS19, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Richard I. Martinez, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–19G, Bethesda, MD 20892–6200, (301) 594–2849.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3945 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: March 1, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: Sean N. O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3834 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institutes of Mental Health Special Emphasis Panel.

Date: February 28–March 1, 2002.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pooks Hill Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Houmam H. Araj, PHD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, Md 20892–9608, 301–443–1340.

Name of Committee: National Institutes of Mental Health Special Emphasis Panel.

Date: March 13–14, 2002.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Houmam H. Araj, PHD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, Md 20892–9608, 301–443–1340.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants: 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3835 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6). Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group Population Research Subcommittee.

Date: March 25–26, 2002.

Time: 8 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Blvd., Rm. 5E01, MSC 7510, Bethesda, MD 20892, (301) 435–6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3836 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: April 5, 2002.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Hyatt Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Carla T. Walls, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 9000 Rockville Pike, MSC 7510, 6100 Building, Room 5e03, Bethesda, MD 20892, (301) 496–1485.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3837 Filed 2–19–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel ZNS1 SRB H 02.

Date: February 21, 2002.

Time: 10 AM to 11 AM.

Agenda: To review and evaluate grant applications.

Place: 6001 Executive Blvd, Rockville, MD 20852. (Telephone Conference Call)

Contact Person: Phillip F. Wiethorn, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: March 13–14, 2002.

Time: 8 AM to 4 PM.

Agenda: To review and evaluate grant applications.

Place: The Westin Grand Hotel, 2350 M St NW., Washington, DC 20037.

Contact Person: Lillian M. Pubols, PhD, Chief, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9923, *lp28e@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: March 14–15, 2002.

Time: 8 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20892.

Contact Person: Raul A. Saavedra, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3839 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 22, 2002.

Time: 11 AM to 12 PM.

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd 5th Floor, Rockville, MD 20852. (Telephone Conference Call).

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 9000 Rockville Pike, MSC 7510, 6100 Building, Room 5E01, Bethesda, MD 20892, (301) 496–1487, *anandr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children, 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3840 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby give of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: February 28, 2002.

Time: 2:30 PM to 3:30 PM.

Agenda: To review and evaluate grant applications.

Place: 6120 Executive Blvd, Suite 400C, Bethesda, MD 20852. (Telephone Conference Call)

Contact Person: Ali A. Azadegan, DVM, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NIDCD, NIH, DHHS, Bethesda, MD 20892–7180, (301) 496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3841 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 21, 2002.

Time: 12:30 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 435–6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3842 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: April 8–9, 2002.

Time: 8 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton 8400 Wisconsin Avenue Bethesda, MD 20814.

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 9000 Rockville Pike, MSC 7510, 6100 Building, Room 5E01, Bethesda, MD 20892, (301) 496–1487, *anandr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and

Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3843 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences: Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets of commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Review of Program Project Applications.

Date: March 4–6, 2002.

Time: 7 P.M. to 12 P.M.

Agenda: To review and evaluate grant applications.

Place: Salbasgeon Suites, 1730 NW. 9th Street, Corvallis, OR 97330.

Contact Person: Brenda K. Weis, PhD, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institutes of Environmental Health Sciences, P.O. Box 12233, MD/EC–30, Research Triangle Park, NC 27709, 919/541–4964.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113. Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances-Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: February 8, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3944 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given on the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Comparative Medicine.

Date: March 4, 2002.

Time: 7 am to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Camille M. King, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Centre, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892–7965, (301) 435–0810, *kingc@ncrr.nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel, Comparative Medicine.

Date: March 5, 2002.

Time: 7 am to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Camille M. King, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Centre, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892–7965, (301) 435–0810, *kingc@ncrr.nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel, Research Centers in Minority Institutions.

Date: April 5, 2002.

Time: 8 am to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Bethesda Residence Inn, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: C. William Angus, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6705 Rockledge Dr., Rm. 6018, MSC 7965, Bethesda, MD 20892–7965, 301/435–0812, *angusw@ncrr.nih.gov.*

[FR Doc. 02–3845 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: March 6, 2002.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: 6120 Executive Blvd, Suite 400C, Bethesda, MD 20852, (Telephone Conference Call).

Contact Person: Ali A Azadegan, DVM, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramual Research, NIDCD, NIH, DHHS, Bethesda, MD 20892–7180, (301) 496–8683.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3947 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: March 26–27, 2002.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Washington DC, 1400 M Street NW, Washington, DC 20005–2750.

Contact Person: Stanley C. Oaks, Jr. PhD, Scientific Review Branch, Division of Extramural Research, Executive Plaza South, Room 400C, 6120 Executive Blvd., Bethesda, MD 20892–7180, 301–496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS.)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3948 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March, 1, 2002.

Time 1:00 PM to 3:30 PM.

Agenda: To review and evaluate contract proposals.

Place: 6100 Executive Boulevard, 5th Floor Conference Room, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Hameed Khan, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Developments, National Institutes of Health, 6100 Executive Blvd., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3955 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 12–13, 2002.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Four Points Sheraton, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Marita R. Hopmann, PhD., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Building, Room 5E01, Bethesda, MD 20892, (301) 435–6911, *hopmannm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3956 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice if hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, NIAAA Special Emphasis Panel.

Date: March 1, 2002.

Time: 8:00 AM to 8:30 AM.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, Washington, DC 20037.

Contact Person: Sean N. O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: February 12, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3957 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: March 7, 2002.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Latham Hotel, 3000 M Street N.W., Washington, DC 20007.

Contact Person: Nasrin Nabavi, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301 496–2550, *nn30t@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3960 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Special Emphasis Panel.

Date: March 11, 2002.

Time: 11 AM to 12 PM.

Agenda: To review and evaluate grant applications.

Place: Wilco Building, Suite 409, 6000 Executive Boulevard, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Sean N. O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, NIAAA Special Emphasis Panel.

Date: March 11, 2002.

Time: 3 PM to 4 PM.

Agenda: To review and evaluate grant applications.

Place: Wilco Building, Suite 409, 6000 Executive Boulevard, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Sean N. O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, NIAAA Special Emphasis Panel.

Date: March 12, 2002.

Time: 10 AM to 11 AM.

Agenda: To review and evaluate grant applications.

Place: Wilco Building, Suite 409, 6000 Executive Boulevard, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Sean N. O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3961 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel, University of Pennsylvania Unsolicited Proposal.

Date: February 19, 2002.

Time: 1:00 PM to 2:00 PM.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine, Building 38A, HPCC Conference Room B1N30Q, 8600 Rockville Pike, Bethesda, MD 20894. (Telephone Conference Call)

Contact Person: Susan Sparks, PhD, Senior Education Specialist, National Library of Medicine, Extramural Programs, Rockledge One, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library

Assistance, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3838 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biomedical Library Review Committee.

Date: March 6–7, 2002.

Closed: March 6, 2002, 8:30 am to 11:30 am.

Agenda: To review and evaluate grant applications.

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Open: March 6, 2002, 11:30 am to 12 p.m.

Agenda: Remarks by the Director, NLM.

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Closed: March 6, 2002, 12 pm to 1:30 pm.

Agenda: To review and evaluate grant applications—Medical Informatics Fellowship, Subcommittee.

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Closed: March 6, 2002, 12 pm to 1:30 pm.

Agenda: To review and evaluate grant applications—Medical Library Resource, Subcommittee.

Place: National Library of Medicine, Building 38, Second Floor Mezzanine, Conference Room B, Bethesda, MD 20892.

Closed: March 6, 2002, 1:30 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Closed: March 7, 2002, 8:30 am to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Contact Person: Merlyn M Rodrigues, MD, PHD, Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93,879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3844 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel.

Date: March 25, 2002.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: 6705 Rockledge Dr., Suite 301, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Merlyn M. Rodrigues, MD, PhD, Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS.)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3946 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biochemical Sciences Integrated Review Group Pathobiochemistry Study Section.

Date: February 20, 2002.

Time: 8:30 AM to 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW, Washington, DC 20007.

Contact Person: Zakir Bengali, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, MSC 7842, Bethesda, MD 20892, (301) 435–1742.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: February 21, 2002.
Time: 3:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Latham Hotel, 3000 M Street, NW, Washington, DC 20007.
Contact Person: Lawrence N. Yager, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7808, Bethesda, MD 20892, (301) 435–0903, *yagler@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: February 22, 2002.
Time: 8:30 AM to 4:30 PM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Betty Hayden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, (301) 435–1223, *haydenb@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: February 25–26, 2002.
Time: 8:30 AM to 3:00 PM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW, Washington, DC 20007.
Contact Person: Prabha L. Atreya, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7842, Bethesda, MD 20892, (301) 435–8367.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: February 27, 2002.
Time: 5:00 PM to 6:00 PM.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: Angela Y. Ng, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7804, Bethesda, MD 20892, (301) 435–1715, nga@csr.nih.gov.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 92.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3958 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. as amended. The grant applications, and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: February 15, 2002.
Time: 8 AM to 9 AM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda MD 20814.
Contact Person: Syed Amir, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435–1043, *amirs@nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333. Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3959 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2, notice is hereby giving of a meeting of the Secretary's Advisory Committee on Xenotransplantation.

The meeting will be open to the public; however, seating is limited and pre-registration is encouraged. To pre-register, please contact Capital Consulting Corporation (Joanne Mowczko) at 301–468–6001, ext. 418. Individuals who plan to attend and need special assistance, such as sign language interpretation or reasonable accommodations, should notify Ms. Mowczko is advance of the meeting.

Name of Committee: Secretary's Advisory Committee on Xenotransplantation.
Date: March 11–12, 2002.
Time: March 11—8:00 am to 5:00 PM. March 12—8:00 am to adjournment.
Agenda: The SACX will focus on a variety of issues relating to the science of xenotransplantation and to informed consent issues in xenotransplantation clinical trials. The first day of the SACX meeting will include presentations and discussions of endothelial cell-host interactions in solid organ xenotransplantation; transgenic and cloning technologies; cellular transplants; extracorporeal technologies; complement and coagulation systems; and immune rejection and tolerance. The second day will include concurrent breakout sessions during which the SACX Working Groups will convene, and plenary discussion of their progress. Closer to the meeting, a more updated agenda will be available electronically at *http://www4.od.nih.gov/oba/Sacx.htm*
Public Comment: Individuals who wish to provide public comment (oral or written) should contact the SACX Executive Director, Mary Groesch, by telephone at 301–496–0785, or email at *groeschm@od.nih.gov.*
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Mary Groesch, Ph.D., Executive Director, Secretary's Advisory Committee on Xenotransplantation, Office of Science Policy, Rockledge, I, Room 750, Bethesda MD 20892, 301–496–9838

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research

Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936 yNIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health HHS)

Dated: February 07, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3832 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Changes Resulting from the Indian Land Consolidation Act Amendments of 2000

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs is issuing this notice, as required by the Indian Land Consolidation Act Amendments of 2000, to inform the public that this new law made important changes in what happens to Indian allotments when the owners die. This notice provides some information about the new law.

ADDRESSES: For a list of Bureau offices with addresses and telephone numbers that administer the trust and restricted land write to: Bureau of Indian Affairs, Attention: Public Affairs/ILCA, Mail Stop: 4542–MIB, 1849 C St., NW., Washington, DC 20240; or fax to (202) 501–1516 and the list will be mailed or faxed to you.

FOR FURTHER INFORMATION CONTACT: Larry Scrivner, Deputy Director, office of Trust Responsibilities, Bureau of Indian Affairs, Washington, DC; 202–208–7737.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of November 7, 2000, Public Law 106–462, 114 Stat. 1999, the Secretary of the Interior must publish a notice informing Indian owners of trust or restricted land of the effect of the Act and estate planning options available. Special terms used in this notice:

Close family. Your close family members are your brothers, sisters, aunts, uncles, nieces, nephews, and first cousins.

Immediate family. Your immediate family members are your parents, children, grandchildren, grandparents, brothers, and sisters.

Indian. You will be considered an Indian under the new law if you are enrolled (or eligible to be enrolled) in a federally recognized Indian tribe, or if you are considered an Indian under certain other federal laws.

Joint tenants with rights of survivorship or JTROS. If you own land with someone else as joint tenants with right of survivorship, your right to the land lasts as long as you live. As each joint tenant dies, the surviving joint tenants get the share of the deceased joint tenant. Eventually, the last surviving joint tenant owns the entire interest in the land, and only that person can decide who gets the land.

Life estate. If you own a life estate in land your right to the land lasts as long as you live, but you cannot decide who will get the land when you pass away.

Remainder interest. If you own a remainder interest in land, your right to the land begins when the person owning the life estate in the land dies. If an Indian has the remainder interest, the land stays in trust.

Tenants in common. If you own land with someone else as tenants in common, you will have an equal right with your co-owners to the land while you live, and you can also decide who will own that interest when you pass away.

Probate Changes

The law provides two methods for a judge to decide who will own your land. By writing a will, you decide who receives your property. If you do not write a will a judge will apply rules of intestate succession to decide who will own your land. The rules explained in paragraphs I and II will apply to the estates of people who die after approximately February 2003 (the exact date will be one year from when the Secretary publishes a certification that notice was provided.). These rules may also be affected by a federally approved tribal probate code.

I. Rules of Intestate Succession

If you do not write a will, a judge can only give your land to your spouse or immediate family, but only if they are Indian.

If your spouse or *immediate family* are not Indian, they can inherit a *life estate.* The remainder interest will go to any of your close family if they are Indian and also own a share in the same allotment. If no members of your close family are Indian or none of them owns a share in the allotment, the tribe will get the land when the *life estate* holder dies.

If a share is smaller than 5 percent of the whole allotment and it is inherited by more than one of your heirs, those heirs will inherit as JTROS. If the decedent's share is more than 5 percent, each heir will inherit as a tenant in common.

II. Rules of Inheritance With a Will

If you write a will, you may leave your trust land to any Indian or the tribe.

However, if your will leaves your land to a non-Indian, they will receive only a life estate. The judge will give the remainder interest to your spouse or immediate family, but only if they are Indian.

If neither your spouse nor your immediate family are Indian, the remainder interest will go to your close family if they are Indian and also own a share in the same allotment. If no members of your close family are Indian or none of them owns a share in the allotment, the tribe will get the land when the life estate holder dies.

If your will leaves your land to more than one person, the judge will make them JTROS, unless your will specifically makes them tenants in common.

If your spouse, immediate family, close family, and children, grandchildren, etc. are all non-Indians, you may be able to leave more than a ''life estate'' to them. To find out more about your options, you should contact the local BIA Real Estate Services Office.

To prevent land from leaving trust status, tribes may buy interests that are left to non-Indians by will.

III. Rules for Co-owners

If you own a share in an Indian allotment, you may buy the share of a deceased co-owner to prevent the tribe from acquiring that share under either intestate succession or a will. You may not do this if the deceased co-owner's family will inherit the property.

Additional Changes

Other parts of the new law that will be helpful with land consolidation and the development of allotted land are as follows:

1. At any probate hearing the heirs can consolidate their shares in the land being probated or any other shares in allotments the heirs may own.

2. The new law makes it easier for allotment owners to buy, sell, or exchange interests in trust land. For example, an appraisal may not be needed when you give or sell land to a family member. Also, you can now make a gift of your land to non-family members and the tribe. It should also take less time to put an undivided

interest into trust if any of the allotment was in trust on November 7, 2000.

3. To encourage consolidation, you can now make a written request for the names, addresses and ownership interests of your co-owners or the owners of trust land on your reservation. To encourage development, lessees and other users can also obtain the same information.

4. To encourage negotiated leases, the law sets new minimum consent requirements for the leasing of allotted land.

5. The new law does not apply to land in Alaska.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1.

Dated: November 5, 2001.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–3939 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Amendment to Approved Tribal-State Compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Pub. L. 100–497, 25 U.S.C. section 2710, the Secretary of the Interior shall publish, in the **Federal Register,** notice of the approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment V to the Tribal-State Compact for Class III Gaming between the Burns-Paiute Tribe and the State of Oregon, which was executed on December 28, 2001.

DATES: This action is effective upon date of publication.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: February 8, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–3860 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–4N–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to an approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register** notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment X to the Confederated Tribes of the Warm Springs Reservation of Oregon and the State of Oregon Gaming Compact, which was executed on December 21, 2001.

DATES: This action is effective February 19, 2002.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: February 6, 2002.

Neal A McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–3859 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–4N–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Amendment to Approved Tribal-State Compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100–497, 25 U.S.C. section 2710, the Secretary of the Interior shall publish, in the **Federal Register,** notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment VIII to the Tribal-State Compact for Regulation of Class III Gaming Between The Klamath Tribes and the State of Oregon, which was executed on December 21, 2001.

DATES: This action is effective upon date of publication.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: February 6, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs

[FR Doc. 02–3861 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–4N–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register,** notice of the approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Third Amendment to the Tribal-State Compact for Class III Gaming between the Muckleshoot Indian Tribe and the State of Washington, which was executed on January 16, 2001.

DATES: This action is effective February 19, 2002.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: February 8, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–3858 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–4–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–930–1430–ET; COC–3984]

Public Land Order No. 7511; Revocation of Public Land Order No. 4536; CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order in its entirety as to 640 acres

of public land withdrawn for the Department of Energy as an experimental area. The land will be opened to surface entry, mining, and mineral leasing.

EFFECTIVE DATE: March 21, 2002.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7076, 303–239–3706.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 4536, which withdrew public land for the Department of Energy (formerly the Atomic Energy Commission) Project Bronco experimental area, is hereby revoked in its entirety as to the following described land:

Sixth Principal Meridian

T.1 N., R. 98 W.,
Sec. 14, SW¼;
Sec. 15, SE¼;
Sec. 22, NE¼;
Sec. 23, NW¼.

The area described contains 640 acres in Rio Blanco County.

2. At 9 a.m. on March 21, 2002, the land described above will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m. March 21, 2002, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on March 21, 2002, the land described above will be opened to location and entry under the United States mining laws and to the operation of the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1994), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: January 30, 2002.

J. Steven Griles,

Deputy Secretary.

[FR Doc. 02–3962 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–031–1430–ET; UTU 44415]

Public Land Order No. 7512; Extension of Public Land Order No. 6132; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order extends Public Land Order No. 6132 for an additional 20-year period. This extension is necessary to continue the protection of the Escalante Administrative Site.

EFFECTIVE DATE: February 17, 2002.

FOR FURTHER INFORMATION CONTACT: Darrell Olsen, Realty Specialist, Escalante Field Station, P.O. Box 225, Escalante, Utah, 84726, 435–826–5611.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 6132, which withdrew public land from mining to protect the Escalante Administrative Site, is hereby extended for an additional 20-year period following its date of expiration.

2. This withdrawal will expire 20 years from the effective date of this order, unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: January 31, 2002.

J. Steven Griles,

Deputy Secretary.

[FR Doc. 02–3963 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection, Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of an extension of a currently approved information collection (OMB Control Number 1010–0073).

SUMMARY: To comply with the Paperwork Reduction Act (PRA) of 1995, we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled ''30 CFR part 220, Accounting Procedures for Determining Net Profit Share Payment for Outer Continental Shelf Oil and Gas Leases.''

DATES: Submit written comments on or before April 22, 2002.

ADDRESSES: Submit written comments to Carol P. Shelby, Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 320B2, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A–614, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Carol P. Shelby, telephone (303) 231–3151 or FAX (303) 231–3385.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR part 220, Accounting Procedures for Determining Net Profit Share Payment for Outer Continental Shelf Oil and Gas Leases.

OMB Control Number: 1010–0073.

Bureau Form Number: None.

Abstract: The Department of the Interior (DOI) is responsible for the management of all mineral leasing activities on Federal and Indian lands. The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*) requires the Secretary of the Interior to establish a comprehensive fiscal accounting, auditing, and collection system to accurately determine oil and gas royalties and other payments, and to collect and account for those monies in a timely manner. The Secretary delegated the authority for royalty management to MMS to develop a net profit share bidding system to encourage exploration and development of oil and gas leases on submerged lands of the Outer Continental Shelf (OCS). Section 8(a) of the OCS Lands Act, as amended (43 U.S.C. 1331 *et seq.*), authorizes DOI

to implement alternative bidding systems for the award of Federal oil and gas leases on the OCS. The net profit share lease (NPSL) system endeavors to balance the securing of a fair market return to the Federal Government for the lease of its lands with a fair profit to companies risking their investment capital. The system provides an incentive for early and expeditious exploration and development and provides for a sharing of the risks by the lessee and the Government. The bidding system incorporates a fixed capital recovery system as the means through which the lessee recovers costs of exploration and development from production revenues, along with a reasonable return on investment.

NPSL lessees are required to maintain an NPSL capital account and to provide either annual or monthly reports using data maintained in the capital account. In addition, NPSL lessees must file a report after each inventory of controllable material and following the cessation of production. Further, when nonoperators of an NPSL lease call for an audit, they must notify MMS, and when DOI calls for an audit, the lessee must notify all nonoperators on the lease. These requirements can be found in 30 CFR 220.010, 220.031, and 220.033.

MMS is requesting an extension of OMB's approval to continue to collect this information. Submission of this information is required in order for MMS to determine when NPSL royalty payments are due and to determine the proper amount of payment. Proprietary information that is submitted is protected, and there are no questions of a sensitive nature included in this information collection.

Frequency: Annually before production; monthly after production.

Estimated Number and Description of Respondents: 12 OCS oil and gas lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 3,674 hours. The following chart shows the breakdown of the burden hours by CFR section and paragraph:

Section	Reporting or record keeping requirement	Burden hours per response	Annual number of responses	Annual burden hours
220.010(a)	For each NPSL tract, an NPSL capital account shall be established and maintained by the lessee for NPSL operations.	See § 220.030(a)		
220.030(a)	Each lessee * * * shall establish and maintain such records as are necessary * * *.	1	22	22
220.031(a)	Each lessee * * * shall file an annual report during the period from issuance of the NPSL until the first month in which production revenues are credited to the NPSL capital account.	16	5	80
220.031(b)	Beginning with the first month in which production revenues are credited to the NPSL capital account, each lessee * * * shall file a report for each NPSL, not later than 60 days following the end of each month.	16	*204	3,264
220.031(d)	Each lessee subject to this part 220 shall file a report not later than 90 days after each inventory is taken * * *..	8	22	176
220.031(e)	Each lessee * * * shall file a final report, not later than 60 days following the cessation of production * * *.	2	22	44
220.033(b)(1)	When non-operators of an NPSL lease call an audit in accordance with the terms of their operating agreement, the Director shall be notified of the audit call * * *.	2	22	44
220.033(b)(2)	If DOI determines to call for an audit, DOI shall notify the lessee of its audit call and set a time and place for the audit. * * * The lessee shall send copies of the now operators on the lease.	2	22	44
Total			319	3,674

*(17 leases × 12 mo.)

Estimated Annual Reporting and Recordkeeping ''Non-hour Cost'' Burden: We have identified no ''non-hour'' cost burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that 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. Before submitting an ICR to OMB, PRA Section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

The PRA also requires agencies to estimate the total annual reporting ''non-hour cost'' burden to respondents or recordkeepers resulting from the collection of information. We have not identified non-hour cost burdens for this information collection. If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, testing equipment; and record storage facilities. Generally, your estimates should not include equipment

or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our ICR submission for OMB approval, including appropriate adjustments to the estimated burden. We will provide a copy of the ICR to you without charge upon request.

Public Comment Policy. We will make copies of the comments available for public review, including names and addresses of respondents, during regular business hours at our offices in Lakewood, Colorado. Individual respondents may request that we withhold their home address from the public record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: January 31, 2002.

Cathy J. Hamilton,

Acting Associate Director for Minerals Revenue Management.

[FR Doc. 02–3878 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

California Bay-Delta Public Advisory Committee Public Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the California Bay-Delta Public Advisory Committee will meet on March 12, 2002. The agenda for the Committee meeting will include discussions on future governance, funding update, regional reports, and implementation of the CALFED Bay-Delta Program with State and Federal officials.

DATES: The meeting will be held Tuesday, March 12, 2002 from 9 a.m. to 4 p.m. If reasonable accommodation is needed due to a disability, please contact Pauline Nevins at (916) 657–2666 or TDD (800) 735–2929 at least 1 week prior to the meeting.

ADDRESSES: The meeting will be held at the Sacramento Convention Center located at 1400 J Street, Room 306, Sacramento, CA.

FOR FURTHER INFORMATION CONTACT: Eugenia Laychak, CALFED Bay-Delta Program, at (916) 654–4214. Nan Yoder or Diane Buzzard, U.S. Bureau of Reclamation, at (916) 978–5022.

SUPPLEMENTARY INFORMATION: The Committee was established to provide assistance and recommendations to Secretary of the Interior Gale Norton and California Governor Gray Davis on implementation of the CALFED Bay-Delta Program. The Committee will advise on annual priorities, integration of the eleven Program elements, and overall balancing of the four Program objectives of ecosystem restoration, water quality, levee system integrity, and water supply reliability. The Program is a consortium of 23 State and Federal agencies with the mission to develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the San Francisco/Sacramento and San Joaquin Bay Delta.

Committee and meeting materials will be available on the CALFED Bay-Delta web site: *http://calfed.ca.gov* and at the meeting. This meeting is open to the public. Oral comments will be accepted from members of the public at the meeting and will be limited to 3–5 minutes.

(Authority: The Committee was established pursuant to the Department of the Interior's authority to implement the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et. seq., the Endangered Species Act, 16 U.S.C. 1531 et seq., and the Reclamation Act of 1902, 43 U.S.C. 371 et seq., and the acts amendatory thereof or supplementary thereto, all collectively referred to as the Federal Reclamation laws, and in particular, the Central Valley Project Improvement Act, Title 34 of Pub. L. 102–575.)

Dated: February 5, 2002.

Elizabeth Ann Rieke,

Acting Deputy Regional Director Mid-Pacific Region.

[FR Doc. 02–3875 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–MN–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Glen Canyon Dam Adaptive Management Work Group (AMWG), and Glen Canyon Technical Work Group (TWG); Notice of Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: The Adaptive Management Program (AMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMP provides an organization and process to ensure the use of scientific information in decision making concerning Glen Canyon Dam operations and protection of the affected resources consistent with the Grand Canyon Protection Act. The AMP has been organized and includes a federal advisory committee (the AMWG), a technical work group (the TWG), a monitoring and research center, and independent review panels. The TWG is a subcommittee of the AMWG and provides technical advice and information for the AMWG to act upon.

DATES AND LOCATION: The Glen Canyon Dam Technical Work Group will conduct the following public meeting:

Phoenix, Arizona—February 26–27, 2002. The meeting will begin at 9:30 a.m. and conclude at 5 p.m. on the first day and begin at 8 a.m. and conclude at 3 p.m. on the second day. The meeting will be held at the Embassy Suites Phoenix Airport Hotel (Turquoise Room) at 1515 N. 44th Street, in Phoenix, Arizona.

Agenda: The purpose of the meeting will be to discuss the following: experimental flow proposal, 2004 work plans, non-native fish control, aerial photography, basin hydrology, environmental compliance, and other administrative and resource issues pertaining to the AMP.

Agenda items may be revised prior to any of the meetings. Time will be allowed on each agenda for any individual or organization wishing to make formal oral comments (limited to 10 minutes) at the meetings.

ADDRESSES: To allow full consideration of information by the AMWG and TWG members, written notice must be provided to Randall Peterson, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1147; telephone (801) 524–3758; faxogram

(801) 524–3858; at least FIVE (5) days prior to the meeting. Any written comments received will be provided to the AMWG and TWG members at the meetings.

FOR FURTHER INFORMATION CONTACT: Randall Peterson, telephone (801) 524–3758; faxogram (801) 524–3858.

Dated: February 6, 2002.

Arlo H. Allen,

Acting Regional Director.

[FR Doc. 02–3876 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–MN–M

DEPARTMENT OF JUSTICE

Civil Division; Agency Information Collection Activities: Proposed Collection, Comments Requested

ACTION: 60-Day Emergency Notice of Information Collection Under Review, New Collection, Victim Compensation Fund Objection Form.

The Department of Justice (DOJ), Civil Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by February 25th. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

During the first 60 days of this same review period, a regular review of this information collection will be undertaken. All comments and suggestions, or questions regarding additional information, including obtaining a copy of the proposed information collection instrument with instructions, should be directed to Office of the Special Master, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530. We request written comments and suggestions from the public and affected agencies concerning the proposed emergency collection of information.

Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New Collection.

(2) *Title of the Form/Collection:* Victim Compensation Fund Objection Form.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: SM–002, Office of the Special Master, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Anyone expressing a potential objection to the filing of a claim by a purported personal representative of a deceased victim. Abstract: This form is to be submitted in connection with potential objections made to claims filed with the September 11th Victim Compensation Fund of 2001. The form asks that the objection be characterized and explained or be withdrawn.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 250 objectors with an average of 2.0 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 500 hours annually.

If additional information is required contact: Robert B. Briggs, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, 601 D Street NW., Suite 1600, Washington, DC 20004.

February 13, 2002.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 02–3936 Filed 2–15–02; 8:45 am]

BILLING CODE 4410–12–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection, Comments Requested

ACTION: Notice of Information Collection Under Review; Reinstatement, with change, of a previously approved collection for which approval has expired—Police Public Contact Survey.

The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (BJS), has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until April 22, 2002.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Patrick Langan, (202) 616–3490, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Reinstatement, with change, of previously approved collection for which approval has expired.

(2) *The title of the form/collection:* Police Public Contact Survey.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* PPCS–1. Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Eligible respondents to the survey must be age 16 or older. The Police Public Contact Supplement fulfills the mandate set forth by the Violent Crime Control and Law Enforcement Act of 1994 to collect, evaluate, and publish data on the use of excessive force by law enforcement personnel. The survey will be conducted as a supplement to the National Crime Victimization Survey in all sample households for six (6) month period.

Other: None

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* Of the 84,700 eligible persons, we expect approximately 80 percent of the eligible persons or 67,760 persons to complete only the first four (lead-in or screening questions) questions on the questionnaire. We expect the screeners to take approximately .033 hours (2 minutes) per person to administer. We expect that approximately 20 percent of the eligible persons or 16,940 persons will report contact with the police. We estimate an average of .167 hours (10 minutes) to ask the detailed questions regarding the nature of the contact.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The Total respondent burden is approximately 5,065 hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 12, 2002.

Brenda E. Dyer,

Department Deputy Clearance Office, United States Department of Justice.

[FR Doc. 02–3870 Filed 2–15–02; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Office of Justice Program

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Reinstatement, with change, of a previously approved collection for which approval has expired—National Youth Gang Survey.

The Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 66, Number 147, pages 39537 on July 31, 2001, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 21, 2002. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202)–395–7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of information collection:* Reinstatement, with change, of a previously approved collection for which approval has expired.

(2) *The title of the form/collection:* National Youth Gang Survey.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Office of Juvenile Justice, and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal law enforcement agencies: None. This collection will gather information related to youth and their activities for research and assessment purposes.

(5) An *estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that there will be 2,565 respondents. It is estimated that each survey will take 15 minutes to complete.

(6) *An estimate of the total public burden (in hours) associates with the collection:* An estimate of the total hour burden to conduct this survey is 641 hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

Dated: February 12, 2002.

Brenda E. Dyer,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 02–3871 Filed 2–15–02; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP(BJS)–1347]

Bureau of Justice Statistics; 2002 Census of Law Enforcement Training Academies

AGENCY: Bureau of Justice Statistics, Office of Justice Programs, Justice.

ACTION: Notice of Solicitation.

SUMMARY: The purpose of this notice is to announce a public solicitation to obtain a data collection agent for the 2002 Census of Law Enforcement Training Academies.

DATES: Proposals must be received at the Bureau of Justice Statistics (BJS) on or before 5:00 p.m. EST, March 29, 2002 or be postmarked on or before March 29, 2002.

ADDRESSES: Proposals should be sent to Application Coordinator, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531; T: (202) 616–3497 or fax (202) 307–5846 or e-mail *stanford@ojp.usdoj*. Due to recent interruptions in mail service, it is recommended that applicants fax, e-mail, use a professional delivery service (*e.g.*, FedEx, UPS, etc.), or personally deliver applications to ensure timely receipt. For parcel delivery service, please use the following address: Application Coordinator, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Matthew Hickman, Statistician, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531; Phone (202) 353–1631 [This is not a toll free number]; E-mail: *hickmanm@ojp.usdoj.gov.*

SUPPLEMENTARY INFORMATION:

Statutory Authority

The awards made pursuant to this solicitation will be funded by the Bureau of Justice Statistics consistent with the provisions of 42 U.S.C. 3732.

Program Goals

The purpose of this award is to provide funding to administer the 2002 Census of Law Enforcement Training Academies. The survey will obtain baseline information about national law enforcement training practices, and will be used to examine variation in the characteristics of training staff, recruits/trainees, training curricula, training facilities, and policies. The initial survey instrument and respondent list (approximately 800 respondents) will be provided by BJS.

BJS anticipates making one award for a 12-month period under this solicitation. A total of up to $250,000 will be made available to complete the project pending OMB clearance.

Background

The implementation of the 2002 Census of Law Enforcement Training Academies is part of an effort by BJS to expand statistical activities related to American law enforcement generally, and law enforcement training in particular. To date, there is no comprehensive data collection targeted at individual training academies, their training practices, staff, recruits, curricula, facilities, or policies. The survey will include special topic areas, such as instruction in community policing, use of force, and racial profiling. Findings from the Census are designed to provide a systematic understanding of the nature and extent of law enforcement training in America. The survey will provide important information for the development and expansion of law enforcement training, and the information may be useful for policy makers engaged in research, planning, and budgeting.

Performance Measurement

Timeliness—The data collection will begin within three months of the award date. The project will be completed within twelve months of the start date.

Response Time—The data collection agent should achieve a 100% survey response rate and a 100% survey item response rate.

Eligibility Requirements

Both profit making and nonprofit organizations may apply for funds. Consistent with OJP fiscal requirements, however, no fees may be charged against the project by profit-making organizations.

Scope of Work

The objective of this project is to complete data collection for the 2002 Census of Law Enforcement Training Academies. This includes extensive follow up, data verification, coding and data entry, and delivery of a final data set and documentation. The initial survey instrument and respondent list will be provided by BJS. Specifically, the recipient of funds will:

1. Develop a detailed timetable for each task in the project. Data collection should begin within three months of the project start and be completed within twelve months. After the BJS project manager has agreed to the timetable, all work must be completed as scheduled.
2. Provide a final review of the survey instrument drafted by BJS for form and content.
3. Verify the names, addresses, and appropriate contact from the respondent list provided by BJS.
4. Conduct a pre-test of the survey instrument in a minimum of two sites to assure that survey items are perceived by respondents as intended and can be provided in a timely manner.
5. Mail surveys to respondents and provide extensive follow up to respondents that require help, clarification, or encouragement to complete the survey. This may involve multiple follow up telephone calls, re-mailing or re-faxing surveys, e-mail correspondence, and site visits where necessary.
6. Implement and maintain an automated system to provide ongoing status of each survey respondent, complete documentation, and an inventory of follow up communication and procedures for each case. This automated tracking system should remain current and accessible to the BJS project monitor at all times.
7. Identify techniques necessary to achieve a 100% survey response rate. This data collection is a comprehensive census of training academies.
8. Identify techniques necessary to achieve a 100% survey item response rate. The data collection agent will have routine contact with the training academies and must be knowledgeable about the content of the instrument.
9. Deliver to BJS electronic versions of the survey data, and documentation on diskette and in ASCII file format. Survey documentation should include, but is not limited to, a comprehensive codebook detailing variable positions, data coding, variable and value labels, any recoding implemented during the data cleaning process, methods used for dealing with missing data, any data allocations, imputation, or non-response adjustment, and copies of all program code used to generate data or published statistics. All data and documentation from this survey may be posted on the BJS Web site, and data archived at the Inter-University Consortium for Political and Social Research (ICPSR).

Award Procedures and Evaluation Criteria

Proposals should describe the plan and implementation strategies outlined in the Scope of Work. Information on staffing levels and qualifications should be included for each task and descriptions of experience relevant to the project. Resumes of the proposed project director and key staff should be enclosed with the proposal.

Applications will be reviewed competitively with the final award decision made by the Director of BJS. The applicant will be evaluated on the basis of:

1. Demonstrated knowledge of applied survey research, including survey construction, interview techniques, data collection, data coding, entry and verification, and the production of public use data files. This

includes availability of an adequate computing environment, knowledge of standard social science data processing software, and demonstrated ability to produce SPSS readable data files for analysis and report production.

2. Demonstrated ability and experience in collecting data from law enforcement agencies or similar entities.

3. Demonstrated fiscal, management, staff, and organizational capacity to provide sound management for this project. Applicant should include detailed staff resources and other costs by project tasks.

Application and Award Process

- An original and two (2) copies of the full proposal must be submitted including:
- Standard Form 424, Application for Federal Assistance
- OJP Form 7150/1, Budget Detail Worksheet
- OJP Form 4000/3, Program Narrative and Assurances
- OJP Form 4061/6, Certification regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; Drug Free Workplace requirements
- OJP Form 7120–1, Accounting System and Financial Capability Questionnaire (to be submitted by applicants who have not previously received Federal Funds from the Office of Justice Programs).

These forms can be obtained online from *www.ojp.usdoj.gov/forms.htm.*

In addition, fund recipients are required to comply with regulations designed to protect human subjects and ensure confidentiality of data. In accordance with 28 CFR part 22, a Privacy Certificate must be submitted to BJS. Furthermore, a Screening Sheet for Protection of Human Subjects must be completed prior to the award being issued. Questions regarding Protection of Human Subjects and/or Privacy Certificate requirements can be directed to the Human Subjects Protection Officer (HSPO) at (202) 616–3282 [This is not a toll free number].

Proposals must include a project description and detailed budget. The project narrative should describe activities as discussed in the Scope of Work and address the evaluation criteria. The project narrative should contain a detailed time line for project activities, a description of the survey methodology to be used including defined geographic boundaries, data collection method, data entry, and data documentation procedures. The detailed budget must provide detailed cost including salaries of staff involved in the project and the portion of those salaries to be paid from the award, fringe benefits paid to each staff person, travel costs, supplies required for the project, sub-contractual agreements, and other allowable costs. The grant will be made for a period of 12 months.

Dated: February 12, 2002.

Lawrence A. Greenfeld,

Director, Bureau of Justice Statistics.

[FR Doc. 02–3872 Filed 2–15–02; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the following information collections: (1) Application for Authority to Employ Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture (WH–200 and WH–202); (2) Rehabilitation Plan and Award (OWCP–16); and (3) Notice of Recurrence of Disability and Claim for Continuance of Pay/Compensation (CA–2A).

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below within April 22, 2002.

ADDRESSES: Ms. Patricia A. Forkel, U. S. Department of Labor, 200 Constitution Ave., N.W., Room S–3201, Washington, DC 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451, e-mail *pforkel@fenix2.dol-esa.gov*.

SUPPLEMENTARY INFORMATION:

Applications for Authority To Employ Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture

I. Background

The Fair Labor Standards Act Sections 14(b)(1) and 14(b)(2) require the Secretary of Labor to provide certificates authorizing the employment of full-time students at 85% of the applicable minimum wage in retail or service establishments and in agriculture, to the extent necessary in order to prevent curtailment of opportunities for employment. Sections 519.3, 519.4, and 519.6 of Regulations 29 CFR part 519, set forth the application requirements and terms and conditions for employment of full-time students at subminimum wages. The WH–200 and WH–202 are voluntary use forms which are prepared and signed by an authorized representative of the employer to employ full-time students at subminimum wages.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks approval for this information collection in order to grant employer requests to employ students at subminimum wages. The WH–200 is currently approved for use through July 31, 2002. This form has been revised for this information collection request, and it to be used by employers requesting to employ more than six full-time students at subminimum wages. The WH–202 is a new form which provides a simplified application for employers applying for

authorization to employ up to six full-time students at subminimum wages throughout the employer's enterprise on any given day. This application requests less information than currently required on the WH–200.

Type of Review: Revision.

Agency: Employment Standards Administration.

*Titles:*Application for Authority to Employ Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture Under Regulations 29 CFR part 519 (WH–200); Application for Authority to Employ Six or More Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture Under Regulations 29 CFR part 519 (WH–202).

OMB Number: 1215–0032.

Agency Number: WH–200; WH–202.

Affected Public: Individuals or households; Businesses or other for-profit; Not for-profit institutions; Farms.

Frequency: Annually.

Total Respondents/Responses: 350.

Time per Response: 10–30 minutes.

Estimated Total Burden Hours: 69.

Total Burden Cost (capital/startup): $129.50.

Total Burden Cost (operating/maintenance): $0.

Rehabilitation Plan and Award (OWCP–16).

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Longshore and Harbor Workers' Compensation Act (LHWCA) and the Federal Employees' Compensation Act (FECA). Section 8104(a) of the FECA and Section 39 (c)(2) of the LHWCA provide that eligible injured workers are to be furnished vocational rehabilitation services. The form OWCP–16 serves as a plan for rehabilitation services, submitted by the injured worker and the vocational rehabilitation counselor, and OWCP's award of payment. The signatures of the interested parties document their collective approval of the plan. The form summarizes the nature and costs of the vocational rehabilitation program for a prompt decision on funding by OWCP.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

I. Current Actions

The Department of Labor seeks the extension of approval of this information collection request in order to carry out its responsibility to provide vocational rehabilitation services to eligible workers currently unemployed because of disability.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Rehabilitation Plan and Award.

OMB Number: 1215–0067.

Agency Number: OWCP–16.

Affected Public: Individuals or households; Business or other for-profit.

Frequency: On occasion.

Total Respondents/Responses: 7,000.

Average Time per Response: 30 minutes.

Total Annual Burden Hours: 3,500.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operation/maintenance): 0.

Notice of Recurrence of Disability and Claim for Continuance of Pay/Compensation (CA–2A)

I. Background

The Office of Federal Workers' Compensation Programs administers the Federal Employees' Compensation Act (5 USC 8101, *et. seq.*), which provides for the continuation of pay or compensation for work-related injury or disease resulting from Federal employment. Information on the CA–2A is obtained from claimants with previously accepted injuries who claim a recurrence of disability, and from their supervisors.

II. Review Focus

The Department of Labor is particularly interested in comments which

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the extension for approval of this information collection in order to determine if a claimant has suffered a recurrence of a disability related to an accepted injury, and if, so, appropriate benefits payable.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Notice of Recurrence of Disability and Claim for Continuance of Pay/Compensation.

OMB Number: 1215–0167.

Agency Number: CA–2A.

Affected Public: Individuals or households.

Frequency: Once per recurrence.

Total Respondents/Responses: 550.

Time per Response: 30 minutes.

Estimated Total Burden Hours: 275.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $203.00.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 12, 2002.

Margaret J. Sherrill,

Chief, Branch of Management, Review, and Internal Control, Chief, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 02–3926 Filed 2–15–02; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (02–027)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration, (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel (ASAP).

DATES: Friday, March 1, 2002, 12:00 p.m. to 1:00 p.m. Eastern Standard Time.

ADDRESSES: National Aeronautics and Space Administration Headquarters, 300 E Street, SW, Room 5W63, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Lengyel, Aerospace Safety Advisory Panel Executive Director, Code Q–1, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0391.

SUPPLEMENTARY INFORMATION: This meeting will be conducted via telecon with Panel members and consultants and NASA's Acting Associate Administrator for Safety and Mission Assurance. It will be open to the public up to the seating capacity of the room (12). The agenda for the meeting is as follows: On July 16, 2001, the Aerospace Safety Advisory Panel was tasked by NASA's Associate Administrator for Safety and Mission Assurance to review the Agency's organizations responsible for research and development of aerospace technology due to an unusually high incidence of costly mishaps. As a result, the ASAP's Aerospace Technology Team visited NASA's aerospace technology Centers including Ames Research Center, Dryden Flight Research Center, Glenn Research Center, and Langley Research Center. Their findings and recommendations will be presented at this telecon.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register. Members of the public should contact Ms. Vickie Smith on 202/358–1650 if you plan to attend. Pursuant to standard security procedures, you will be required to sign-in with Security upon arrival where you will be issued a temporary visitor's badge. While you are in the building, you must be escorted by a NASA employee at all times.

Sylvia K. Kraemer,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 02–3925 Filed 2–15–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before April 5, 2002. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to (301) 713–6852 or by e-mail to *records.mgt@nara.gov.* Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301) 713–7110. E-mail: *records.mgt@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit

level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of the Army, Agency-wide (N1–AU–02–8, 2 items, 2 temporary items). Records relating to actions designed to obtain bilateral approval for granting status accreditation to Defense Department contractor employees in Germany. Included are such records as application packages, contract notification actions, approvals and disapprovals, and related documents. Also included are electronic copies of documents created using electronic mail and word processing. The schedule also authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

2. Department of Defense, Defense Threat Reduction Agency (N1–374–02–1, 22 items, 22 temporary items). Records relating to acquisition and procurement management. Included are correspondence, memorandums, reports, and instructions relating to such matters as Federal and Department of Defense acquisition regulations, administration of the agency's International Merchant Purchase Authorization Card program, and development of the agency's technical report policy. Also included are electronic copies of documents created using electronic mail and word processing.

3. Department of Housing and Urban Development, Office of Public and Indian Housing (N1–207–02–1, 6 items, 5 temporary items). Records of the Office of Troubled Agency Recovery including program subject files, case files relating to troubled public housing authorities, and electronic copies of records created using electronic mail and word processing. Recordkeeping copies of annual reports and publications are proposed for permanent retention.

4. Department of Housing and Urban Development, Office of Federal Housing Enterprise Oversight (N1–543–02–2, 2 items, 2 temporary items). Quarterly Performance Reports relating to the Government Performance and Results Act (GPRA). Recordkeeping copies of Annual Performance Reports were previously approved for permanent retention.

5. Department of State, Bureau of Verification and Compliance (N1–59–01–10, 46 items, 26 temporary items). Records proposed for disposal include activity reports, chronological files, and other records maintained at lower levels, subject files dealing with administrative/housekeeping matters, files relating to interagency committees for which the bureau is not the chair, and agreement, message, and chronological files of the Nuclear Risk Reduction Center. Also included are electronic copies of documents created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of such files as activity reports accumulated by the Assistant Secretary and Deputy Assistant Secretaries, subject files relating to substantive matters, treaty negotiation files, files relating to committees chaired by the bureau, and data files and documentation for electronic information systems that pertain to research projects, arms control negotiations, and international military expenditures.

6. Department of the Treasury, Bureau of the Public Debt (N1–53–02–3, 5 items, 5 temporary items). Electronic information system used for tracking and accounting for undeliverable or stale-dated checks for the proceeds or interest payments of savings instruments. Included are master files, outputs, and system documentation, including electronic copies of documentation created using electronic mail and word processing.

7. Department of the Treasury, Bureau of the Public Debt (N1–53–02–4, 4 items, 4 temporary items). Electronic information system used for tracking and accounting for bonds that have been surrendered or confiscated by law enforcement agencies. Included are master files and system documentation, including electronic copies of documentation created using electronic mail and word processing.

8. Department of the Treasury, Bureau of the Public Debt (N1–53–02–5, 4 items, 4 temporary items). Electronic information system containing reissue information for savings notes. Included are master files, outputs, and system documentation, including electronic copies of documentation created using electronic mail and word processing.

9. Department of the Treasury, Bureau of the Public Debt (N1–53–02–6, 4 items, 4 temporary items). Electronic system containing tracking and accounting information for unissued bond stock. Included are master files, outputs, and system documentation, including electronic copies of documentation created using electronic mail and word processing.

10. Department of the Treasury, U. S. Secret Service (N1–87–02–1, 5 items, 5 temporary items). Inputs, master files, outputs, and system documentation pertaining to the Manhour Reporting System, an electronic system used to account for the time and activities of Secret Service law enforcement personnel.

11. Federal Emergency Management Agency, External Affairs Directorate (N1–311–02–3, 6 items, 1 temporary item). Electronic copies of documents created using electronic mail and word processing that relate to international agreements. Recordkeeping copies of these files are proposed for permanent retention.

12. National Archives and Records Administration, Agency-wide (N1–64–00–8, 46 items, 39 temporary items). Records relating to planning and administration. Included are such records as strategic planning files that do not pertain to major changes in agency policy or organization, case files pertaining to the development of performance plans, committee management files, non-substantive documents accumulated in the preparation of customer service plans, customer surveys, forms and electronic records that document the allocation of vacancies among agency components, staffing plans in paper and electronic form, and documents that relate to commercial activity inventories prepared in accordance with Office of Management and Budget Circular A–76. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of such files as strategic planning records that document major changes in agency policy or organization, annual performance plans and reports, customer service plans, and reports that analyze customer surveys.

13. National Archives and Records Administration, Office of the Federal Register (N1–64–02–4, 1 item, 1 temporary item). Reduction in the retention period of proposed rules. These files were previously approved for disposal.

14. Pension Benefit Guaranty Corporation, Corporate Policy and Research Department (N1–465–02–1, 18 items, 11 temporary items). Records pertaining to such matters as legislation not related to Title IV of the Employee Retirement Income Security Act, requests for Office of Management and Budget approval of information collection from the public, and the preparation of regulations, policies, and research studies. Also included are electronic databases pertaining to

pension insurance modeling and research projects as well as electronic copies of documents created using electronic mail and work processing. Proposed for permanent retention are recordkeeping copies of such records as files pertaining to significant legislation, background papers and other records pertaining to selected regulations and policies, published and unpublished research reports and studies, and electronic databases consisting of longitudinal and transactional data, with the related system documentation.

15. Tennessee Valley Authority, Education, Training and Diversity (N1–142–00–1, 26 items, 24 temporary items). Records relating to employee and outreach training programs including such records as applications, lists of attendees, correspondence, forms, meeting notes, and brochures. Also included are electronic copies of documents created using electronic mail and word processing and an electronic information system containing data on training taken by agency employees. Proposed for permanent retention are recordkeeping copies of newsletters and files documenting the agency's overall strategic training needs.

Dated: February 11, 2002.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 02–3943 Filed 2–15–02; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Exercise of Discretion for an Operating Facility, NRC Enforcement Policy (NUREG–1600)—(Notice of Enforcement Discretion (NOEDs)).

2. *Current OMB approval number:* 3150–0136.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* Nuclear power reactor licensees and gaseous diffusion plant certificate holders.

5. *The number of annual respondents:* 17.

6. *The number of hours needed annually to complete the requirement or request:* 2,550.

7. *Abstract:* The NRC's Enforcement Policy addresses circumstances in which the NRC may exercise enforcement discretion. This enforcement discretion is designated as a Notice of Enforcement Discretion (NOED) and relates to circumstances which may arise where a nuclear power plant licensee's compliance with a Technical Specification Limiting Condition for Operation or with other license conditions would involve an unnecessary plant transient or performance of testing, inspection, or system realignment that is inappropriate for the specific plant conditions, or unnecessary delays in plant startup without a corresponding health and safety benefit. Similarly, for a gaseous diffusion plant, circumstances may arise where compliance with a Technical Safety Requirement or other condition would unnecessarily call for a total plant shutdown, or, notwithstanding that a safety, safeguards or security feature was degraded or inoperable, compliance would unnecessarily place the plant in a transient or condition where those features could be required. A licensee or certificate holder seeking the issuance of an NOED must provide a written justification, in accordance with guidance provided in NRC Inspection Manual, Part 9900, which documents the safety basis for the request and provides whatever other information the NRC staff deems necessary to decide whether or not to exercise discretion.

Submit, by April 22, 2002, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: *http://www.nrc.gov/NRC/PUBLIC/OMB/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at *INFOCOLLECTS@NRC.GOV.*

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 12th day of February, 2002.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–3899 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–400]

Carolina Power & Light Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company (the licensee) to withdraw its February 15, 2001, application for proposed amendment to Facility Operating License No. NPF–63 for the Shearon Harris Nuclear Power Plant, Unit No. 1, located in Wake and Chatham Counties, North Carolina.

The proposed amendment would have revised the Technical Specifications to clarify and relocate the requirements for containment isolation valve testing.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on March 21, 2001 (66 FR 15917). However, by letter dated January 29, 2002, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated February 15, 2001, and the licensee's letter dated January 29, 2002, which withdrew the application for license amendment. 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 Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams/html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 11th day of February, 2002.

For the Nuclear Regulatory Commission.

John M. Goshen,

Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–3900 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–334]

Pennsylvania Power Company, Ohio Edison Company, FirstEnergy Nuclear Operating Company, Beaver Valley Power Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from the requirements of Title 10 of the Code of Federal Regulations (10 CFR), Section 50.60(a), and 10 CFR part 50, Appendix G, for Facility Operating License No. DPR–66, issued to FirstEnergy Nuclear Operating Company (the licensee), for operation of the Beaver Valley Power Station, Unit No. 1 (BVPS–1), located in Beaver County, Pennsylvania. 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

Appendix G to 10 CFR part 50 requires that pressure/temperature (P/T) limits be established for reactor pressure vessels during normal operating and hydrostatic or leak rate testing conditions. Specifically, this regulation states, ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Additionally, it specifies that the requirements for these limits are contained in the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code), Section XI, Appendix G.

To address provisions of an amendment to the Technical Specification P/T limits, the licensee requested in its application dated June 29, 2001, as supplemented by letters of October 4 and December 1, 2001, that the NRC staff exempt BVPS–1 from the requirements of 10 CFR, Section 50.60(a), and 10 CFR Part 50, Appendix G, to allow application of ASME Code Case N–640 in establishing the reactor vessel pressure limits at low temperatures.

ASME Code Case N–640 permits the use of an alternate reference fracture toughness (K_c fracture toughness curve instead of the K_a fracture toughness curve) for reactor vessel materials in determining the P/T limits. Since the K_c fracture toughness curve shown in ASME Code, Section XI, Appendix A, Figure A–2200–1 (the K_c fracture toughness curve), provides greater allowable fracture toughness than the corresponding K_a fracture toughness curve of ASME Code, Section XI, Appendix G, Figure G–2210–1 (the K_a fracture toughness curve), using Code Case N–640 for establishing the P/T limits would be less conservative than the methodology currently endorsed by 10 CFR part 50, Appendix G. Therefore, an exemption is required in order to apply ASME Code Case N–640.

The proposed action is in accordance with the licensee's application for exemption dated June 29, 2001, and supplements dated October 4 and December 1, 2001.

The Need for the Proposed Action

ASME Code Case N–640 is needed to revise the method used to determine the reactor coolant system (RCS) P/T limits.

The purpose of 10 CFR 50.60(a), and 10 CFR part 50, Appendix G, is to protect the integrity of the reactor coolant pressure boundary in nuclear power plants. This protection is accomplished through these regulations that, in part, specify fracture toughness requirements for ferritic materials of the reactor coolant pressure boundary. Pursuant to 10 CFR part 50, Appendix G, it is required that P/T limits for the RCS be at least as conservative as those obtained by applying the methodology of the ASME Code, Section XI, Appendix G.

Current overpressure protection system (OPPS) setpoints produce operational constraints by limiting the P/T range available to the operator to heat up or cool down the plant. The operating window through which the operator heats up and cools down the RCS becomes more restrictive with continued reactor vessel service. Reducing this operating window could potentially have an adverse safety impact by increasing the possibility of inadvertent OPPS actuation due to pressure surges associated with normal plant evolutions such as reactor coolant pump start and swapping operating charging pumps with the RCS in a water-solid condition. The impact on the P/T limits and OPPS setpoints has been evaluated for an increased service period to 22 effective full power years based on ASME Code, Section XI, Appendix G, requirements. The results indicate that the OPPS would significantly restrict the ability to perform plant heatup and cooldown, create an unnecessary burden to plant operations, and challenge control of plant evolutions required with OPPS enabled. Continued operation of BVPS–1 with P/T curves developed to satisfy ASME Code, Section XI, Appendix G, requirements without the relief provided by ASME Code Case N–640 would unnecessarily restrict the P/T operating window, especially at low-temperature conditions.

Application of ASME Code Case N–640 will provide results which are sufficiently conservative to ensure the integrity of the reactor coolant pressure boundary while providing P/T curves which are not overly restrictive.

In the associated exemption, the NRC staff would determine that, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served by the implementation of ASME Code Case N–640.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that there are no significant environmental impacts associated with the use of ASME Code Case N–640 to develop the new P–T limits and OPPS setpoints.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any 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 involve 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

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for BVPS–1 dated July 1973.

Agencies and Persons Consulted

On January 24, 2002, the staff consulted with the Pennsylvania State official, Mr. L. Ryan, of the Pennsylvania Department of Environmental Protection Bureau, Division of Nuclear Safety, 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 June 29, 2001, as supplemented by letters dated October 4 and December 1, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams/html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland this 11th day of February 2002.

For the Nuclear Regulatory Commission.

Daniel Collins,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–3897 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361 and 50–362]

Southern California Edison Company, San Diego Gas and Electric Company, The City of Riverside, California, The City of Anaheim, California, San Onofre Nuclear Generating Station, Units 2 and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Facility Operating License Nos. NPF–10 and NPF–15, issued to Southern California Edison Company, et al. (the licensee), for operation of the San Onofre Nuclear Generating Station (SONGS), Units 2 and 3, located in San Diego County, California. 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 Proposed Action

The proposed action would amend the Facility Operating Licenses (FOLs) for SONGS, Units 2 and 3, to delete license conditions that have been fulfilled and to make other administrative and editorial changes.

The proposed action is in accordance with the licensee's application dated March 21, 2001, as supplemented by letter dated January 11, 2002.

The Need for the Proposed Action

When the FOLs, NPF–10 and NPF–15, were issued to the licensee, the NRC staff deemed certain issues essential to safety and/or essential to meeting certain regulatory interests. These issues were imposed as license conditions in the FOLs upon their issuance and during subsequent operation of the plant, with deadlines for their implementation. Since the units were licensed to operate in the 1980s, most of these license conditions have been fulfilled. For the license conditions that have been fulfilled, the licensee proposed to have them deleted from the FOLs. The licensee also proposed to make changes to the license to reflect the deletion of the completed license conditions.

The proposed amendments involve administrative changes to the FOLs only. No actual plant equipment, regulatory requirements, operating practices, or analyses are affected by these proposed amendments.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that there will be no significant environmental impact if the amendments are granted. No changes will be made to the design and licensing bases, and applicable procedures at SONGS, Units 2 and 3 will remain the same. Other than the administrative changes, no other changes will be made to the FOLs, including the Technical Specifications.

The proposed actions will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, 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 affect nonradiological plant effluents and has no other environmental impacts. Accordingly, the NRC concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

Since the NRC has concluded that there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the NRC staff considered denial of the proposed action. 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

This action does did not involve the use of any resources different than those

resources previously considered in the Final Environmental Statement related to the SONGS Nuclear Generating Station.

Agencies and Persons Contacted

In accordance with its stated policy, on January 25, 2002, the NRC staff consulted with the California State official, Mr. Steve Hsu, of the Radiologic Health Branch of the State Department of Health Services, regarding the environmental impact of the proposed actions. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed actions 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 actions.

For further details with respect to the proposed action, see the licensee's letter dated March 21, 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/adams/html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 11th day of February 2002.

For the Nuclear Regulatory Commission.

John B. Hickman,

Acting Chief, Section 2, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–3896 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Import/Export Class A Radioactive Mixed Waste

Pursuant to 10 CFR 110.70(b)(4) and (c) ''Public notice of receipt of an application'', please take notice that the U.S. Nuclear Regulatory Commission has received the following applications for licenses to import and export Class A radioactive mixed waste. Copies of the applications are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link, *http://www.nrc.gov/NRC/ADAMS/index.html,* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

The information concerning the applications follows.

NRC IMPORT LICENSE APPLICATION AND NRC EXPORT LICENSE APPLICATION

Name of applicant, date of applicant, date received, application number	Description of material			Country of origin
	Material type	Total qty	End use	
Diversified Scientific Services January 18, 2002 January 22, 2002 IW012	Class A radioactive mixed waste in various forms including semi-solids, solids, and liquids..	15,000,000 kg containing 2000 curies tritium, carbon-14, & mixed fission product radionuclides and other contaminants..	For thermal destruction & return to Canada..	Canada.
Diversified Scientific Services January 18, 2002 January 22, 2002 XW008	Class A radioactive mixed waste in the form of baghouse salts and ash; and, if necessary, return of any non-conforming Class A radioactive mixed waste..	15,000 liters containing 30 curies tritium, carbon-14, & mixed fission product radionuclides and other contaminants. Quantity includes non-conforming waste, to be returned as required..	Return of waste after processing. Return of non-conforming waste..	Canada.

For the U.S. Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 12th day of February 2002.

Janice Dunn Lee,

Director, Office of International Programs.

[FR Doc. 02–3901 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Call for Identification of Proposed Anticipatory Research Projects

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comments.

SUMMARY: The Nuclear Regulatory Commission's Office of Nuclear Regulatory Research is seeking recommendations for anticipatory research from all stakeholders that will help the agency prepare for the challenges and regulatory issues it may face in the future. A Call for Identification of Proposed Anticipatory Research Projects is presented below. Please provide comments to Dr. James W. Johnson, Special Assistant to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by e-mail to *jwj@nrc.gov* by June 1, 2002.

Call for Identification of Proposed Anticipatory Research Projects

NRC research is performed in order to meet a known or anticipated regulatory need. There are two subcategories of research that require separate consideration: confirmatory research and anticipatory research. Confirmatory research assists the agency in responding to license applications that are now before the agency or that are anticipated to come before the agency in the future-usually in the near future. This type of research supports the NRC's regulatory activities and is usually conducted at the request of the offices that are directly responsible for regulatory oversight—the Offices of Nuclear Reactor Regulation and Nuclear Materials Safety and Safeguards.

The NRC also conducts research programs that are more forward looking, research related to evolving technologies or issues that may become important regulatory concerns in the future. Some of this work may also be confirmatory in nature, providing independent assessment of information developed by the nuclear industry, but much of it is what we refer to as ''anticipatory'' research. These types of programs may not have been requested by our regulatory offices. Rather, this work arises from the examination of industry trends and an effort to try to foresee where the NRC may need information to respond to future regulatory issues. If we wait until these potential issues become actual regulatory concerns, it may be too late to develop the technical information to respond to them in a timely fashion. Examples of anticipatory research that have been highly valuable to the agency include probabilistic risk analysis methods and applications, severe accident source term research, and the evaluation of the effects of aging on plant components.

The Office of Nuclear Regulatory Research is seeking recommendations or proposals for anticipatory research both within NRC and from external stakeholders that will help NRC prepare for current challenges and regulatory issues anticipated in the future. The submittal should describe the proposed research and focus on the potential use of the research results in current or future regulatory activities.

The NRC is facing many profound challenges. They were discussed in a presentation by Chairman Meserve at the 2001 Working conference of the American Nuclear Society in August (available on the web at *http://www.nrc.gov/reading-rm/doc-collections/commission/speeches/2001/s01–020.html*) and are summarized below:

- Establish the infrastructure for future licensing and new construction, possibly involving new designs.
- The technical basis needed to support the NRC's regulatory activities in dealing with new reactor technologies and new policy issues must be developed. (This could include fuel performance, behavior of materials at high temperature, and graphite technology, for example)
- Evaluation of new technological approaches to instrumentation and control and to the human-machine interface
- Reform the regulatory structure, moving to a risk-informed and performance-based paradigm.
- Continue to reform the reactor oversight process
- Develop the bases for additional regulatory improvement
- Develop a risk-informed regulatory approach, with associated acceptance criteria, for new reactor concepts being considered by the industry
- Re-licensing of existing plants.
- Consideration of aging issues to determine if further research is needed
- Considerations arising from the Sept. 11 tragedy
- Disposition of spent nuclear fuel.
- Spent fuel pool
- Independent storage on-site
- Long-term storage
- Maintaining NRC's core competence.
- Staff training and education

At the Nuclear Safety Research Conference, Chairman Meserve spoke on enhancing the NRC's capacity to meet new regulatory challenges and focused on the need to maintain the research infrastructure—the need for technical personnel, experimental facilities, and analytical tools to help provide the technical foundation for regulation. The speech is available on the web at *http://www.nrc.gov/reading-rm/doc-collections/commission/speeches/2001/s01–026.html.*

We also solicit your comments on the factors that should be considered when anticipatory research topics are prioritized, both among themselves, and in competition with confirmatory research responding to a stated need of one or the other program offices.

To permit these new topics to be considered in developing future plans, your recommendations should be submitted to Dr. James W. Johnson, Special Assistant to the Director, Office of Nuclear Regulatory Research, MS T–10–F–12, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, no later than June 1, 2002. Comments also may be submitted by e-mail to *jwj@nrc.gov.*

ADDRESSES: Written comments may be sent to: Dr. James W. Johnson, Special Assistant to the Director, Office of Nuclear Regulatory Research, MS T–10 F–12, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Comments may be hand delivered to 11545 Rockville Pike, Rockville, Maryland, 20852.

FOR FURTHER INFORMATION CONTACT: Dr. James W. Johnson, Special Assistant to the Director, Office of Nuclear Regulatory Research, MS T–10 F–12, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6802.

Dated at Rockville, Maryland, this 7th day of February, 2002.

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 02–3898 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on March 6, 2002, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire 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 ACRS, 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, March 6, 2002—9:00 a.m.–12:00 Noon

The Subcommittee will discuss proposed ACRS activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the

concurrence of the Subcommittee 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 Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Official 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 Designated Federal Official, Sam Duraiswamy (telephone: 301/415–7364) 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 11, 2002.

Sher Bahadur,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 02–3902 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Thermal-Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on Thermal-Hydraulic Phenomena will hold a meeting on March 6, 2002, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

Portions of the meeting may be closed to public attendance to discuss General Electric proprietary information per 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Wednesday, March 6, 2002—1:00 p.m. Until the Conclusion of Business

The Subcommittee will continue its review of the GE Nuclear Energy Topical Report, NEDC–33004P, Revision 1, ''Constant Pressure Power Uprate'' and the associated NRC staff's safety evaluation. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee 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 Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Official named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, General Electric Nuclear Energy, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the Designated Federal Official, Mr. Paul A. Boehnert (telephone 301–415–8065) between 7:30 a.m. and 5 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 potential changes to the agenda that may have occurred.

Dated: February 11, 2002.

Sher Bahadur,

Associate Director for Technical Support.

[FR Doc. 02–3903 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Acting Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of February 18, 25, March 4, 11, 18, 25, 2002.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of February 18, 2002

Tuesday, February 19, 2002

1:55 p.m.
Affirmation Session (Public Meeting) (If needed)

2:00 p.m.
Meeting with the Advisory Committee on the Medical Uses of Isotopes (ACMUI) (Public Meeting) (Contact: Angela Williamson, 301–415–5030)

This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of February 25, 2002—Tentative

Friday, March 1, 2002

9:30 a.m.
Briefing on Status of Office of the Chief Financial Officer (OCFO) Programs, Performance, and Plans (Public Meeting) (Contact: Lars Solander, 301–415–6080)

This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of March 4, 2002—Tentative

Monday, March 4, 2002

2:00 p.m.
Briefing on Status of Nuclear Waste Safety (Public Meeting) (Contact: Claudia Seelig, 301–415–7243)

This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of March 11, 2002—Tentative

There are no meetings scheduled for the Week of March 11, 2002.

Week of March 18, 2002—Tentative

Tuesday, March 19, 2002

9:30 a.m.
Briefing on Office of Nuclear Regulatory Research (RES) Programs, Performance, and Plans (Public Meeting) (Contact: James Johnson, 301–415–6802)

This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of March 20, 2002—Tentative

Wednesday, March 20, 2002

9:25 a.m.
Affirmation Session (Public Meeting) (If needed)

9:30 a.m.
Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting) (Contact: John Larkins, 301–415–7360)

This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of March 25, 2002—Tentative

There are no meetings scheduled for the Week of March 25, 2002.

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

The NRC Commission Meeting Schedule can be found on the Internet at: *www.nrc.gov*

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this commission meeting schedule electronically, please send a electronic message to *dkw@nrc.gov.*

Dated: February 14, 2002.

Sandra M. Joosten,

Executive Assistant, Office of the Secretary.

[FR Doc. 02–4027 Filed 2–14–02; 10:23 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Pub. L. 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from January 25, 2002 through February 7, 2002. The last biweekly notice was published on February 5, 2002 (67 FR 5323).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By March 21, 2002, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the NRC's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first

prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff, or may be delivered to the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 304–415–4737 or by e-mail to *pdr@nrc.gov.*

AmerGen Energy Company, LLC, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois

Date of amendment request: November 30, 2001.

Description of amendment request: A change is proposed to Surveillance Requirement (SR) 3.0.3 to allow a longer period of time to perform a missed surveillance. The time is extended from the current limit of "* * * up to 24 hours or up to the limit of the specified Frequency, whichever is less" to "* * * up to 24 hours or up to the limit of the specified Frequency, whichever is greater." In addition, the following requirement would be added to SR 3.0.3: "A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed."

The Nuclear Regulatory Commission (NRC) staff issued a notice of opportunity for comment in the **Federal Register** on June 14, 2001, (66 FR 32400), on possible amendments concerning missed surveillances, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on September 28, 2001, (66 FR 49714). The licensees affirmed the applicability of the following NSHC determination in its application dated November 30, 2001.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change relaxes the time allowed to perform a missed surveillance. The time between surveillances is not an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased. The equipment being tested is still required to be operable and capable of performing the accident mitigation functions assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly affected. Any reduction in confidence that a standby system might fail to perform its safety function due to a missed surveillance is small and would not, in the absence of other unrelated failures, lead to an increase in consequences beyond those estimated by existing analyses. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. A missed surveillance will not, in and of itself, introduce new failure modes or effects and any increased chance that a standby system might fail to perform its safety function due to a missed surveillance would not, in the absence of other unrelated failures, lead to an accident beyond those previously evaluated. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of

accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The extended time allowed to perform a missed surveillance does not result in a significant reduction in the margin of safety. As supported by the historical data, the likely outcome of any surveillance is verification that the LCO [Limiting Condition for Operation] is met. Failure to perform a surveillance within the prescribed frequency does not cause equipment to become inoperable. The only effect of the additional time allowed to perform a missed surveillance on the margin of safety is the extension of the time until inoperable equipment is discovered to be inoperable by the missed surveillance. However, given the rare occurrence of inoperable equipment, and the rare occurrence of a missed surveillance, a missed surveillance on inoperable equipment would be very unlikely. This must be balanced against the real risk of manipulating the plant equipment or condition to perform the missed surveillance. In addition, parallel trains and alternate equipment are typically available to perform the safety function of the equipment not tested. Thus, there is confidence that the equipment can perform its assumed safety function. Therefore, this change does not involve a significant reduction in a margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff has reviewed the licensees' analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Mr. Edward J. Cullen, Vice President, General Counsel, Exelon Generation Company, LLC, 300 Exelon Way, Kennett Square, PA 19348.

NRC Section Chief: Anthony J. Mendiola.

Arizona Public Service Company, et al., Docket No. STN 50–529, Palo Verde Nuclear Generating Station, Unit 2, Maricopa County, Arizona

Date of amendment request: December 21, 2001.

Description of amendment request: The amendment would revise the operating license and the Technical Specifications (TSs) to support replacement of the steam generators and the subsequent increased power to a level of 3990 MWt, a 2.94 percent increase.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

a. Evaluation of the Probability of Previously Evaluated Accidents

Plant Structures, Systems and Components (SSCs) have been verified to be capable of performing their intended design functions at uprated power conditions. Where necessary, a small number of minor modifications will be made prior to implementation of uprated power operations so that surveillance test acceptance criteria continues to be met. The analysis has concluded that operation at uprated power conditions will not adversely affect the capability or reliability of plant equipment. Current technical specification surveillance requirements ensure frequent and adequate monitoring of system and component operability. All systems will continue to be operated within current operating requirements at uprated conditions. Therefore, no new structure, system or component interactions have been identified that could lead to an increase in the probability of any accident previously evaluated in the Updated Final Safety Analysis Report (UFSAR).

b. Evaluation of the Consequences of Previously Evaluated Accidents

The radiological consequences were reviewed for all design basis accidents (DBAs) (*i.e.,* both LOCA [loss-of-coolant accident] and non-LOCA accidents) previously analyzed in the UFSAR. The analyses showed that the resultant radiological consequences for both LOCA and non-LOCA accidents remained within regulatory and Standard Review Plan (SRP) limits at uprated power conditions.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The configuration, operation and accident response of the PVNGS [Palo Verde Nuclear Generating Station] Unit 2 SSCs are unchanged by operation at uprated power conditions or by the associated proposed TS changes. Analyses of transient events have confirmed that no transient event results in a new sequence of events that could lead to a new accident or different scenario.

The effect of operation at uprated power conditions on plant equipment has been evaluated. No new operating mode, safety-related equipment lineup, accident scenario, or equipment failure mode was identified as a result of operating at uprated conditions. In addition, operation at uprated power conditions does not create any new failure modes that could lead to a different kind of accident. Minor plant modifications, to support implementation of uprated power conditions, will be made as required to existing SSCs. The basic design function of all SSCs remains unchanged and no new equipment or systems have been installed that could potentially introduce new failure modes or accident sequences.

Based on these analyses, it is concluded that no new accident scenarios, failure mechanisms or limiting single failures are introduced as a result of the proposed changes. The proposed changes do not have an adverse effect on any safety-related system or design basis function. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

A comprehensive analysis was performed to evaluate the effects of power uprate on PVNGS Unit 2. This analysis identified and defined the major input parameters to the NSSS [nuclear steam supply system], reviewed NSSS design transients, and reviewed the capabilities of the NSSS and BOP [balance-of-plant] fluid systems, NSSS/BOP interfaces, NSSS and BOP control systems, and NSSS and BOP SSCs. NSSS accident analyses were re-performed or reviewed to confirm that acceptable results were maintained and that the radiological consequences remained within regulatory and SRP limits. The nuclear and thermal hydraulic performance of nuclear fuel was also reviewed to confirm acceptable results. The analyses confirmed that all NSSS and BOP SSCs are capable, some with minor modifications, to safely support operations at uprated power conditions.

The margin of safety of the reactor coolant pressure boundary is maintained under uprated power conditions. The design pressure of the reactor pressure vessel and reactor coolant system will not be challenged as the pressure mitigating systems were confirmed to be sufficiently sized to adequately control pressure under uprated power conditions.

Reanalysis of containment structural integrity under DBA conditions indicates that the calculated peak containment pressure (Pa) increases from 52.0 psig to 58.0 psig, but remains less than the containment internal design pressure of 60 psig. The proposed value for Pa has been rounded up from the actual calculated value of 57.85 psig.

Radiological consequences of the following accidents were reviewed: Main Steam Line Break, Locked Reactor Coolant Pump (RCP) Rotor, CEA Ejection, Small Steam Line Break Outside Containment, Steam Generator Tube Rupture, LBLOCA [large break loss of coolant accident], SBLOCA [small break loss of coolant accident], Waste Gas Decay Tank Rupture, Liquid Waste Tank Failure, and Fuel Handling Accident. The resultant radiological consequences for each of these accidents remained within regulatory and SRP limits at uprated power conditions.

The analyses supporting operation at power uprate conditions have demonstrated that all systems and components are capable of safely operating at uprated power conditions. All DBA acceptance criteria will continue to be met. Therefore, it is concluded that the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on that review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for an amendment involves no significant hazards consideration.

Attorney for licensee: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999.

NRC Section Chief: Stephen Dembek.

Calvert Cliffs Nuclear Power Plant, Inc., Docket No. 50–317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of amendment request: January 31, 2002.

Description of amendment request: The proposed amendment would allow a one-time five-year extension, for a total of 15 years, for the performance of the next Unit 1 integrated leak rate test (ILRT). The proposed amendment would also exempt Unit 1 from the requirement to perform a post-modification containment ILRT associated with the steam generator replacement.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated:

[Extension of Type A integrated leakage rate testing:]

This proposed one-time extension of the Type A test interval does not increase the probability of an accident since there are no design or operating changes involved and the test is not an accident initiator. The proposed extension of the test interval does not involve a significant increase in the consequences of an accident since research documented in NUREG–1493 has found that, generically, fewer than three percent of the potential containment leak paths are not identified by Type B and C testing. Calvert Cliffs, through testing and containment inspections, also provides a high degree of assurance that the Containment will not degrade in a manner detectable only by a Type A test. Inspections required by the Maintenance Rule (10 CFR 50.65) and by the American Society of Mechanical Engineers Boiler and Pressure Vessel Code are performed to identify containment degradation that could affect leak tightness.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

[Exemption from post-modification testing:]

The steam generator replacement activities do not affect the containment structure or the actual containment liner. Access for the replacement steam generators as well as removal of the old steam generators will be through the equipment hatch. However, the outer shell of the steam generators, the inside containment portions of the main steam line, the feedwater lines, the auxiliary feedwater lines, and the steam generator blowdown lines are all part of the primary reactor containment boundary that will be impacted by the replacement activities.

Calvert Cliffs Nuclear Power Plant Technical Specification 5.5.16 states, ''A program shall be established to implement the leakage testing of the Containment as required by 10 CFR 50.54(o) and 10 CFR part 50, Appendix J, Option B. This program shall be in accordance with the guidelines contained in Regulatory Guide 1.163, 'Performance-Based Containment Leak-Test Program' dated September 1995, including errata.'' Regulatory Guide 1.163, ''Performance-Based Containment Leak-Test Program,'' endorses NEI [Nuclear Energy Institute] 94–01, Revision 0 for methods acceptable to comply with the requirements of Option B. Prior to returning the Containment to operation, NEI 94–01 requires leakage rate testing (Type A testing or local leakage rate testing), following repairs and modification that affect the containment leakage integrity.

The affected area of the primary containment boundary is also part of the pressure boundary of an American Society of Mechanical Engineers (ASME) Class 2 component/piping system and, as such, the planned replacement of the steam generators are subject to the repair and replacement requirements of ASME Section XI. The ASME Section XI surface examination, volumetric examination, and system pressure test requirements are more stringent than the Appendix J, Option B testing requirements. The acceptance criteria for ASME Section XI system pressure testing of welded joints is ''zero leakage.'' In addition, the test pressure for the system pressure test will be approximately 17 times that of Appendix J, Option B test.

The objective of the Type A test is to assure the leak-tight integrity of the area affected by the modification. Although the leak test is in a direction reverse to that of the design basis accident environment, the ASME Section XI inspection and testing requirements more than fulfill the intent of the requirements of Appendix J, Option B with the exception of secondary side access manways. Section 9.2.1, NEI 94–01, Revision 0 allows reverse testing if justified. Section XI pressure test applies a sealing pressure to the secondary manway due to the inward door swing configuration. Hence, a Type B local leak rate test will be performed for the secondary manways. For all other affected components, reverse testing is justified since the acceptance criteria for ASME Section XI system pressure testing of welded joints is ''zero leakage,'' and the test pressure of the system pressure test will be approximately 17 times that of a Type A test. Hence, the probability or consequences of design bases accidents previously evaluated are unchanged.

Therefore, the proposed revision to Technical Specification 5.5.16 to eliminate the requirement to perform post-modification containment integrated leakage rate testing following replacement of Unit 1 steam generators will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different type of accident from any accident previously evaluated.

[Extension of Type A integrated leakage rate test interval:]

This proposed one-time extension to the interval for the Type A test does not involve any design or operational changes that could lead to a new or different kind of accident from any accident previously evaluated. The test itself is not changing and will be performed after a longer interval. The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

[Exemption from post-modification testing:]

The proposed revision does not involve a physical change to the plant and there are no changes to the operation of the plant that could introduce a new failure mode. As described above in Item 1, the objective of the Appendix J, Option B test is to assure that leak-tight integrity of the area affected by the modification. The ASME Section XI inspection and testing requirements are more stringent than the Appendix J, Option B testing requirements.

Therefore, the proposed revision to Technical Specification 5.5.16 to eliminate the requirement to perform post-modification containment integrated leakage rate testing following replacement of Unit 1 steam generators will not create the possibility of a new or different [kind] of accident from any previously evaluated.

3. Would not involve a significant reduction in the margin of safety.

[Extension of Type A integrated leakage rate test interval:]

The generic study of the increase in the Type A test interval, NUREG–1493, concluded there is an imperceptible increase in the plant risk associated with extending the test interval out to 20 years. Further, the extended test interval would have a minimal effect on this risk since Type B and C testing detect 97 percent of potential leakage paths. For the requested change in the Calvert Cliffs Integrated Leakage Rate Test interval, it was determined that the risk contribution of leakage will increase 0.07 percent (based on change in offsite dose). This change is considered very small and does not represent a significant reduction in the margin of safety.

Therefore, this change does not involve a significant reduction in the margin of safety.

[Exemption from post-modification testing:]

As described above in Item 1, the ASME Section XI surface examination, volumetric examination, and system pressure test requirements are more stringent than the Appendix J, Option B testing requirements. The acceptance criteria for ASME Section XI

system pressure testing of welded joints is ''zero leakage.'' In addition, the test pressure for the system pressure test will be approximately 17 times that of Appendix J, Option B test.

Therefore, the proposed revision to Technical Specification 5.5.16 to eliminate the requirement to perform post-modification containment integrated leakage rate testing following replacement of Unit 1 steam generators does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposed to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Joel Munday (Acting).

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: November 6, 2001, as supplemented December 27, 2001.

Description of amendment request: The proposed amendment would: 1) Increase the allowable nominal average fuel assembly enrichment from 4.5 w/o U–235 to 4.85 w/o U–235 for all regions of the spent fuel pool, the new fuel storage racks (dry), and the reactor core; 2) Allow fuel to be located under the cell blockers in 40 empty Region B storage cells; and, 3) Credit spent fuel pool soluble boron for reactivity control during normal conditions to maintain spent fuel pool $K_{eff} \leq 0.95$.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

Previously evaluated Final Safety Analysis Report (FSAR) Chapter 14 accidents are a fuel handling accident either in the spent fuel pool (SFP) or in containment, and a spent fuel cask drop accident. Since there are no changes to plant equipment, nor any changes in how fuel is moved, there are no changes to the probability of a fuel handling accident in the spent fuel pool or containment.

Since there are no changes to plant equipment, nor any changes in how a shielded cask would be moved, there are no changes to the probability of a spent fuel cask drop accident.

The consequences of a fuel drop accident in either containment or the spent fuel pool are not affected, since none of the inputs to these fuel drop accidents is affected. There are no physical hardware changes made to the plant. The limiting fuel burnup is not changed, nor is there any change in the source term of radioactivity present in the fuel. Allowing fuel to be stored in the 40 Region B locations currently empty, does not alter the existing FSAR conclusion that a dropped fuel assembly or consolidated storage box could not strike more than one fuel assembly in the storage rack. This is still true since the fuel stored in these 40 locations is stored at the same elevation as fuel in any other storage locations. The FSAR states that the worst fuel handling incident that could occur in the SFP is the drop of a fuel assembly to the pool floor, with resultant failure of 14 fuel rods when the assembly rotates and impacts a protruding structure. Radiological consequences for both the failure of 14 rods and the entire fuel assembly are presented in the FSAR. The storage of fuel in the 40 currently blocked locations does not affect this FSAR sequence of events for the dropped fuel assembly in the SFP accident. The amount of soluble boron concentration necessary in the SFP to ensure that K_{eff} is maintained ≤ 0.95 on a 95/95 bases is increased from 800 ppm to 1400 ppm. However, this increase in required SFP soluble boron concentration does not increase any dose consequences from the fuel drop accident in the SFP. The increase in soluble boron concentration from 800 ppm to 1400 ppm is a result of crediting an additional 600 ppm of SFP soluble boron under normal conditions.

The consequences of a spent fuel cask drop accident in the SFP is not affected, since none of the inputs to the spent fuel cask drop accident is affected. There are no physical hardware changes made to the plant. The limiting fuel burnup is not changed, nor is there any change in the source term of radioactivity present in the fuel. The amount of soluble boron concentration necessary in the SFP to ensure that K_{eff} is maintained $\leq$ 0.95 on a 95/95 bases is increased from 800 ppm to 1400 ppm. However, this increase in required SFP soluble boron concentration does not increase any dose consequences from the spent fuel cask drop accident in the SFP. The increase in soluble boron concentration from 800 ppm to 1400 ppm is a result of crediting an additional 600 ppm of SFP soluble boron under normal conditions.

With regard to the proposed change in the design features section of Technical Specifications (TS), which would allow higher enrichments in the new fuel storage (dry) vault, there are no FSAR Chapter 14 accident conditions currently analyzed, therefore there can be no change in probability or consequences of an existing accident.

With regard to the proposed change in the design features section of TS, which would allow higher enrichments in the reactor core, enrichment by itself is not a parameter which will affect the probability or consequences of an accident previously analyzed. The effects of enrichment on other reactor core parameters such as shutdown margin, MTC [moderator temperature coefficient] and power distributions is considered by meeting the exi[s]ting TS requirements for these parameters. Also, the reactor core radioactive source term is not affected since the exiting design basis analysis bounds use of the proposed enrichment. Therefore, a change in the maximum enrichment limit will not impact any safety analyses because the important inputs to these analyses are protected by Technical Specifications. Since there are no changes to these existing reactor core TS parameter limits, there will be no effect on the probability or consequences of an accident previously analyzed.

Therefore, based on the above analysis, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The changes to be made primarily affect nuclear criticality analysis and do not create a new or different kind of accident. Changes in allowed enrichment, boraflex credit, soluble boron credit, and allowing fuel to be stored in 40 additional locations are all impacts to the SFP criticality analysis. The SFP criticality analysis is part of the basic design of the system and is not an accident. The ability to maintain the SFP $K_{eff} \leq 0.95$, as well as within the 10 CFR 50 App. A GDC62 criteria [General Design Criterion (GDC)–62, ''Prevention of criticality in fuel storage and handling,'' of Appendix A, ''General Design Criteria for Nuclear Power Plants,'' to 10 CFR part 50] of sub-critical have been evaluated. Criticality impacts are more appropriately discussed under the margin of safety criterion.

Since there are no changes to the plant equipment, there is no possibility of a new or different kind of accident being initiated or affected by equipment issues. There are no changes in how fuel is moved or qualified for storage, so a new accident cannot be initiated from fuel handling related procedures.

Higher SFP soluble boron concentrations are required than previously required to compensate for the positive reactivity insertions from postulated accident conditions (i.e., dropped cask). However, merely increasing the amount of SFP soluble boron required for compensating for the existing analyzed accident does not create the potential for a new or different kind of accident.

With regard to the proposed change in the design section of TS, which would allow higher enrichments in the new fuel storage (dry) vault, no new or different kind of accident conditions are created. The existing new fuel storage analysis previously submitted to the NRC is not altered, and already bounds enrichments up to 5.0 w/o U–235.

With regard to the proposed change in the design features section of TS, which would allow higher enrichments in the reactor core, the higher enrichment fuel in the reactor core does not require any new or different plant

equipment, and does not change the manner in which currently installed equipment is operated. There are no changes to normal core operation, and the unit will meet all applicable design criteria and will operate within the existing reactor core TS limits. No new failure modes have been created for any system, component or piece of equipment, and no new single failure mechanisms are introduced. Therefore, allowing higher enrichments in the reactor core will not create a new or different kind of accident condition.

Therefore, based on the above analysis, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The margin of safety relevant to the SFP are:

- To ensure that the SFP K_{eff} remains ≤ 0.95 on a 95/95 basis to ensure the criticality safety of the SFP.
- To ensure that the spent fuel in the SFP remains adequately cooled so that the fission product barriers remain intact.

A criticality analysis has been performed to ensure that the spent fuel pool K_{eff} remains ≤ 0.95 on a 95/95 basis under all normal and postulated accident conditions. Thus the margin of criticality safety is not changed. Most of the changes in the criticality analysis are of an input nature, such as a change in allowed enrichment. The only change in methodology is the crediting of soluble boron for normal conditions. The approach used is consistent with WCAP–14416–NP–A. The NRC has previously approved for other plants similar applications for soluble boron credit for normal conditions. The criticality analysis has been performed to ensure that the spent fuel pool K_{eff} remains less than 1.00 on a 95/95 basis even with 0 ppm soluble boron concentration in the SFP. This ensures compliance with GDC62.

The only change that could affect the SFP cooling analysis is allowing 40 additional fuel assemblies to be stored in the SFP. The current design basis heat load analysis already bounds the storage of these fuel assemblies. This ensures that the spent fuel in the SFP remains adequately cooled so that the fission product barriers remain intact. The current design basis heat load analysis bounds the increased fuel storage.

With regard to the proposed change in the design section of TS, which would allow higher enrichments in the new fuel storage (dry) vault, there is no significant reduction in the margin of safety. The existing new fuel storage analysis previously submitted and approved by the NRC is not altered, and already bounds enrichments up to 5.0 w/o U–235, to ensure that K_{eff} of the new fuel storage racks is maintained ≤ 0.95.

With regard to the proposed change in the design features section of TS, which would allow higher enrichments in the reactor core, enrichment by itself is not a parameter which will affect the margin of safety. The margins of safety, such as fuel DNB protection, fuel melt protection and RCS boundary protection, are met by complying with the safety analysis and associated TS limits. The effects of enrichment on other reactor core parameters such as shutdown margin, MTC and power distributions is considered by meeting the existing TS requirements for these parameters. Therefore, a change in the maximum core enrichment limit will not impact any margins of safety because the important inputs to the safety analyses are protected by Technical Specifications. Since there are no change[s] to these existing reactor core TS parameter limits, there will be no effect on the margin of safety.

Therefore, based on the above analysis, the proposed changes do not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Nuclear Counsel, Dominion Nuclear Connecticut, Inc., Rope Ferry Road, Waterford, CT 06385.

NRC Section Chief: James W. Clifford.

Duke Energy Corporation, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: December 20, 2001.

Description of amendment request: The amendments would revise the Technical Specifications (TS) for Catawba Nuclear Station, Units 1 and 2, based on a revised radiological dose consequence analysis of a postulated fuel handling accident and weir gate drop accident. The licensee has requested these amendments in accordance with the requirements of 10 CFR 50.67 which addresses the use of an alternate source term at operating reactors, and relevant guidance provided in Regulatory Guide (RG) 1.183.

Specifically, the proposed changes would revise TS 3.7.10, Control Room Area Ventilation System (CRAVS), to require immediate suspension of movement of irradiated fuel with less than two trains of the CRAVS operable. This change is being requested to correct a non-conservatism in this TS.

The proposed change to TS 3.7.11, Control Room Area Chilled Water System, would delete the applicability of the specification during core alterations and during movement of irradiated fuel. This system is not credited as a mitigation system for the postulated fuel handling accident or weir gate drop accident.

The proposed change to TS 3.7.13, Fuel Handling Ventilation Exhaust System, would change the Limiting Condition for Operation to require two trains be operable during the movement of recently irradiated fuel in the fuel building, and to require that movement of recently irradiated fuel in the fuel building be suspended if one train becomes inoperable. Recently irradiated fuel is defined as fuel that has occupied part of a critical reactor core within the previous 72 hours. Operability of the Fuel Handling Ventilation Exhaust System would only be required during movement of recently irradiated fuel assemblies. This change is being requested to incorporate the concept of recently irradiated fuel and to correct a non-conservatism in this TS.

The proposed change to TS 3.9.3, Containment Penetrations, would amend the applicability of this specification. Current TS requirements regarding closure of the containment equipment hatch, the personnel airlock and containment penetrations would only apply during movement of recently irradiated fuel assemblies. The applicability of this specification during core alterations would be deleted.

The licensee is requesting these amendments to provide flexibility in scheduling outage tasks and to modify unnecessarily restrictive containment closure and fuel handling building ventilation system requirements. The revised analyses also incorporate updated atmospheric dispersion factors for the Control Room intake pathway.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Does operation of the facility in accordance with the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated? No.

An alternate source term calculation has been performed for Catawba Nuclear Station that demonstrates that offsite dose consequences of a postulated fuel handling accident or weir gate drop accident remain within the limits provided sufficient decay has occurred prior to the movement of irradiated fuel without taking credit for certain mitigation features such as ventilation filter systems and containment closure. Irradiated fuel that has not undergone the required decay period of 72 hours is defined to be recently irradiated fuel and the currently approved Technical Specification requirements are applicable when this recently irradiated fuel is being handled.

The proposed amendment would allow core alterations and movement of sufficiently decayed irradiated fuel within the containment building with the equipment hatch, personnel air locks and containment penetrations open. Operation of the

Containment Purge Exhaust System (CPES) is not required during movement of sufficiently decayed fuel. The amendment also would allow movement of irradiated fuel assemblies within the fuel building without the Fuel Handling Ventilation Exhaust System (FHVES) in operation. Movement of the weir gate is permitted without the FHVES in operation provided the irradiated fuel that could be impacted by a drop of the weir gate has undergone a minimum decay period of 19.5 days.

This amendment does not alter the methodology or equipment used directly in fuel handling operations and weir gate movement. Neither ventilation filter systems, the CPES nor the FHVES, is used to actually handle fuel. Neither of these systems is an ''accident initiator'' either in this sense or any other sense. Similarly, neither the equipment hatch, the personnel air locks, nor any other containment penetration, nor any component thereof is an accident initiator.

Actual fuel handling operations and weir gate movement themselves are not affected by the proposed changes. Therefore, the probability of a Fuel Handling Accident and Weir Gate Drop is not affected with the proposed amendment. No other accident initiator is affected by the proposed changes.

For the reasons above, the proposed amendment does not involve a significant increase in the probability of an accident previously evaluated.

The Fuel Handling Accident in Containment has been analyzed without credit for filtration by the CPES. Likewise, the Fuel Handling Accident in the Fuel Building and the Weir Gate Drop has been analyzed without credit for filtration by the FHVES. The analyses of these design basis events were conducted with the Alternative Source Term Methodology in accordance with 10 CFR 50.67 and Regulatory Guide 1.183. These analyses show that the resultant radiation doses are within the limits specified in 10 CFR 50.67 and R.G. 1.183.

The TEDE [total effective dose equivalent] radiation doses from the analyses supporting this LAR [license amendment request] have been compared to equivalent TEDE radiation doses estimated with the guidelines of R.G. 1.183 Footnote 7. The new values are shown to be comparable to the results of the previous analyses.

For the reasons above, the proposed amendment does not involve a significant increase in the consequences of an accident previously evaluated.

Does operation of the proposed facility in accordance with the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated? No.

The proposed change does not involve addition or modification to any plant system, structure, or component. The proposed amendment would increase the time during which the equipment hatch and personnel air locks could be open during core alterations and movement of irradiated fuel. The proposed amendment does not involve any change in the operation of these containment penetrations. Having these penetrations open does not create the possibility of a new accident.

The proposed amendment also would remove the requirements for operability of the CPES and FHVES during core alterations or movement of sufficiently decayed irradiated fuel. It does not alter the operation of these systems beyond their functional capabilities. Modification of the requirements of operability for these systems from the plant Technical Specifications does not create the possibility of a new accident.

The requirements for CRAVS are being revised to immediately suspend movement of irradiated fuel if one CRAVS train becomes inoperable. This change does not have the potential to cause a new or different type of accident.

The proposed amendment does not create the possibility of a new or different kind of accident than any previously evaluated.

Does operation of the facility in accordance with the proposed amendment involve a significant reduction in the margin of safety? No.

The assumptions and input used in the analysis are conservative as noted below. The design basis Fuel Handling Accidents and Weir Gate Drop have been defined to identify conservative conditions (concerning offsite power and single failure). The source term and radioactivity releases have been calculated pursuant to Regulatory Guide 1.183 and with conservative assumptions concerning prior reactor operation. The control room atmospheric dispersion factors have been calculated with conservative assumptions associated with the release. The conservative assumptions and input noted above ensure that the radiation doses cited in this License Amendment Request are the upper bound to radiological consequences of a Fuel Handling Accident either in Containment or the Fuel Building and the Weir Gate Drop. The analyses show that there is a significant margin between the TEDE radiation doses calculated for the postulated Fuel Handling Accident and the Weir Gate Drop accident using the Alternative Source Term and the acceptance limits of 10 CFR 50.67 and Regulatory Guide 1.183.

The proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Lisa F. Vaughn , Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006.

NRC Section Chief: Richard J. Laufer, Acting.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: January 31, 2002.

Description of amendment request: The proposed amendment revises Technical Specification 5.6.5, ''Core Operating Limits Report (COLR),'' to include an additional reference to Entergy Operations, Inc. (Entergy) Topical Report ENEAD–01–P, ''Qualification of Reactor Physics Methods for Pressurized Water Reactors of the Entergy System.'' This topical report documents a Nuclear Regulatory Commission (NRC)-approved methodology that can be utilized to determine core operating limits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to add the Entergy Topical Report ENEAD–01–P, ''Qualification of Reactor Physics Methods for Pressurized Water Reactors of the Entergy System,'' to the Core Operating Limits Report (COLR) references is administrative in nature. The topical report has been reviewed and approved by the NRC in [a] Safety Evaluation Report dated September 29, 1995 (0CNA099519). The physical design or operation of the plant is not impacted by this proposed change. The proposed change does not adversely impact transient analysis assumptions or results. The COLR-related safety analyses will continue to be performed utilizing NRC-approved methodologies, and specific reload changes will be evaluated under the provisions of 10 CFR 50.59.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Adding a reference in the technical specifications to the NRC-approved methodology in Entergy Topical Report ENEAD–01–P is administrative in nature. No physical alterations of plant configuration, changes to the plant operating procedures, or operating parameters are proposed. No new equipment is being introduced, and no equipment is being operated in a manner inconsistent with its design. The COLR-related safety analyses will continue to be performed utilizing NRC-approved methodologies. A 10 CFR 50.59 review will continue to be performed to evaluate specific reload changes.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change to reference Entergy Topical Report ENEAD–01–P is administrative in nature. Existing technical specification operability and surveillance requirements are not reduced by the proposed change. The cycle-specific COLR limits for future reloads will continue to be developed based on NRC-approved methodologies and their corresponding physics parameter uncertainties. Technical specifications will continue to require that the core be operated within these limits and specify appropriate actions to be taken if the limits are violated. The COLR-related safety analyses will continue to be performed utilizing NRC-approved methodologies, and specific reload changes will be evaluated per 10 CFR 50.59.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: January 31, 2002.

Description of amendment request: The proposed amendment changes administrative Technical Specification 5.5.16 regarding Containment Integrated Leak Rate Testing (ILRT). The change clarifies the statement that the ILRT Program is in accordance with Regulatory Guide 1.163, ''Performance-Based Containment Leak-Test Program,'' by noting an exception based on Nuclear Energy Institute 94–01, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR 50, Appendix J.'' The effect of this change will be to allow a one-time extension of the interval (to 15 years) for performance of the next ILRT.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

[Appendix J [of] 10 CFR [part] 50] was amended to incorporate provisions for performance-based testing in 1995. The proposed amendment to Technical Specification (TS) 5.5.16 adds a one-time extension to the current interval for Type A testing (i.e., the integrated leak rate test). The current interval of ten years, based on past performance, would be extended on a one-time basis to 15-years from the date of the last test. The proposed extension to the Type A test cannot increase the probability of an accident since there are no design or operating changes involved and the test is not an accident initiator. The proposed extension of the test interval does not involve a significant increase in the consequences since research documented in NUREG–1493, ''Performance Based Containment Leak Rate Test Program,'' has found that, generically, fewer than 3% of the potential containment leak paths are not identified by Type B and C testing. In addition, at ANO–1 [Arkansas Nuclear One, Unit 1,] the testing and containment inspections also provide a high degree of assurance that the containment will not degrade in a manner detectable only by a Type A test. Inspections required by the Maintenance Rule (10 CFR 50.65) and by the American Society of Mechanical Engineers Boiler and Pressure Vessel Code are performed to identify containment degradation that could affect leaktightness.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed extension to the interval for the Type A test does not involve any design or operational changes that could lead to a new or different kind of accident from any accidents previously evaluated. The test itself is not being modified, but is only intended to be performed after a longer interval. The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No. The generic study of the increase in the Type A test interval, NUREG–1493, concluded there is an imperceptible increase in the plant risk associated with extending the test interval out to twenty years. Further, the extended test interval would have a minimal effect on this risk since Type B and C testing detect 97% of potential leakage paths. For the requested change in the ANO–1 ILRT interval, it was determined that the risk contribution of leakage will increase 0.19%. This change is considered very small and does not represent a significant reduction in the margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York County, Pennsylvania

Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment request: November 30, 2001.

Description of amendment request: A change is proposed to Surveillance Requirement (SR) 3.0.3 to allow a longer period of time to perform a missed surveillance. The time is extended from the current limit of ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is less'' to ''. . . up to 24 hours or up to the limit of the specified Frequency, whichever is greater.'' In addition, the following requirement would be added to SR 3.0.3: ''A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.''

The Nuclear Regulatory Commission (NRC) staff issued a notice of opportunity for comment in the **Federal Register** on June 14, 2001, (66 FR 32400), on possible amendments concerning missed surveillances, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on September 28, 2001, (66 FR 49714). The licensees

affirmed the applicability of the following NSHC determination in its application dated November 30, 2001.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change relaxes the time allowed to perform a missed surveillance. The time between surveillances is not an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased. The equipment being tested is still required to be operable and capable of performing the accident mitigation functions assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly affected. Any reduction in confidence that a standby system might fail to perform its safety function due to a missed surveillance is small and would not, in the absence of other unrelated failures, lead to an increase in consequences beyond those estimated by existing analyses. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. A missed surveillance will not, in and of itself, introduce new failure modes or effects and any increased chance that a standby system might fail to perform its safety function due to a missed surveillance would not, in the absence of other unrelated failures, lead to an accident beyond those previously evaluated. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The extended time allowed to perform a missed surveillance does not result in a significant reduction in the margin of safety. As supported by the historical data, the likely outcome of any surveillance is verification that the LCO [Limiting Condition for Operation] is met. Failure to perform a surveillance within the prescribed frequency does not cause equipment to become inoperable. The only effect of the additional time allowed to perform a missed surveillance on the margin of safety is the extension of the time until inoperable equipment is discovered to be inoperable by the missed surveillance. However, given the rare occurrence of inoperable equipment, and the rare occurrence of a missed surveillance, a missed surveillance on inoperable equipment would be very unlikely. This must be balanced against the real risk of manipulating the plant equipment or condition to perform the missed surveillance. In addition, parallel trains and alternate equipment are typically available to perform the safety function of the equipment not tested. Thus, there is confidence that the equipment can perform its assumed safety function. Therefore, this change does not involve a significant reduction in a margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff has reviewed the licensees' analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Mr. Edward J. Cullen, Vice President, General Counsel, Exelon Generation Company, LLC, 300 Exelon Way, Kennett Square, PA 19348.

NRC Section Chiefs: Anthony J. Mendiola and James W. Clifford.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: January 18, 2002.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) for St. Lucie Units 1 and 2 to remove the numerical working hour limits stated in the TS. Site personnel working hours currently are and will continue to be controlled by administrative procedures. The change is consistent with Technical Specifications Task Force (TSTF) Item TSTF–258, Rev. 4.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendments are administrative in nature and they do not affect assumptions contained in plant safety analyses, the physical design and/or operation of the plant, nor do they affect Technical Specifications that preserve safety analysis assumptions. These proposed changes do not change the existing administrative controls on plant staff working hours. Any future changes to these procedures will be controlled under established procedure control processes that will ensure the administrative controls on work hours remain effective. Further, the proposed changes do not alter the design, function, or operation of any plant component. Therefore, operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The changes being proposed are administrative in nature and do not introduce a new mode of plant operation or surveillance requirement, nor involve a physical modification to the plant. Therefore, the design, function, or operation of any plant component is not altered. The changes propose to relocate specific controls for plant staff working hours from the TS to existing administrative procedures. The specific controls for plant staff working hours are described in these procedures and require a deliberate decision-making process to manage the potential for impaired personnel performance. Therefore, operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The proposed changes conform closely to the industry and NRC approved TSTF–258 Rev. 4 and relate to the relocation of TS specific working hour limits and controls to administrative procedures that control working hours. The specific controls for working hours of reactor plant staff are described in procedures that require a deliberate decision-making process to manage the potential for impaired personnel performance. Furthermore, any future changes to these procedures will be controlled under established procedure control processes that will ensure the administrative controls on work hours remain effective. Therefore, operation of the facility in accordance with the proposed amendments would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Richard P. Correia.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: January 25, 2002.

Description of amendment request: The proposed amendments would revise the St. Lucie Plant, Units 1 and 2, Technical Specifications, Appendix B, ''Environmental Protection Plan (Non-Radiological)'' to incorporate the revised terms and conditions of the Incidental Take Statement included in the Biological Opinion issued by the National Marine Fisheries Service on May 4, 2001, as clarified by NMFS letter dated October 8, 2001. These amendments also incorporate administrative revisions necessary to change references to the National Pollutant Discharge Elimination System Permit to the Wastewater Permit, based on a change in administrative authority over these permits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes are administrative in nature and would in no way affect the initial conditions, assumptions, or conclusions of the St. Lucie Unit 1 or Unit 2 accident analyses. In addition, the proposed changes would not affect the operation or performance of any equipment assumed in the accident analyses. Based on the above information, we conclude that the proposed changes would not significantly increase the probability or consequences of an accident previously evaluated.

(2) Use of the modified specification would not create the possibility of a new or different kind of accident from any previously evaluated.

The changes are administrative in nature and would in no way impact or alter the configuration or operation of the facilities and would create no new modes of operation. We conclude that the proposed changes would not create the possibility of a new or different kind of accident.

(3) Use of the modified specification would not involve a significant reduction in a margin of safety.

The changes are administrative in nature and would in no way affect plant or equipment operation or the accident analysis. We conclude that the proposed changes would not result in a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Richard P. Correia.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: January 25, 2002.

Description of amendment request: The proposed amendment would revise Section 4.8.1.1.2.g.2 of the St. Lucie Units 1 and 2 Technical Specifications (TS), which currently requires a test of the diesel fuel oil system piping at elevated pressure once every 10 years. In lieu of hydrostatic testing, the diesel fuel oil systems will be included in the population of systems subjected to periodic system pressure testing at normal operating conditions required by the American Society of Mechanical Engineers Code for Class 3 systems in accordance with the inservice inspection program.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated because industry experience has shown that an inservice leak test conducted at normal operating temperature and pressure is just as effective at finding leakage as a hydrostatic test conducted at 110 percent of the design pressure. Therefore, there is no increase in the probability or consequences of previously evaluated accidents. Also, note that the diesel generator fuel oil system is not specifically modeled in the St. Lucie probability safety assessment (PSA). Based on the St. Lucie PSA, the diesel generator failure probability is dominated by failure modes other than fuel oil pipe rupture. The total diesel generator failure probability is on the order of 1E–2, with the contribution from fuel oil pipe rupture on the order of 1E–5 (i.e., three orders of magnitude below the EDG [emergency diesel generator] failure probability).

(2) Operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any previously evaluated.

The use of the modified specifications can not create the possibility of a new or different kind of accident from any previously evaluated since the proposed amendments provide an alternative method of leak detection for the required 10-year inservice inspection. They do not result in an operational condition different from that which has already been considered by TS. Therefore, the changes do not create the possibility of a new or different kind of accident or malfunction.

(3) Operation of the facility in accordance with the proposed amendments would not involve a significant reduction in a margin of safety.

The alternative method of leak detection has no impact on the consequences of any analyzed accident and does not significantly change the failure probability of equipment that provides protection for the health and safety of the public. Therefore, there is no significant decrease in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Richard P. Correia.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: January 14, 2002.

Description of amendment request: The proposed amendment would revise the Kewaunee Nuclear Power Plant Technical Specifications (TS) 3.10.f, ''Inoperable Rod Position Indicator Channels,'' to provide an allowed outage time (AOT) for the Individual Rod Position Indicator (IRPI) system of 24 hours with more than one IRPI per group inoperable. The TS did not previously have an explicit AOT for this condition. In addition, the proposed amendment would reformat TS 3.10.f using MicroSoft Word to more closely resemble the format of Improved Standard Technical Specification (ISTS) to improve clarity.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The format changes are administrative in nature and therefore have no effect on the probability or consequences of an accident. The Individual Rod Position Indicator (IRPI) System is not an accident initiator. Therefore, any change to the system would not effect the probability of an accident previously evaluated. The risk of core damage/release of radioactivity would not increase with the other reactor condition monitors still functional along with the plant mode remaining the same.

The proposed changes provide more time to troubleshoot and restore the system, which would keep the reactor in a steady state condition, rather than to challenge the plant with a reduction in power. The addition of hourly reactor temperature checks as well as placing the rod controls to manual are added to temporarily increase the surveillance on the reactor due to loss of the IRPI system during the IRPI AOT. Since IRPI's are not an accident initiator and compensatory measures have been added to ensure rod position is known incase one or more IRPIs are inoperable, this amendment does not involve an increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The format changes are administrative in nature and therefore have no effect on the probability or consequences of a new or different kind of accident from any accident previously evaluated. The primary function of the IRPI system is to monitor the position of each rod and send that information to the control room. A failure of this system will not result in an accident.

The proposed changes do not involve a change to the physical plant or operations. Operations currently monitors power tilt, excore detectors, thermocouples, and rod movement when IRPIs become inoperable. The extra surveillance requirements added by the ISTS for the AOT are there to cover the loss of information when the IRPIs are OOS. The change to 24 hours for troubleshooting when more than one IRPI channel per group is inoperable would therefore not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in the margin of safety.

The format changes are administrative in nature and therefore are not involved in a significant reduction in the margin of safety. Margin of safety relates to actual rod position in relation to each other. This margin is controlled by rod misalignment requirements. The IRPIs provide indication of that position which the operators have other means of determining should the need arise. The implementation of this proposed amendment ensures continued close monitoring of rod position but also adds hourly documentation of the reactor coolant temperature requirement as well. The proposed change provides more time to troubleshoot and restore the system, which would keep the reactor in a steady state condition, rather than to challenge the plant with a reduction in power. Therefore, NMC concludes that there is not a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bradley D. Jackson, Esq., Foley and Lardner, P.O. Box 1497, Madison, WI 53701–1497.

NRC Section Chief: William D. Reckley, Acting Section Chief.

Nuclear Management Company, LLC, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: January 28, 2002.

Description of amendment request: The proposed amendment would revise the Core Operating Limits Report (COLR) analytical methods referenced in Technical Specification (TS) 5.6.5.b. Specifically, the changes would add references to two NRC-approved Framatome ANP, Inc., reports: (1) EMF–2310(P)(A), Revision 0, ''SRP [Standard Review Plan] Chapter 15 Non-LOCA [loss-of-coolant accident] Methodology for Pressurized Water Reactors [PWRs],'' dated May 2001, and (2) EMF–2328(P)(A), Revision 0, ''PWR Small Break LOCA Evaluation Model, S–RELAP5 Based,'' dated March 2001. Existing references in TS 5.6.5.b describing Exxon Nuclear Company's large-break LOCA evaluation model would be deleted.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Nuclear Management Company has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, ''Issuance of Amendment.'' The following evaluation supports the finding that operation of the facility in accordance with the proposed change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed license amendment removes a safety analysis methodology and adds two new safety analysis methodologies in TS 5.6.5.b. Accidents previously evaluated will be unaffected because they will continue to be analyzed using applicable methodologies approved by the Nuclear Regulatory Commission to ensure all required safety limits are met. The proposed amendment does not affect the acceptance criteria for loss-of-coolant accidents (LOCA) or non loss-of-coolant accidents. As such, the proposed amendment does not increase the probability or consequences of an accident. The proposed amendment does not involve operation of the required structures, systems or components (SSCs) in a manner or configuration different from those previously recognized or evaluated.

Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment does not involve a physical alteration of any SSC or a change in the way any SSC is operated. The proposed amendment does not involve operation of any required SSCs in a manner or configuration different from those previously recognized or evaluated. No new failure mechanisms will be introduced by changes being requested.

Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The proposed amendment does not, by itself, introduce a failure mechanism. The proposed amendment does not involve any physical changes to the plant or manner in which the plant was operated. The proposed changes do not affect the acceptance criteria for loss-of-coolant or non-loss-of-coolant accidents. All required safety limits will continue to be analyzed using methodologies approved by the Nuclear Regulatory Commission.

Therefore, the proposed amendment would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: William D. Reckley (Acting).

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: January 4, 2002.

Description of amendment request: The proposed amendment would add Technical Specification (TS) 3/4.3.10, ''Mechanical Vacuum Pump Trip Instrumentation.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff's review is presented below:

(1) Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed amendment would add a new TS section for the instrumentation that provides the automatic tripping of the mechanical vacuum pumps when high radiation is detected in the main steamlines. The proposed change has no effect on any structures, systems, or components (SSCs) since the mechanical vacuum pump automatic trip function is already part of the existing plant design. The new TS requirements are being added because automatic tripping of the mechanical vacuum pumps is credited for mitigating the radiological consequences of a control rod drop accident (CRDA), and, as such, a TS LCO must be established to meet the requirements stated in 10 CFR 50.36(c)(2)(ii), Criterion 3. Since the proposed change only establishes TS requirements for an existing function, and there are no effects to any SSCs, there is no impact on the CRDA analysis. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed amendment does not change the design function or operation of any SSCs. Plant operation will not be affected by the proposed change and no new failure mechanisms, malfunctions, or accident initiators will be created. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

(3) Does the proposed change involve a significant reduction in a margin of safety?

No. The proposed amendment only establishes TS requirements for an existing function and will not change any plant operating parameters. The licensee's submittal stated that the proposed change does not affect the radiological consequences for a CRDA. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: March 21, 2001 as superseded by letter dated October 24, 2001.

Description of amendment requests: The proposed amendments would revise Technical Specification (TS) 5.5.2.12 pertaining to ventilation filter testing program (VFTP). Specifically, the proposed amendments would: (a) in TS 5.5.2.12 lead paragraph, and TS 5.5.2.12d, delete reference to Regulatory Guide (RG) 1.52 and American Society of Mechanical Engineers (ASME) N510–1989; the testing frequency will continue to be in accordance with RG 1.52, Revision 2; (b) in TS 5.5.2.12a and TS 5.5.2.12b, refer to American National Standards Institute (ANSI) Code N510–1975 instead of ASME N510–1989, and add a note to provide clarification regarding high energy particulate air (HEPA) filter qualification and testing methodology; and (c) in TS 5.5.2.12c, include specific temperature and relative humidity for laboratory testing of charcoal adsorber samples.

The October 24, 2001, submittal supercedes in its entirety the licensee's March 21, 2001, submittal which was previously noticed in the **Federal Register** on April 18, 2001.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change is to change the reference to ASME Code in subsection 5.5.2.12.a and 5.5.2.12.b from ASME N510–1989 to ANSI N510–1975. Technical Specification (TS) 3.7.11, ''Control Room Emergency Air Cleanup System'' (CREACUS), Surveillance Requirement (SR) 3.7.11.2 and TS 3.7.14, ''Fuel Handling Building Post-Accident Cleanup Filter System'' (PACU), SR 3.7.14.2 requires CREACUS and PACU filter testing in accordance with the Ventilation Filter Testing Program (VFTP).

SONGS [San Onofre Nuclear Generating Station] TS 5.5.12.a, ''Ventilation Filter Testing Program,'' states that the in-place HEPA filter testing is performed in accordance with RG 1.52, Revision 2 and ASME N510–1989. The discrepancy arises because the HEPA filter testing method used at SONGS does not entirely meet the methodology which are delineated in ASME N510–1989. In particular, the CREACUS in-place HEPA filter testing uses a method (Alternate Shroud Test) which is no longer specified in ASME N510–1989. But this method is specified in ANSI N510–1975 and was used when the plant was licensed. In addition, the PACU in-place HEPA filter testing methodology which is employed at SONGS, has a downstream point location which differs from the location suggested in ASME N510–1989.

ANSI N510–1975, while providing a suggestion where downstream sample could be located, nevertheless does not provide a specific location. The test acceptance criteria are the same for methods cited in ANSI N510–1975 and ASME N510–1989. The method which is employed at SONGS provides more conservative results because the test is performed on individual HEPA filters, which ensures that each of the HEPA filters in the tested bank meets the acceptance criteria, as compared to the method suggested in ASME N510–1989.

The locations of the PACU HEPA downstream sample points are different from the locations suggested in ASME N510–1989, though they meet the requirements delineated in ANSI N510–1975. ANSI N510–1975 requires that a single representative downstream sample point be established, if possible, at the location where adequate mixing may be achieved, or at a point downstream of a fan, or multiple downstream sampling points may be used (such as in the Alternate Shroud Technique used in the CREACUS system) if a single downstream sample point is not feasible.

Since the HEPA filters are tested to the same acceptance criteria, and the testing methodology is permitted by ANSI N510–1975, to which the plant was licensed, it is concluded, that the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Section 5.5.2.12.c will be modified by specifying the temperature and relative humidity for laboratory testing of charcoal adsorber samples. This modification clarifies that samples shall be obtained in accordance with RG 1.52, Revision 2, and tested per methodology of ASTM D3803–1989, at 30'C and relative humidity of 70%. This clarification eliminates possible misinterpretation of the current wording.

The proposed change will also include Note 1 which clarifies the inplace testing of charcoal adsorbers and HEPA filters. Based on the provisions of section 10.4 of ASME N510–1989, this Note allows replacement of DOP [dioctyl phthalate] with a suitable alternate.

The proposed change also clarifies the statement of subsection 5.5.2.12.d. Pressure drop testing across combined HEPA filters, the prefilters, and the charcoal adsorbers is

industry-wide practice which is based on good engineering practice and operating experience. This change will not increase the probability or consequences of an accident previously evaluated.

Therefore, the probability or consequences of an accident previously evaluated will not be increased by operating the facility in accordance with this proposed change.

(2) Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not change the design or configuration of the plant. The proposed change is to change the reference to ASME Code in subsection 5.5.2.12.a and 5.5.2.12.b from ASME N510–1989 to ANSI N510–1975 to reflect the standard used. Section 5.5.2.12.c will be modified by specifying the temperature and relative humidity for laboratory testing of charcoal adsorber samples. This is done for clarification purposes. Also, subsection 5.5.2.12.d will be changed by deleting the references to RG 1.52, Revision 2, and ASME N510–1989 regarding pressure drop test across HEPA filters. RG 1.52, Revision 2 and ASME N510–1989 do not require pressure drop test[ing] across HEPA filters.

Therefore, this proposed change will not create the possibility of a new or different kind of accident from any accident that has been previously evaluated.

(3) Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change is to change the reference to ASME Code in subsections 5.5.2.12.a, and 5.5.2.12.b from ASME N510–1989 to ASME N510–1975. The CREACUS units HEPA filters are currently tested to N510–1975. Although the test methodology is slightly different than that in N510–1989, the acceptance criteria are the same and the current methodology is conservative. Thus the current testing satisfies the acceptance criteria of N510–1989, even though the test method is different. Section 5.5.2.12.c will be clarified by specifying the temperature and relative humidity for laboratory testing of charcoal adsorber samples.

The current methodology for HEPA filter testing will not change as a result of the proposed change. Also, deletion of references to RG 1.52, Revision 2 and ASME N510–1989 from subsection 5.5.2.12.d clarifies this section because these standards do not require HEPA filters pressure drop test. Consequently, there is no change to the design or operation of the plant as a result of this change.

Therefore, the operation of the facility in accordance with this proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Stephen Dembek.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

AmerGen Energy Company, LLC, et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: April 4, 2001, as supplemented on October 12, November 28, November 30, December 7, and December 20, 2001.

Brief description of amendment: The amendment deletes Technical Specifications (TSs) 5.3.1.B and 5.3.1.C. These TSs restricted the handling of heavy loads over irradiated fuel stored in the spent fuel pool. The basis for deleting these TSs is the upgrade of the reactor building crane and associated handling systems to a single-failure proof system.

Date of Issuance: January 23, 2002.

Effective date: January 23, 2002, and shall be implemented within 60 days of issuance.

Amendment No.: 223.

Facility Operating License No. DPR–16: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 28, 2001 (66 FR 31702).

The supplemental letters dated October 12, November 28, November 30, December 7, and December 20, 2001, provided clarifying information within the scope of the original application and did not change the NRC staff's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated January 23, 2002.

No significant hazards consideration comments received: No.

AmerGen Energy Company, LLC, et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: July 9, 2001.

Brief description of amendment: The amendment incorporated changes to the Technical Specifications (TSs) to provide consistency with the changes to 10 CFR 50.59, ''Changes tests, and experiments,'' as published in the **Federal Register** (FR) (64 FR 53582), dated October 4, 1999. Specifically, the changes replace the term ''safety evaluation'' with ''10 CFR 50.59 evaluation'' and ''unreviewed safety question'' with ''requires NRC approval pursuant to 10 CFR 50.59.''

Date of Issuance: January 28, 2002.

Effective date: January 28, 2002, and shall be implemented within 60 days of issuance.

Amendment No.: 224.

Facility Operating License No. DPR–16: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** August 22, 2001 (66 FR 44162).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated January 28, 2002.

No significant hazards consideration comments received: No.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: April 4, 2001.

Brief description of amendments: The amendments revise Technical Specifications (TSs) 3.3.12 and 3.9.2 and associated bases pages to (1) clarify operability requirements for the boron dilution alarm system (BDAS) by adding Mode 6 applicability to TS 3.3.12, (2) ensure appropriate operator action when the BDAS is declared inoperable by adding a note to TS 3.9.2 and (3) delete Action 3.9.2.B.2.

Date of issuance: January 29, 2002.

Effective date: January 29, 2002, and shall be implemented within 45 days of the date of issuance.

Amendment Nos.: Unit 1—138, Unit 2—138, Unit 3—138.

Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 2, 2001 (66 FR 22024). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 2002.

No significant hazards consideration comments received: No.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of application for amendment: May 7, 2001, as supplemented June 29, 2001.

Brief description of amendment: The amendment revises Technical Specification (TS) 3.4.3 and the associated Surveillance Requirement (SR) to eliminate the pressurizer water volume value in the specification and change ''volume'' to ''level'' in TS 3.4.3, SR 4.4.3, and the associated Bases.

Date of issuance: February 5, 2002.

Effective date: February 5, 2002.

Amendment No. 109.

Facility Operating License No. NPF–63. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** July 25, 2001 (66 FR 38760).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 2002.

No significant hazards consideration comments received: No.

Detroit Edison Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of application for amendment: November 11, 2001.

Brief description of amendment: The amendment revises Technical Specification Surveillance Requirement (SR) 3.0.3 to allow a longer period of time before entering a limiting condition for operation in the event of a missed surveillance. The time is extended from the current limit of ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is less'' to ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is greater.'' In addition, the following requirement is added to SR 3.0.3: ''A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.''

Date of issuance: January 25, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 145.

Facility Operating License No. NPF–43: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** December 12, 2001 (66 FR 64289).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 25, 2002.

No significant hazards consideration comments received: No.

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: April 26, 2001.

Brief description of amendment: The amendment approves a change to the Technical Specifications (TSs) and Bases related to reactor coolant pump flywheel inspection requirements and reactor coolant system structural integrity. The changes add Section 6.22, ''Reactor Coolant Pump Flywheel Inspection Program'' to the TSs and relocate the requirements of TS 3/4.4.10, ''Reactor Coolant System, Structural Integrity'' to the Technical Requirements Manual.

Date of issuance: February 1, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 264.

Facility Operating License No. DPR–65: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 30, 2001 (66 FR 29351).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 1, 2002.

No significant hazards consideration comments received: No.

Duke Energy Corporation, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station (MNS), Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: March 22, 2001, as supplemented by letter dated October 11, 2001.

Brief description of amendments: The amendments revised the current MNS Technical Specifications (TS) surveillance requirement (SR) for the methodology and frequency for the chemical analyses of the ice condenser ice bed. Also, these amendments add a new TS SR to address sampling requirements for ice additions to the ice bed. In addition, the amendments revise the current MNS TS acceptance criteria and surveillance frequency for the inspection of ice condenser ice basket flow channel areas.

Date of issuance: February 1, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 201 and 182.

Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 11, 2001 (66 FR 36339).

The supplement dated October 11, 2001, provided clarifying information that did not change the scope of the March 22, 2001, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 1, 2002.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: September 20, 2001.

Brief description of amendment: The amendment revised Technical Specification Section 6.8.4.a to delete the requirements to have a program to obtain and analyze samples of reactor coolant and containment atmosphere under accident conditions (post accident sampling system).

Date of issuance: January 30, 2002.

Effective date: As of the date of issuance to be implemented within 60 days.

Amendment No.: 222.

Facility Operating License No. DPR–26: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 31, 2001 (66 FR 55013).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 30, 2002.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of application for amendment: October 23, 2001.

Brief description of amendment: The amendment deletes Technical Specification 5.5.3, ''Post Accident Sampling'' and thereby eliminates the requirements to have and maintain the Post Accident Sampling System.

Date of issuance: February 6, 2002.

Effective date: As of the date of issuance to be implemented within 90 days.

Amendment No.: 210.

Facility Operating License No. DPR–64: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 12, 2001 (66 FR 64293).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 6, 2002.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: February 20, 2001, as supplemented by letters dated July 13, 2001, and December 28, 2001.

Brief description of amendments: The amendments change the Technical Specifications (TS) Section 3.8.1, ''A.C. Sources-Operating,'' to extend to 14 days the allowable completion time for the required actions associated with restoration of an inoperable Division 1 or Division 2 Emergency Diesel Generator. In addition, the amendments change the TS completion time period associated with discovery of failure to meet TS limiting condition of operation 3.8.1 from 10 days to 17 days.

Date of issuance: January 30, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 150 and 136.

Facility Operating License Nos. NPF–11 and NPF–18: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 21, 2001 (66 FR 15925).

The supplemental letter contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 30, 2002.

No significant hazards consideration comments received: No.

Exelon Generation Company, Docket No. 50–352, Limerick Generating Station, Unit 1, Montgomery County, Pennsylvania

Date of application for amendment: September 14, 2001.

Brief description of amendment: The amendment revises Technical Specification (TS) Figure 3.4.6.1–1, ''Minimum Reactor Vessel Metal Temperature vs. Reactor Vessel Pressure,'' to extend the use of the reactor pressure vessel (RPV) pressure-temperature limit curves for one additional fuel cycle and approves a modification to the TS Table 4.4.6.1.3–1, ''Reactor Vessel Surveillance Program—Withdrawal Schedule,'' RPV surveillance capsule withdrawal schedule.

Date of issuance: January 30, 2002.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 155.

Facility Operating License No. NPF–39: This amendment revised the TS.

Date of initial notice in ***Federal Register:*** November 28, 2001 (66 FR 59506).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 30, 2002.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Beaver County, Pennsylvania

Date of application for amendments: March 28, 2001, as supplemented May 1, 2001, and June 13, 2001.

Brief description of amendments: These amendments relocate certain Beaver Valley technical specifications (TSs) to the Licensing Requirements Manual and the Offsite Dosage Calculation Manual. The major change proposed in this request involves the application of the TS screening criteria of 10 CFR 50.36.

Date of issuance: January 24, 2002.

Effective date: As of date of issuance and shall be implemented within 120 days.

Amendment Nos.: 246 and 124.

Facility Operating License Nos. DPR–66 and NPF–73: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** June 20, 2001 (66 FR 33111).

The May 1 and June 13, 2001, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the scope of the initial **Federal Register** notice. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 24, 2002.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Beaver County, Pennsylvania

Date of application for amendments: October 29, 2001, as supplemented December 17, 2001.

Brief description of amendments: These amendments revised Technical Specification Section 3.9.3 to reduce the minimum decay time required prior to fuel movement from 150 hours to 100 hours.

Date of issuance: January 29, 2002.

Effective date: Upon issuance and shall be implemented within 60 days.

Amendment Nos.: 247 and 126.

Facility Operating License Nos. DPR–66 and NPF–73: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 26, 2001 (66 FR 66465). The December 17, 2001, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the application beyond the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 2002.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Beaver County, Pennsylvania

Date of application for amendments: January 18, 2001, as supplemented by letters dated February 20, June 9, June 26, June 29, October 31, and December 19, 2001.

Brief description of amendments: The amendments changed the technical specifications associated with modifying the maximum power levels permissible with inoperable main steam safety valves.

Date of issuance: January 29, 2002.

Effective date: Effective as of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 248 and 127.

Facility Operating License Nos. DPR–66 and NPF–73: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 27, 2001 (66 FR 39211).

The February 20, June 9, June 26, June 29, October 31, and December 19, 2001, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the amendment beyond the scope of the original notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 2002.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–412, Beaver Valley Power Station, Unit No. 2 (BVPS–2), Beaver County, Pennsylvania

Date of application for amendment: July 25, 2001.

Brief description of amendment: The amendment approved increases to the BVPS–2 Technical Specification boron concentration limits for the refueling water storage tank, accumulators, and the reactor coolant system/refueling canal during Mode 6.

Date of issuance: January 28, 2002.

Effective date: As of date of issuance and shall be implemented within 60 days.

Amendment No: 125.

Facility Operating License No. NPF–73. Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 3, 2001 (66 FR 50468).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 28, 2002.

No significant hazards consideration comments received: No.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: February 21, 2001, as supplemented April 26, 2001.

Brief description of amendment: The amendment revised the Improved Technical Specification 3.3.8, to clarify actions to be taken in the event that one or more channels of the loss of voltage or degraded voltage Emergency Diesel Generator start functions become inoperable.

Date of issuance: January 29, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 202.

Facility Operating License No. DPR–72: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 21, 2001 (66 FR 15925). The supplemental letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 2002.

No significant hazards consideration comments received: No.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Units 3 and 4, Miami-Dade County, Florida

Date of application for amendments: October 17, 2001.

Brief description of amendments: The amendments revised Technical Specification 6.8.4.h, to allow a one-time change in the containment integrated leakage rate test interval from the required 10 years to a test interval of 15 years.

Date of issuance: January 29, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos: 218 and 212.

Facility Operating License Nos.DPR–31 and DPR–41: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 28, 2001 (66 FR 59507).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 2002.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of application for amendments: July 17, 2001.

Brief description of amendments: The amendments revise Technical Specification 4.0.3 and its associated Bases to provide for a delay period in which to perform a surveillance which has been discovered not to have been performed within its specified frequency.

Date of issuance: January 28, 2002.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 263 and 245.

Facility Operating License Nos. DPR–58 and DPR–74: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** August 22, 2001 (66 FR 44175).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 28, 2002.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of application for amendments: August 7, 2001.

Brief description of amendments: The amendments would create Technical Specification (TS) 3.0.6 and associated bases to allow equipment that was removed from service or declared inoperable to be returned to service under administrative controls solely to perform the testing required to demonstrate its operability or the operability of other equipment.

Date of issuance: February 1, 2002.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 264 and 246.

Facility Operating License Nos. DPR–58 and DPR–74: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 28, 2001 (66 FR 59508).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 1, 2002.

No significant hazards consideration comments received: No.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: April 11, 2001.

Brief description of amendment: The proposed change would revise Technical Specifications 4.2, Fuel Storage, and 5.6.5, Spent Fuel Pool Water Chemistry Program, by adding applicability statements that specify that these specifications apply only when irradiated fuel is stored in the spent fuel storage pool. These changes are being made to facilitate dismantlement of the spent fuel storage pool upon removal of the last irradiated fuel assembly from the spent fuel storage pool to the onsite independent spent fuel storage installation (ISFSI).

Date of issuance: February 6, 2002.

Effective date: As of the date of issuance to be implemented within 30 days from the date of issuance.

Amendment No.: 166.

Facility Operating License No. DPR–36: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** August 8, 2001 (66 FR 41623).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 6, 2002.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendments: November 19, 2001.

Brief description of amendments: The amendment changes Surveillance Requirement (SR) 3.0.3 to allow a longer period of time before entering a Limiting Condition of Operations in the event of a missed surveillance. The time is extended from the current limit of ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is less'' to '' * * * up to 24 hours or up to the limit of the specified Frequency, whichever is greater.'' In addition, the following requirement is added to SR 3.0.3: ''A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.''

Date of issuance: January 28, 2002.

Effective date: As of the date of issuance and shall be implemented within 45 days.

Amendment Nos.: 202 and 207.

Facility Operating License Nos. DPR–24 and DPR–27: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 28, 2001 (66 FR 59510).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 28, 2002.

No significant hazards consideration comments received: No.

PPL Susquehanna, LLC, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: May 31, 2001, as supplemented December 5, 2001.

Brief description of amendment: The amendment revised the minimum critical power ratio safety limits.

Date of issuance: January 31, 2002.

Effective date: As of date of issuance and shall be implemented upon startup following the Unit 1 twelfth refueling and inspection outage.

Amendment No.: 199.

Facility Operating License No. NPF–14: This amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 5, 2001 (66 FR 46480). The supplemental letter provided additional information but did not change the initial no significant hazards consideration determination or expand the amendment beyond the scope of the initial notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 2002.

No significant hazards consideration comments received: No.

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: November 28, 2000.

Brief description of amendments: The amendments expanded the allowable suppression chamber-to-drywell vacuum breaker setpoint range.

Date of issuance: January 29, 2002.

Effective date: As of date of issuance and shall be implemented within 30 days.

Amendment Nos.: 198 and 173.

Facility Operating License Nos. NPF–14 and NPF–22: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 10, 2001 (66 FR 2023).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 2002.

No significant hazards consideration comments received: No.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: May 21, 2001.

Brief description of amendment: The amendment deletes the Definitions, Limiting Conditions for Operation and Surveillance Requirements, and several sections from the Administrative Controls portion of the technical specifications once the spent nuclear fuel has been transferred from the 10 CFR part 50 licensed site to the 10 CFR part 72 licensed Independent Spent Fuel Storage Installation.

Date of issuance: February 5, 2002.

Effective date: February 5, 2002, to be implemented within 30 days after the transfer of the last cask of spent nuclear fuel from the spent fuel pool to the Independent Spent Fuel Storage Installation is complete.

Amendment No.: 129.

Facility Operating License No. DPR–54: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register****:* July 11, 2001 (66 FR 36343).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 2002.

No significant hazards consideration comments received: No.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: June 7, 2001.

Brief description of amendment: The amendment deletes administrative requirements which are no longer applicable once the spent nuclear fuel has been transferred from the 10 CFR part 50 licensed site to the 10 CFR part 72 licensed Independent Spent Fuel Storage Installation. Other requirements are transferred to the Rancho Seco Quality Manual.

Date of issuance: February 5, 2002.

Effective date: February 5, 2002, to be implemented within 30 days after the transfer of the last cask of spent nuclear fuel from the spent fuel pool to the Independent Spent Fuel Storage Installation is complete.

Amendment No.: 130.

Facility Operating License No. DPR–54: The amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** July 11, 2001 (66 FR 36344).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 2002.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: November 7, 2001.

Brief description of amendment: The amendment revises Surveillance Requirement (SR) 3.0.3 to extend the delay period before entering a limiting condition for operation upon a missed SR from the current limit of ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is less'' to ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is greater.'' In addition, the following requirement is added to SR 3.0.3: ''A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.''

Date of issuance: February 5, 2002.

Effective date: February 5, 2002, and shall be implemented within 60 days of the date of issuance.

Amendment No.: 147.

Facility Operating License No. NPF–30: The amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** December 12, 2001 (66 FR 64307).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 2002.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: November 7, 2001 (ULNRC–04557).

Brief description of amendment: The amendment revised Surveillance Requirements (SRs) 3.3.1.2 and 3.3.1.3 in the Technical Specifications (TSs) on reactor trip system (RTS) instrumentation. The change to SR 3.3.1.2 replaces the reference to the nuclear instrumentation system (NIS) channel output by a reference to the power range channel output and deletes Note 1 to the SR. The change to SR 3.3.1.3 is editorial.

Date of issuance: February 5, 2002.

Effective date: February 5, 2002, and shall be implemented, including adding the changes to the Bases of the Technical Specifications as described in the licensee's application of November 7, 2001, before the startup from refueling outage 12, which is scheduled for the Fall of 2002.

Amendment No.: 148.

Facility Operating License No. NPF–30: The amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** December 12, 2001 (66 FR 64308).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 2002.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, Docket No. 50–338, North Anna Power Station, Unit 1, Louisa County, Virginia Date of application for amendment: January 9, 2001.

Brief description of amendment: This amendment revises the Facility Operating License (FOL) and Technical Specifications (TS) to remove obsolete license conditions, make editorial changes in the FOL, relocate license conditions, and remove redundant license conditions covered elsewhere in the license.

Date of issuance: January 31, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 230.

Facility Operating License No. NPF–4: Amendment changes the FOL and TS.

*Date of initial notice in **Federal Register:*** February 21, 2001 (66 FR 11064).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 31, 2002.

No significant hazards consideration comments received: No.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 11th day of February 2002.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–3750 Filed 2–18–02; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed under Schedule A, B, and C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Pam Shivery, Director, Washington Service Center, Employment Service (202) 606–1015.

SUPPLEMENTARY INFORMATION: Appearing in the listing below are 1 Schedule A authority and the individual authorities established under Schedule C between January 1, 2002, and January 31, 2002. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all Excepted Service authorities as of June 30 is published each year.

Schedule A

Social Security Administration

Temporary and time-limited positions in the Ticket to Work and Work Incentives Advisor Panel. No Employees may be appointed after November 17, 2007. Effective November 19, 2001.

Schedule C

The following Schedule C authorities were established during January 2002:

Council on Environmental Quality

Special Assistant to the Chair, Council on Economic Quality. Effective January 11, 2002.

Department of Agriculture

Confidential Assistant to the Administrator, Farm Service Agency. Effective January 14, 2002.

Director, Intergovernmental Affairs to the Assistant Secretary for Congressional Relations. Effective January 17, 2002.

Staff Assistant to the Under Secretary for Marketing and Regulatory Programs. Effective January 24, 2002.

Confidential Assistant to the Administrator, Food and Nutrition Service. Effective January 25, 2002.

Confidential Assistant to the Assistant Secretary for Congressional Relations. Effective January 30, 2002.

Special Assistant to the Chief, Natural Resource Manager. Effective January 30, 2002.

Department of the Air Force (DOD)

Confidential Assistant to the General Counsel. Effective January 8, 2002.

Department of Commerce

Confidential Assistant to the Assistant Secretary for Export Administration. Effective January 2, 2002.

Legislative Affairs Specialist to the Director, Office of Legislative Affairs. Effective January 2, 2002.

Special Assistant to the Director, Executive Secretariat Staff. Effective January 2, 2002.

Special Assistant to the Deputy Assistant Secretary for Transportation and Machinery. Effective January 4, 2002.

Confidential Assistant to the Deputy Assistant Secretary for Export Promotion Services. Effective January 7, 2002.

Executive Assistant to the Under Secretary for Economic Affairs. Effective January 8, 2002.

Executive Assistant to the Under Secretary, International Trade Administration. Effective January 8, 2002.

Special Assistant to the Deputy Assistant Secretary for Energy, Environment and Materials. Effective January 9, 2002.

Director of External Affairs to the Director of Public and Constituent Affairs. Effective January 11, 2002.

Chief of Staff to the Under Secretary for Oceans and Atmospheres. Effective January 14, 2002.

Chief, Congressional Affairs to the Under Secretary for Economic Affairs. Effective January 14, 2002.

Special Advisor to the Under Secretary for Export Administration. Effective January 16, 2002.

Confidential Assistant to the Director of Legislative Affairs. Effective January 22, 2002.

Special Assistant to the Chief of Staff, Office of the Under Secretary for Oceans and Atmosphere. Effective January 25, 2002.

Senior Analyst to the Under Secretary for Economic Affairs. Effective January 25, 2002.

Department of Defense

Special Assistant (Joint Chiefs of Staff) to the Special Assistant to the Secretary of Defense (White House Liaison). Effective January 8, 2002.

Personal and Confidential Assistant to the Under Secretary of Defense (Comptroller). Effective January 8, 2002.

Special Assistant to the Principal Deputy Assistant Secretary of Defense (Legislative Affairs). Effective January 11, 2002.

Staff Assistant to the Under Secretary of Defense (Comptroller). Effective January 14, 2002.

Director, Management Initiatives to the Under Secretary of Defense (Personnel and Readiness). Effective January 15, 2002.

Writer-Editor to the Assistant Secretary of Defense (Public Affairs). Effective January 22, 2002.

Defense Fellow to the Special Assistant to the Secretary of Defense (White House Liaison). Effective January 25, 2002.

Public Affairs Specialist to the Assistant Secretary of Defense (Public Affairs). Effective January 29, 2002.

Defense Fellow to the Special Assistant to the Secretary of Defense (White House Liaison). Effective January 30, 2002.

Public Affairs Specialist to the Deputy Assistant Secretary of Defense (Public Affairs). Effective January 30, 2002.

Confidential Assistant to the Assistant Secretary of Defense (Health Affairs). Effective January 30, 2002.

Defense Fellow to the Special Assistant to the Secretary of Defense (White House Liaison). Effective January 30, 2002.

Defense Fellow to the Special Assistant to the Secretary of Defense (White House Liaison). Effective January 30, 2002.

Staff Assistant to the Special Assistant to the Secretary of Defense (White House Liaison). Effective January 30, 2002.

Department of Education

Special Assistant to the Assistant Secretary for Elementary and Secondary Education. Effective January 2, 2002.

Special Assistant to the Assistant Secretary for Elementary and Secondary Education. Effective January 2, 2002.

Special Assistant to the Assistant Secretary for Postsecondary Education. Effective January 9, 2002.

Secretary's Regional Representative, Region V to the Deputy Assistant Secretary for Regional Services. Effective January 9, 2002.

Special Assistant to the Deputy Assistant Secretary for Regional Services. Effective January 9, 2002.

Special Assistant to the Deputy Assistant Secretary for Intergovernmental, Constituent Relations and Corporate Liaison. Effective January 10, 2002.

Confidential Assistant to the Chief of Staff to the Under Secretary. Effective January 11, 2002.

Special Assistant to the Assistant Secretary for Vocational and Adult Education. Effective January 17, 2002.

Special Assistant to the Assistant Secretary for Management. Effective January 22, 2002.

Special Assistant to the Senior Advisor to the Secretary. Effective January 30, 2002.

Department of Energy

Special Projects Officer to the Director, Office of Public Affairs. Effective January 8, 2002.

Special Assistant to the Principal Deputy Assistant Secretary (Special Assistant for Congressional and Intergovernmental Affairs). Effective January 25, 2002.

Senior Policy Advisor for North American Affairs to the Assistant Secretary for Policy and International Affairs. Effective January 25, 2002.

Staff Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective January 30, 2002.

Department of Health and Human Services

Speechwriter to the Director of Speechwriting. Effective January 4, 2002.

Special Assistant to the Deputy Assistant Secretary for Legislation (Human Services). Effective January 4, 2002.

Special Assistant to the Principal Deputy Assistant Secretary for Children and Families. Effective January 8, 2002.

Secretary's Regional Representative for Intergovernmental Affairs to the Director of Intergovernmental Affairs. Effective January 11, 2002.

Special Assistant to the Administrator, Substance Abuse and Mental Health Services Administration. Effective January 11, 2002.

Secretary's Regional Representative, Philadelphia, PA to the Director of Intergovernmental Affairs. Effective January 15, 2002.

Secretary's Regional Representative to the Director of Intergovernmental Affairs. Effective January 25, 2002.

Senior Advisor to the Director, Indian Health Service. Effective January 25, 2002.

Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation (Congressional Liaison). Effective January 28, 2002.

Secretary's Regional Representative, Atlanta GA, Region IV to the Director of Intergovernmental Affairs. Effective January 30, 2002.

Secretary's Regional Representative, Chicago, IL-Region V to the Director of Intergovernmental Affairs. Effective January 30, 2002.

Department of Housing and Urban Development

Staff Assistant to the Assistant Secretary for Community Planning and Development. Effective January 2, 2002.

Staff Assistant to the Deputy Assistant Secretary for Congressional and Intergovernmental Relations. Effective January 3, 2002.

Special Assistant to the Director, Center for Faith Based and Community Initiatives. Effective January 29, 2002.

Advance Coordinator to the Director of Executive Scheduling. Effective January 30, 2002.

Special Assistant to the Assistant Secretary for Public and Indian Housing. Effective January 30, 2002.

Department of the Interior

White House Liaison to the Chief of Staff. Effective January 8, 2002.

Deputy Director to the Director, External and Intergovernmental Affairs. Effective January 14, 2002.

Hispanic Media Outreach Coordinator to the Director, Office of Communications. Effective January 25, 2002.

Special Assistant to the Secretary of Interior. Effective January 29, 2002.

Department of Justice

Staff Assistant to the Assistant Attorney General, Office of Justice Programs, Bureau of Justice Statistics. Effective January 8, 2002.

Attorney Advisor to the Assistant Attorney General, Civil Division. Effective January 8, 2002.

Special Counsel to the Assistant Attorney General, Antitrust Division. Effective January 8, 2002.

Attorney Advisor to the Assistant Attorney General, Environment and Natural Resources Division. Effective January 8, 2002.

Special Assistant to the Assistant Attorney General, Office of Legal Development. Effective January 8, 2002.

Deputy Administrator to the Administrator, Office of Juvenile Justice and Delinquency Prevention. Effective January 8, 2002.

Deputy Director to the Director, National Institute of Justice. Effective January 8, 2002.

Special Assistant to the Assistant Attorney General, Criminal Division. Effective January 25, 2002.

Special Assistant to the Assistant Attorney General, Criminal Division. Effective January 31, 2002.

Department of Labor

Special Assistant to the Assistant Secretary for Veterans' Employment and Training. Effective January 8, 2002.

Special Assistant to the Secretary of Labor. Effective January 8, 2002.

Special Assistant to the Director of 21st Century Office. Effective January 11, 2002.

Speech Writer to the Assistant Secretary for Public Affairs. Effective January 25, 2002.

Special Assistant to the Assistant Secretary for Veterans's Employment and Training. Effective January 25, 2002.

Special Assistant to the Deputy Assistant Secretary, Office of Labor Management Standards. Effective January 31, 2002.

Department of State

Staff Assistant to the Assistant Secretary for Equal Employment and Civil Rights. Effective January 8, 2002.

Staff Assistant to the Assistant Secretary, Equal Employment and Civil Rights. Effective January 9, 2002.

Special Assistant to the Assistant Secretary for African Affairs Bureau. Effective January 11, 2002.

Special Assistant to the Under Secretary for Public Diplomacy and Public Affairs. Effective January 11, 2002.

Staff Assistant to the Chief of Protocol. Effective January 14, 2002.

Special Assistant to the Chief of Protocol. Effective January 22, 2002.

Protocol Officer (Visits) to the Chief of Protocol. Effective January 22, 2002.

Department of Transportation

Special Assistant to the Chief of Staff. Effective January 31, 2002.

Department of the Treasury

Senior Advisor to the Assistant Secretary for Financial Institutions. Effective January 8, 2002.

Department of Veterans Affairs

Special Assistant (Deputy White House Liaison) to the Deputy Assistant Secretary for Public Affairs. Effective January 15, 2002.

Environmental Protection Agency

Special Assistant (Advance Person) to the Administrator. Effective January 17, 2002.

Federal Emergency Management Agency

Staff Assistant (Scheduling) to the Director of Federal Emergency Management Agency. Effective January 4, 2002.

Speech Writer to the Director, Public Affairs. Effective January 28, 2002.

National Endowment for the Arts

Director of Communications to the Chairman, National Endowment for the Arts. Effective January 8, 2002.

Office of Management and Budget

Special Assistant and Assistant General Counsel to the General Counsel. Effective January 11, 2002.

Special Assistant to the Associate Director for Information Technology and E-Government. Effective January 11, 2002.

Confidential Assistant to the Assistant Director for Administration. Effective January 31, 2002.

Office of Science and Technology Policy

Confidential Assistant (Director's Office) to the Chief of Staff and General Counsel. Effective January 8, 2002.

Executive Assistant for Policy and Intergovernmental Affairs to the General Counsel. Effective January 14, 2002.

Confidential Assistant to the Associate Director, Technology Division. Effective January 14, 2002.

Confidential Assistant to the Associate Director for Science. Effective January 14, 2002.

Small Business Administration

Deputy Director to the Director of Intergovernmental Affairs. Effective January 7, 2002.

Policy Advisor to the Administrator. Effective January 25, 2002.

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

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 02–3874 Filed 2–15–02; 8:45 am]

BILLING CODE 6325–38–U

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Global Technovations, Inc. (Common Stock, par value $.001 per share) File No. 1–11046

February 12, 2001.[1]

Global Technovations, Inc., a Delaware corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'')[2] and rule 12d2–2(d) thereunder,[3] to withdraw its Common Stock, $.001 par value (''Security''), from listing and registration on the

[1] This notice was originally issued January 25, 2002 but not published in the **Federal Register.**

[2] 15 U.S.C. 78*l*(d).

[3] 17 CFR 240.12d2–2(d).

American Stock Exchange LLC (''Amex'').

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the State of Delaware, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

The Issuer's decision to withdraw the Security from listing on the Exchange was caused by the Issuer's filing of a petition for Chapter 11 relief under the United States Bankruptcy Code and its concern that following Court approval of a reorganization plan that the Issuer would not meet the Amex's listing requirements.

The Issuer represents that it will seek to facilitate quotation of its Security on the OTC Bulletin Board. The Issuer's application relates solely to the Security's withdrawal from listing on the Amex and from registration under section 12(b) of the Act [4] and shall not affect its obligation to be registered under section 12(g) of the Act.[5]

Any interested person may, on or before March 2, 2002 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Jonathan G. Katz,

Secretary.

[FR Doc. 02–3866 Filed 2–15–02; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78*l*(b).

[5] 15 U.S.C. 78*l*(g).

[6] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application to Withdraw from Listing and Registration on the American Stock Exchange LLC (Landauer, Inc., Common Stock, par value $.10 per share) File No. 1–9788

February 12, 2002.[1]

Landauer, Inc., a Delaware corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'') [2] and rule 12d2–2(d) thereunder,[3] to withdraw its Common Stock, par value $.10 per share (''Security''), from listing and registration on the American Stock Exchange LLC (''Amex'' or ''Exchange'')

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the State of Delaware, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration. The Amex has in turn informed the Issuer that its does not object to the proposed withdrawal of the Issuer's Security from listing and registration on the Exchange.

The Board of Trustees (''Board'') approved a resolution on November 8, 2001 to withdraw the Issuer's Security from listing on the Amex and to list such Security on the New York Stock Exchange, Inc. (''NYSE''), effective January 15, 2002. The Issuer stated that the Board took such action in order to avoid the direct and indirect cost and the division of the market resulting from dual listing on the Amex and NYSE.

The Issuer's application relates solely to the withdrawal of the Security from listing and registration on the Amex and shall have no effect upon the Security's continued listing and registration on the NYSE under section 12(b) of the Act.[4]

Any interested person may, on or before March 2, 2001, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary

[FR Doc. 02–3865 Filed 2–15–02; 8:45 am]

BILLING CODE

[1] This notice was originally issued January 18, 2002 but not published in the **Federal Register.**

[2] 15 U.S.C. 78*l*(d).

[3] 17 CFR 240.12d2–2(d).

[4] 15 U.S.C. 78*l*(b).

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 25414; 812–12536]

John Hancock Equity Trust and John Hancock Advisers, Inc.; Notice of Application

February 11, 2002.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under sections 6(c) and 17(b) of the Investment Company Act of 1940 (''Act'') for an exemption from section 17(a) of the Act, under section 6(c) for an exemption from section 17(e) of the Act and rule 17e–1 under the Act, and under section 10(f) of the Act for an exemption from section 10(f).

Summary of the Application: Applicants request an order to permit certain registered open-end management investment companies advised by two or more investment advisers to engage in principal and brokerage transactions with a broker-dealer affiliated with one of the investment advisers and to purchase securities in offerings underwritten by a principal underwriter of which one of the investment advisers is an affiliated person. The transactions would be between a broker-dealer or principal underwriter and a portion of the investment company's portfolio not advised by the adviser affiliated with the broker-dealer or principal underwriter. Applicants also request relief to permit a portion of the portfolio to purchase securities in offerings underwritten by a principal underwriter of which the investment adviser to that portion is affiliated if the purchase is in accordance with all of the conditions to rule 10f–3 under the Act, except for the provision that would require aggregation of certain purchases.

Applicants: John Hancock Equity Trust (''Trust'') and John Hancock Advisers, Inc. (''Adviser'').

Filing Dates: The application was filed on May 29, 2001 and amended on February 5, 2002. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 7, 2002, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants: c/o Pamela J. Wilson, Esq., Hale and Dorr LLP, 60 State Street, Boston, MA 02109; Susan S. Newton, Esq., John Hancock Advisers, Inc., 101 Huntington Avenue, Boston, MA 02199–7603.

FOR FURTHER INFORMATION CONTACT: Laura J. Riegel, Senior Counsel, at (202) 942–0567, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. The Trust is a Massachusetts business trust registered under the Act as an open-end management investment company. The Trust offers two series, one of which is John Hancock Large Cap Spectrum Fund (''Fund'').

2. The Adviser is registered under the Investment Advisers Act of 1940 (''Advisers Act'') and is an indirect wholly owned subsidiary of John Hancock Life Insurance Company. The Adviser has overall supervisory responsibility for the general management and investment of the Fund's assets, subject to the Fund's investment objective and policies and direction of the Fund's trustees.

3. The Fund's assets are divided into three discrete portions (each, a ''Portion''), and the assets of each Portion are invested pursuant to a particular investment strategy. The Adviser has allocated management of two Portions to Alliance Capital Management, L.P. (''Alliance''), an investment adviser registered under the Advisers Act. Alliance has complete discretion to purchase and sell securities for its Portions in accordance with the Fund's objectives, policies, and restrictions, and the more specific strategies provided by the Adviser.[1] Alliance is paid a fee by the Adviser out of the proceeds of the management fee received by the Adviser from the Trust. The Adviser directly manages the remaining Portion. In managing this Portion, the Adviser acts independently of Alliance and does not control or influence Alliance's decisions to trade particular securities for Alliance's Portions.

4. Sanford C. Bernstein & Co., LLC (''Sanford Bernstein''), a broker-dealer registered under the Securities Exchange Act of 1934 (the ''Exchange Act''), is a wholly owned subsidiary of Alliance. AXA Advisors (''AXA''), a broker-dealer registered under the Exchange Act, is an indirect wholly owned subsidiary of The Equitable Life Insurance Society of the United States (''The Equitable''). The parent company of The Equitable, Alliance Capital Management Corp., owns directly all of the shares of the general partner of Alliance. Accordingly, both Sanford Bernstein and AXA are affiliated persons of Alliance within the meaning of section 2(a)(3)(C) of the Act.

5. Applicants request relief to permit: (i) a broker-dealer registered under the Exchange Act that serves as a subadviser (''Subadviser'') or is an affiliated person of a Subadviser (the broker-dealer, an ''Affiliated Broker-Dealer''; the Subadviser, an ''Affiliated Subadviser''), to one or more Multi-Managed Fund (as defined below) to engage in principal transactions with a Portion that is advised by a Subadviser that is not an affiliated person of the Affiliated Broker-Dealer or Affiliated Subadviser (the Portion, an ''Unaffiliated Portion''; the Subadviser, an ''Unaffiliated Subadviser''[2]); (ii) an Affiliated Broker-Dealer to provide brokerage services to an Unaffiliated Portion, and the Unaffiliated Portion to utilize such brokerage services, without complying with rule 17e–1(b) and (d) under the Act; (iii) an Unaffiliated Portion to purchase securities during the existence of an underwriting syndicate, a principal underwriter of which is an Affiliated Subadviser or a person of which an Affiliated Subadviser is an affiliated person (''Affiliated Underwriter''); and (iv) a Portion advised by an Affiliated Subadviser (''Affiliated Portion'') to purchase securities during the existence of an underwriting syndicate, a principal underwriter of which is an Affiliated Underwriter, in accordance with the conditions of rule 10f–3 under the Act, except that paragraph (b)(7) of the rule would not require the aggregation of purchases by the Affiliated Portion with purchases by an Unaffiliated Portion.

6. Applicants request that the exemptive relief apply to the Trust, its series, and any existing or future registered open-end management investment company or series thereof advised by (i) the Adviser or a person controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with the Adviser and (ii) at least one other investment adviser registered under the Advisers Act or exempt from such registration (the Trust, its series, such investment companies, or series thereof, each, a ''Multi-Managed Fund''). Any investment company that currently intends to rely on the order is named as an applicant. The Adviser will take steps designed to ensure that any other existing or future entity that relies on the order will comply with the terms and conditions of the application.

Applicants' Legal Analysis

A. Principal Transactions Between an Unaffiliated Portion and Affiliated Broker-Dealers

1. Section 17(a) of the Act generally prohibits sales or purchases of securities between a registered investment company and an affiliated person of, promoter of, or principal underwriter for such company, or any affiliated person of an affiliated person, promoter, or principal underwriter (''second-tier affiliate''). Section 2(a)(3)(E) of the Act defines an affiliated person to be any investment adviser of an investment company, and section 2(a)(3)(C) of the Act defines an affiliated person of

[1] The specific strategies are limited to general guidelines that do not restrict Alliance's discretion to purchase or sell particular securities for its Portions.

[2] The terms ''Subadviser,'' ''Unaffiliated Portion,'' and ''Unaffiliated Subadviser'' include the Adviser and the Portion directly advised by the Adviser, respectively, provided that the Adviser manages its Portion independently of the Portions managed by the Subadviser to the Multi-Managed Fund (as defined below), and the Adviser does not control or influence any other Subadviser's investment decisions as to specific securities for the other Subadviser's Portions.

another person to include any person directly or indirectly controlling, controlled by, or under common control with such person. Applicants state that an Affiliated Subadviser would be an affiliated person of a Multi-Managed Fund, and an Affiliated Broker-Dealer would be either an Affiliated Subadviser or an affiliated person of the Affiliated Subadviser, and thus a second-tier affiliate of a Multi-Managed Fund, including the Unaffiliated Portion. Accordingly, applicants state that any principal transactions to be effected by an Unaffiliated Subadviser on behalf of an Unaffiliated Portion with an Affiliated Broker-Dealer are subject to the prohibitions of section 17(a).

2. Applicants seek relief under sections 6(c) and 17(b) to exempt principal transactions prohibited by section 17(a) because an Affiliated Broker-Dealer is deemed to be an affiliated person or a second-tier affiliate of an Unaffiliated Portion solely because an Affiliated Subadviser is the Subadviser to another Portion of the same Multi-Managed Fund. The requested relief would not be available if the Affiliated Broker-Dealer (except by virtue of serving as a Subadviser) is an affiliated person or a second-tier affiliate of the Adviser, principal underwriter or promoter of the Multi-Managed Fund, the Unaffiliated Subadviser making the investment decision with respect to the Unaffiliated Portion, or any officer, trustee or employee of the Multi-Managed Fund.

3. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company and the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any person or transaction from any provision of the Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

4. Applicants contend that section 17(a) is intended to prevent persons who have the power to control an investment company from using that power to the person's own pecuniary advantage. Applicants assert that when the person acting on behalf of an investment company has no direct or indirect pecuniary interest in a party to a principal transaction, the abuses that section 17(a) is designed to prevent are not present. Applicants state that if an Unaffiliated Subadviser purchases securities on behalf of an Unaffiliated Portion in a principal transaction with an Affiliated Broker-Dealer, any benefit that might inure to the Affiliated Broker-Dealer would not be shared by the Unaffiliated Subadviser. In addition, applicants state that a Subadviser is paid on the basis of a percentage of the value of the assets allocated to its management. The execution of a transaction to the disadvantage of the Unaffiliated Portion would disadvantage the Unaffiliated Subadviser to the extent that it diminishes the value of the Unaffiliated Portion. Applicants further submit that the Adviser's power to dismiss Subadvisers or to change the Portion allocated to each Subadviser reinforces a Subadviser's incentive to maximize the investment performance of its Portion. In the case where the Adviser directly manages a Portion, the board of trustees or directors of the Multi-Managed Fund oversees the performance of the Adviser and can terminate the Adviser.

5. Applicants state that each Subadviser's contract assigns it responsibility to manage a Portion. Each Subadviser is responsible for making independent investment and brokerage allocation decisions based on its own research and credit evaluations. Applicants represent that the Adviser does not dictate brokerage allocation or investment decisions to any Multi-Managed Fund advised by a Subadviser, or have the contractual right to do so, except with respect to a Portion advised directly by the Adviser. Applicants contend that, in managing a Portion, each Subadviser acts for all practical purposes as though it is managing a separate investment company.

6. Applicants state that the proposed transactions will be consistent with the policies of the Multi-Managed Fund, since each Unaffiliated Subadviser is required to manage the Unaffiliated Portion in accordance with the investment objectives and related investment policies of the Portfolio as described in its registration statement. Applicants also assert that permitting the transactions will be consistent with the general purposes of the Act and in the public interest because the ability to engage in the transactions increases the likelihood of a Multi-Managed Fund achieving best price and execution on its principal transactions, while giving rise to none of the abuses that section 17(a) was designed to prevent.

B. Payment of Brokerage Compensation by an Unaffiliated Portion to Affiliated Broker-Dealers

1. Section 17(e)(2) of the Act prohibits an affiliated person or a second-tier affiliate of a registered investment company from receiving compensation for acting as a broker in connection with the sale of securities to or by the investment company if the compensation exceeds the limits prescribed by the section unless otherwise permitted by rule 17e–1 under the Act. Rule 17e–1 sets forth the conditions under which an affiliated person or a second-tier affiliate of an investment company may receive a commission which would not exceed the ''usual and customary broker's commission'' for purposes of section 17(e)(2). Rule 17e–1(b) requires the investment company's board of directors, including a majority of the directors who are not interested persons under section 2(a)(19) of the Act, to adopt certain procedures and to determine at least quarterly that all transactions effected in reliance on the rule complied with the procedures. Rule 17e–1(d) specifies the records that must be maintained by each investment company with respect to any transaction effected pursuant to rule 17e–1.

2. As discussed above, applicants state that an Affiliated Broker-Dealer is either an affiliated person (as Subadviser to another Portion) or a second-tier affiliate of an Unaffiliated Portion and thus subject to section 17(e). Applicants request an exemption under section 6(c) from section 17(e) and rule 17e–1 to the extent necessary to permit an Unaffiliated Portion to pay brokerage compensation to an Affiliated Broker-Dealer acting as broker in the ordinary course of business in connection with the sale of securities to or by such Unaffiliated Portion, without complying with the requirements of rule 17e–1(b) and (d). The requested exemption would apply only where an Affiliated Broker-Dealer is deemed to be an affiliated person or a second-tier affiliate of an Unaffiliated Portion solely because an Affiliated Subadviser is the Subadviser to another Portion of the same Multi-Managed Fund. The relief would not apply if the Affiliated Broker-Dealer (except by virtue of serving as a Subadviser) is an affiliated person or a second-tier affiliate of the Adviser, principal underwriter or promoter of the Multi-Managed Fund, the Unaffiliated Subadviser making the investment decision with respect to the Unaffiliated Portion of the Multi-Managed Fund, or any officer, trustee or employee of the Multi-Managed Fund.

3. Applicants believe that the proposed brokerage transactions involve no conflicts of interest or possibility of self-dealing and will meet the standards of section 6(c). Applicants assert that the interests of an Unaffiliated Subadviser are directly aligned with the interests of the Unaffiliated Portion it advises, and an Unaffiliated Subadviser will enter into brokerage transactions with Affiliated Broker-Dealers only if the fees charged are reasonable and fair as required by rule 17e–1(a). Applicants also note that an Unaffiliated Subadviser has a fiduciary duty to obtain best price and execution for the Unaffiliated Portion.

C. Purchases of Securities From Offerings With Affiliated Underwriters

1. Section 10(f) of the Act, in relevant part, prohibits a registered investment company from knowingly purchasing or otherwise acquiring, during the existence of any underwriting or selling syndicate, any security (except a security of which the company is the issuer) a principal underwriter of which is an officer, director, member of an advisory board, investment adviser, or employee of the company, or an affiliated person of any of those persons. Section 10(f) also provides that the Commission may exempt by order any transaction or classes of transactions from any of the provisions of section 10(f), if and to the extent that such exemption is consistent with the protection of investors. Rule 10f–3 under the Act exempts certain transactions from the prohibitions of section 10(f) if specified conditions are met. Paragraph (b)(7) of rule 10f–3 limits the securities purchased by the investment company, or by two or more investment companies having the same investment adviser, to 25% of the principal amount of the offering of the class of securities.

2. Applicants state that each Subadviser, although under contract to manage only a Portion of a Multi-Managed Fund, is considered an investment adviser to the entire Multi-Managed Fund. As a result, applicants believe that all purchases of securities by an Unaffiliated Portion from an underwriting syndicate, a principal underwriter of which is an Affiliated Underwriter, would be subject to section 10(f).

3. Applicants request relief under section 10(f) from that section to permit an Unaffiliated Portion to purchase securities during the existence of an underwriting or selling syndicate, a principal underwriter of which is an Affiliated Underwriter. Applicants request relief from section 10(f) only to the extent those provisions apply solely because an Affiliated Subadviser is an investment adviser to the Multi-Managed Fund. The requested relief would not be available if the Affiliated Underwriter (except by virtue of serving as a Subadviser) is an affiliated person or a second-tier affiliate of the Adviser, principal underwriter or promoter of the Multi-Managed Fund, the Unaffiliated Subadviser making the investment decision with respect to the Unaffiliated Portion of the Multi-Managed Fund, or any officer, trustee or employee of the Multi-Managed Fund. Applicants also seek relief from section 10(f) to permit an Affiliated Portion to purchase securities during the existence of an underwriting syndicate, a principal underwriter of which is an Affiliated Underwriter, provided that the purchase will be in accordance with the conditions of rule 10f–3, except that paragraph (b)(7) of the rule will not require the aggregation of purchases by the Affiliated Portion with purchases by an Unaffiliated Portion.

4. Applicants state that section 10(f) was adopted in response to concerns about the ''dumping'' of otherwise unmarketable securities on investment companies, either by forcing the investment company to purchase unmarketable securities from its underwriting affiliate, or by forcing or encouraging the investment company to purchase the securities from another member of the syndicate. Applicants submit that these abuses are not present in the context of the Multi-Managed Fund because a decision by an Unaffiliated Subadviser to purchase securities from an underwriting syndicate, a principal underwriter of which is an Affiliated Underwriter, involves no potential for ''dumping.'' In addition, applicants assert that aggregating purchases would serve no purpose because there is no collaboration among Subadvisers, and any common purchases by an Affiliated Subadviser and an Unaffiliated Subadviser would be coincidence.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Each Multi-Managed Fund relying on the requested order will be advised by an Affiliated Subadviser and at least one Unaffiliated Subadviser and will be operated in the manner described in the application.

2. No Affiliated Subadviser, Affiliated Broker-Dealer, or Affiliated Underwriter (except by virtue of serving as Subadviser to a Portion) will be an affiliated person or a second-tier affiliate of the Adviser, any Unaffiliated Subadviser, principal underwriter or promoter of the Multi-Managed Fund, or any officer, trustee, or employee of a Multi-Managed Fund.

3. No Affiliated Subadviser will directly or indirectly consult with any Unaffiliated Subadviser concerning allocation of principal or brokerage transactions.

4. No Affiliated Subadviser will participate in any arrangement whereby the amount of its subadvisory fees will be affected by the investment performance of an Unaffiliated Subadviser.

5. With respect to purchases of securities by an Affiliated Portion during the existence of any underwriting or selling syndicate, a principal underwriter of which is an Affiliated Underwriter, the conditions of rule 10f–3 under the Act will be satisfied except that paragraph (b)(7) will not require the aggregation of purchases by the Affiliated Portion with purchases by an Unaffiliated Portion.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–3863 Filed 2–15–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25416; 812–12476]

Frank Russell Investment Company, et al.; Notice of Application

February 12, 2002.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 12(d)(1)(A) and (B) of the Act, under section 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act, and under section 17(d) of the Act and rule 17d-1 under the Act to permit certain joint transactions.

Summary of Application: The requested order would permit (a) certain registered open-end investment companies to use uninvested cash and cash collateral to purchase, in kind or for cash, shares of one or more affiliated money market funds, and the money market funds to sell shares to, and redeem shares from, the investment companies, and (b) the investment companies and the money market funds

to continue to engage in transactions involving portfolio securities in reliance on rule 17a-7 under the Act. The requested order would supersede a prior order.[1]

Applicants: Frank Russell Investment Company (''FRIC''); Russell Insurance Funds (''RIF''); the currently existing series of FRIC and RIF, and all future registered open-end management investment companies and any series thereof that are part of the same ''group of investment companies,'' as defined in section 12(d)(1)(G)(ii) of the Act, as FRIC and RIF and for which Frank Russell Investment Management Company (''Russell'') or a person controlling, controlled by, or under common control with Russell (a ''Russell Adviser'') serves as investment adviser (FRIC, RIF, all currently existing series of FRIC and RIF, and all such future registered open-end management investment companies and series thereof together, the ''Funds''); Russell; and Russell Fund Distributors, Inc. (''Distributor'').

Filing Dates: The application was filed on March 9, 2001 and amended on September 19, 2001 and January 31, 2002.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 11, 2002, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants, Frank Russell Company, 909 A Street, Tacoma, WA 98402.

FOR FURTHER INFORMATION CONTACT: Stacy L. Fuller, Senior Counsel, at (202) 942–0553, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564, Office of Investment Company Regulation, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 5th Street, NW., Washington, DC 20549–0102, at (202) 942–8090.

Applicants' Representations

1. FRIC and RIF are Massachusetts business trusts registered under the Act as open-end management investment companies. RIF consists of five separate series. RIF shares are offered exclusively to insurance companies and to their separate accounts to fund variable insurance products. FRIC consists of 31 separate series, three of which are money market Funds that comply with rule 2a-7 under the Act (each a ''Money Market Fund'' and together with any future FRIC or RIF series that is a money market Fund complying with rule 2a-7 under the Act, the ''Money Market Funds'').[2] Russell, an investment adviser registered under the Investment Advisers Act of 1940, is the investment adviser to each series of FRIC and RIF pursuant to an investment advisory agreement (''Advisory Agreement'').[3] Distributor, a wholly-owned subsidiary of Russell, serves as distributor for each series of FRIC and RIF.

2. Funds that are not Money Market Funds (the ''Investing Funds'') have, or may be expected to have, uninvested cash. Such cash may result from a variety of sources, including dividends or interest received on portfolio securities, unsettled securities transactions, reserves held for investment strategy purposes, scheduled maturity of investments, liquidation of investment securities to meet anticipated redemptions, dividend payments or new monies received from investors (''Uninvested Cash''). Certain of the Funds also may participate in a securities lending program under which they loan their portfolio securities to certain member banks of the Federal Reserve System and certain primary dealers in U.S. government securities (such program, a ''Securities Lending Program''). The loans are secured by collateral, equal at all times to at least the market value of the securities loaned (such collateral, when in the form of cash, ''Cash Collateral'' and together, with Uninvested Cash, ''Cash Balances''). Applicants request an order to permit the Investing Funds to use their Cash Balances to purchase shares of one or more of the Money Market Funds, the Money Market Funds to sell their shares to and redeem their shares from the Investing Funds, and Russell to effect these transactions.

3. Applicants state that certain Funds currently engage in purchase and sale transactions with other Funds in reliance on rule 17a–7 under the Act (''Interfund Transactions''). Applicants seek relief to permit these Interfund Transactions to continue in the event that the Investing Funds, pursuant to the requested order, use Cash Balances to purchase shares of the Money Market Funds and become affiliated persons, or affiliated persons of affiliated persons, of other Funds by virtue of owning more than 5% of a Money Market Fund. Applicants also seek relief to permit in-kind Interfund Transactions in which an Investing Fund, solely in instances where the Investing Fund holds portfolio securities that would be appropriate investments for a Money Market Fund, invests in a Money Market Fund by transferring such portfolio securities to the Money Market Fund, in exchange for shares of such Money Market Fund.

Applicants' Legal Analysis

I. Investment of Cash Balances in Money Market Funds

A. Section 12(d)(1) of the Act

1. Section 12(d)(1)(A) of the Act provides that no registered investment company may acquire securities of another investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other acquired investment companies, represent more than 10% of the acquiring company's outstanding total assets. Section 12(d)(1)(B) of the Act provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of section 12(d)(1) if and to the extent that

[1] *Frank Russell Investment Company, et al.,* Investment Company Act Release Nos. 22819 (Sept. 12, 1997) (notice) and 22845 (Oct. 8, 1997) (order) (''Prior Order'').

[2] All existing Funds that currently intend to rely on the requested order are named as applicants. Applicants also request that the order extend to Russell's successor(s) in interest, which are entities that result from a reorganization of the entity into another jurisdiction or a change in the type of business organization of the entity.

[3] Under the Advisory Agreement, in addition to the advisory fee, Russell may collect an annual fee (the ''Collateral Investment Fee'') for supervising the investment of the Cash Collateral, as defined below, of the Funds that are series of FRIC, based on such assets not being treated as net assets of a Fund for purposes of determining the net asset value per share of such Fund.

such exemption is consistent with the public interest and the protection of investors.

3. Applicants request relief under section 12(d)(1)(J) to permit the Investing Funds to use their Cash Balances to acquire shares of the Money Market Funds in excess of the percentage limitations in section 12(d)(1)(A), provided however, that in all cases an Investing Fund's aggregate investment of Uninvested Cash in shares of the Money Market Funds will not exceed 25% of the Investing Fund's total assets at any time. Applicants also request relief to permit the Money Market Funds to sell their shares to the Investing Funds in excess of the percentage limitations in section 12(d)(1)(B).

4. Applicants state that the proposed arrangement will not result in the abuses that sections 12(d)(1)(A) and (B) were intended to prevent. Applicants state that there is no threat of redemption to gain undue influence over the Money Market Funds due to the highly liquid nature of each Money Market Fund's portfolio. Applicants also note that Russell or a Russell Adviser will serve as investment adviser to all of the Funds. Applicants state that the proposed arrangement will not result in inappropriate layering of either sales charges or investment advisory fees. Shares of the Money Market Funds sold to the Investing Funds will not be subject to a sales load, redemption fee, asset-based distribution fee or service fee. If a Money Market Fund offers more than one class of shares in which an Investing Fund may invest, the Investing Fund will invest its Cash Balances only in the class with the lowest expense ratio at the time of the investment. In connection with approving any advisory contract for an Investing Fund, its board of trustees (''Board''), including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (''Independent Trustees''), will consider to what extent, if any, the advisory fees and any Collateral Investment Fee charged to the Investing Fund by Russell or the Russell Adviser to the Investing Fund should be reduced to account for reduced services provided to the Investing Fund by Russell or the Russell Adviser to the Investing Fund as a result of Cash Balances being invested in the Money Market Funds. Applicants represent that no Money Market Fund will acquire securities of any other investment company in excess of the limitations contained in section 12(d)(1)(A) of the Act.

B. Section 17(a) of the Act

5. Section 17(a) of the Act makes it unlawful for any affiliated person of a registered investment company, acting as principal, to sell or purchase any security to or from the investment company. Section 2(a)(3) of the Act defines an affiliated person of an investment company to include any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person, any person 5% or more of whose outstanding securities are directly or indirectly owned, controlled, or held with power to vote by the other person, any person directly or indirectly controlling, controlled by, or under common control with the other person, and any investment adviser to an investment company. Because the Investing Funds and the Money Market Funds have Russell as an investment adviser, and because all of the Funds have a Russell Adviser, they may be deemed to be under common control and thus affiliated persons of each of the other Funds. In addition, if an Investing Fund purchases more than 5% of the voting securities of a Money Market Fund, the Investing Fund and Money Market Fund may be affiliated persons of each other. As a result of these affiliations, section 17(a) would prohibit the sale of shares of Money Market Funds to the Investing Funds, and the redemption of such shares by Money Market Funds.

6. Section 17(b) of the Act authorizes the Commission to exempt a transaction from section 17(a) of the Act if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt persons or transactions from any provision of the Act, if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

7. Applicants submit that their request for relief to permit the purchase of shares of the Money Market Funds by the Investing Funds, and the redemption of the shares of the Money Market Funds, satisfies the standards in sections 6(c) and 17(b). Applicants state that the Investing Funds will retain their ability to invest their Cash Balances directly in money market instruments as authorized by their respective investment objectives and policies. Similarly, a Money Market Fund has the right to discontinue selling shares to any of the Investing Funds if the Money Market Fund's board of trustees or investment adviser determines that such sale would adversely affect its portfolio management and operations. In addition, applicants note that shares of the Money Market Funds will be purchased and redeemed at their net asset value, the same consideration paid and received for these shares by any other shareholder.

C. Section 17(d) of the Act and Rule 17d–1 Under the Act

8. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates, unless the Commission has approved the joint arrangement. Applicants state that the Investing Funds and the Money Market Funds, by participating in the proposed transactions, and Russell, by effecting the proposed transactions, could be deemed to be participating in a joint arrangement within the meaning of section 17(d) and rule 17d–1.

9. In considering whether to approve a joint transaction under rule 17d–1, the Commission considers whether the investment company's participation in the joint enterprise is consistent with the provisions, policies and purposes of the Act and the extent to which participation in the joint enterprise is on a basis different from or less advantageous than that of other participants. Applicants state that, for the reasons discussed above, the proposed transactions meet the standards for an order under rule 17d–1.

II. Interfund Transactions

10. As noted above, section 17(a) of the Act would prohibit the purchase and sale of portfolio securities between the Funds. Rule 17a–7 under the Act provides an exemption from section 17(a) for a purchase and sale transaction between a registered investment company and an affiliated person (or an affiliated person of an affiliated person), provided certain conditions are met, including that the affiliation between the registered investment company and the affiliated person (or an affiliated person of the affiliated person) must exist solely by reason of the entities

having a common investment adviser, common directors and/or common officers and the transaction must be for no consideration other than cash. Applicants state that the Funds may not be able to rely on rule 17a–7 when purchasing or selling portfolio securities to other Funds, and that the Investing Funds may not be able to rely on rule 17a–7 to effect in-kind purchases of shares of the Money Market Funds, because some of the Investing Funds may own more than 5% of the outstanding voting securities of a Money Market Fund and, therefore, an affiliation would not exist solely by reason of the transacting Funds having a common investment adviser, common directors and/or common officers. In addition, in-kind purchases of shares of a Money Market Fund by an Investing Fund would not meet the cash payment requirement of rule 17a–7(a).

11. Applicants request relief under sections 6(c) and 17(b) of the Act to permit the Interfund Transactions. Applicants submit that the requested relief satisfies the standards for relief in sections 6(c) and 17(b). Applicants state that, with respect to the Investing Funds' in-kind purchases of shares of the Money Market Funds, the consideration paid by the Investing Funds for shares of the Money Market Funds will be based on the net asset value of the Money Market Funds. With respect to the purchase and sale of portfolio securities between the Funds, applicants state that the price paid for the securities will be the current market price of the securities. Further, applicants state that the Interfund Transactions will comply with rule 17a–7 under the Act in all respects other than (i) the requirement that the parties to the transactions be affiliated persons (or affiliated persons of affiliated persons) of each other solely by reason of having a common investment adviser or investment advisers that are affiliated persons of each other, common officers and/or common directors, solely because the Investing Funds and the Money Market Funds might become affiliated persons within the meaning of sections 2(a)(3)(A) and (B) of the Act and (ii) the requirement that the transactions be for no consideration other than cash, solely because certain of the Interfund Transactions may be effected in shares of a Money Market Fund.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. Shares of the Money Market Funds sold to and redeemed by the Investing Funds will not be subject to a sales load, redemption fee, distribution fee under a plan adopted in accordance with rule 12b–1 under the Act, or service fee (as defined in rule 2830(b)(9) of the Conduct Rules of the National Association of Securities Dealers).

2. No Money Market Fund will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

3. Each of the Investing Funds will invest Uninvested Cash in, and hold shares of, the Money Market Funds only to the extent that such Investing Fund's aggregate investment of Uninvested Cash in all of the Money Market Funds does not exceed 25% of the Investing Fund's total assets. For purposes of this limitation, each Investing Fund or series thereof will be treated as a separate investment company.

4. Each Investing Fund and each Money Market Fund relying on the order will be advised by Russell or a Russell Adviser.

5. Investment by an Investing Fund in shares of a Money Market Fund will be in accordance with each Investing Fund's respective investment restrictions and will be consistent with each Investing Fund's policies as set forth in its prospectus and statement of additional information.

6. At or before the next meeting of a Board is held for the purpose of voting on an Advisory Agreement under section 15 of the Act, Russell or the Russell Adviser to the Investing Fund will provide the Board with specific information regarding the approximate cost to Russell or the Russell Adviser to the Investing Fund of, or portion of the advisory fee and any Collateral Investment Fee under the existing Advisory Agreement attributable to, managing the Cash Balances of the Investing Fund that can be expected to be invested in the Money Market Funds. In connection with approving any Advisory Agreement for an Investing Fund, the Board, including a majority of the Independent Trustees, shall consider to what extent, if any, the advisory fees and any Collateral Investment Fee charged to the Investing Fund by Russell or the Russell Adviser to the Investing Fund should be reduced to account for any change in the services provided to the Investing Fund by Russell or the Russell Adviser to the Investing Fund as a result of Cash Balances being invested in the Money Market Funds. The minute books of the Investing Fund will record fully the Board's consideration in approving the Advisory Agreement, including the considerations referred to above.

7. Before a Fund may participate in the Securities Lending Program, a majority of the Board (including a majority of the Independent Trustees) will approve the Fund's participation in the Securities Lending Program. No less frequently than annually, the Board also will evaluate, with respect to each Investing Fund, any securities lending arrangement and its results and determine that any investment of Cash Collateral in the Money Market Funds is in the best interests of the shareholders of the Investing Fund.

8. To engage in Interfund Transactions, the Investing Funds and Money Market Funds will comply with rule 17a–7 under the Act in all respects other than (i) the requirement that the parties to the transactions be affiliated persons (or affiliated persons of affiliated persons) of each other solely by reason of having a common investment adviser or investment advisers that are affiliated persons of each other, common officers and/or common directors, solely because the Investing Funds and the Money Market Funds might become affiliated persons within the meaning of sections 2(a)(3)(A) and (B) of the Act and (ii) the requirement that the transactions be for no consideration other than cash, solely because certain Interfund Transactions may be effected in shares of a Money Market Fund.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–3864 Filed 2–15–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45431; File No. SR–NASD–2002–16]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by the National Association of Securities Dealers, Inc. To Clarify the Income-Based Listing Standards of The Nasdaq Stock Market

February 11, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 6, 2002, the National Association of Securities Dealers, Inc. (''NASD''),

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. Nasdaq has designated this proposed rule change as ''non-controversial'' pursuant to Rule 19b–4(f)(6) under the Act,[3] which renders it effective immediately upon filing. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is filing with the Commission a proposed rule change to clarify Nasdaq's income-based listing standards. Text of the proposed rule change appears below. New language is italicized; deletions are bracketed.

* * * * *

4310. Qualification Requirements for Domestic and Canadian Securities

To qualify for inclusion in Nasdaq, a security of a domestic or Canadian issuer shall satisfy all applicable requirements contained in paragraphs (a) or (b), and (c) hereof.

(a)–(b) No change

(c) In addition to the requirements contained in paragraph (a) or (b) above, and unless otherwise indicated, a security shall satisfy the following criteria for inclusion in Nasdaq:

(1) No change

(2)(A) For initial inclusion, the issuer shall have:

(i)–(ii) No change.

(iii) net income *from continuing operations* of $750,000 [(excluding extraordinary or non-recurring items)] in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

(B) For continued inclusion, the issuer shall maintain:

(i)–(ii) No change.

(iii) net income *from continuing operations* of $500,000 [(excluding extraordinary or non-recurring items)] in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

* * * * *

4320. Qualification Requirements for Non-Canadian Foreign Securities and American Depositary Receipts

To qualify for inclusion in Nasdaq, a security of a non-Canadian foreign issuer, an American Depositary Receipt (ADR) or similar security issued in respect of a security of a foreign issuer shall satisfy the requirements of paragraphs (a), (b) or (c), and (d) and (e) of this Rule.

(a)–(d) No change

(e) In addition to the requirements contained in paragraph (a), (b) or (c), and (d), the security shall satisfy the following criteria for inclusion in Nasdaq:

(1) No change

(2)(A) For initial inclusion, the issuer shall have:

(i) stockholders' equity of *U.S.* $5 million;

(ii) No change

(iii) net income *from continuing operations* of U.S. $750,000 [(excluding extraordinary or non-recurring items)] in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

(B) For continued inclusion, the issuer shall maintain:

(i) stockholders' equity of *U.S.* $2.5 million;

(ii) No change

(iii) net income *from continuing operations* of U.S. $500,000 [(excluding extraordinary or non-recurring items)] in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

* * * * *

4420. Quantitative Designation Criteria

In order to be designated for the Nasdaq National Market, an issuer shall be required to substantially meet the criteria set forth in paragraphs (a), (b), (c), (d), (e), (f), or (g) below. Initial Public Offerings substantially meeting such criteria are eligible for immediate inclusion in the Nasdaq National Market upon prior application and with the written consent of the managing underwriter that immediate inclusion is desired. All other qualifying issues, excepting special situations, are included on the next inclusion date established by Nasdaq.

(a) Entry Standard 1

(1) The issuer of the security had annual [pre-tax] income *from continuing operations before income taxes* of at least $1,000,000 [(excluding extraordinary or non-recurring items)] in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

(2)–(7) No change

* * * * *

I. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide greater transparency to Nasdaq's income-based listing standards. Nasdaq rules currently exclude non-recurring items from the income listing standards. These standards, however, lack transparency, as the term ''non-recurring'' is not defined in Generally Accepted Accounting Principles (''GAAP''). Since the intent of the income listing standards is to capture income from continuing operations, Nasdaq proposes to amend these standards to use the term ''income from continuing operations'' rather than to exclude non-recurring items. As defined under GAAP, the term ''income from continuing operations'' excludes discontinued operations, extraordinary items, and the cumulative effect from changes in accounting principles. Nasdaq believes that the proposed amendments to its initial and continued inclusion income listing standards will help to clarify these listing standards for issuers and investors.

The proposed rule change also clarifies that the equity listing standard for non-Canadian foreign securities and American Depositary Receipts is based on U.S. dollars.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act[4] in that it is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest. As previously noted, Nasdaq is proposing to amend the income-based listing standards to

[3] 17 CFR 240.19b–4(f)(6).

[4] 15 U.S.C. 78o–3(b)(6).

provide greater clarity and transparency for issuers, their counsel, and investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Nasdaq asserts that the proposed rule change is effective upon filing pursuant to section 19(b)(3)(A) of the Act [5] and paragraph (f)(6) of Rule 19b–4 thereunder,[6] because the proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.[7]

Nasdaq has requested that the Commission waive the 30 day pre-operative period, which would make the proposed rule operative immediately. The Commission finds that it is consistent with the protection of investors and the public interest to waive the 30-day pre-operative period in this case.[8] The Commission believes that the new rule will provide greater transparency to Nasdaq's listing standards, thereby reducing uncertainty for issuers and investors.

At any time within 60 days of this filing, the Commission may summarily abrogate this proposal if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–2002–16 and should be submitted by March 12, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–3868 Filed 2–15–02; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6).

[7] In addition, Rule 19b–4(f)(6) requires that the self-regulatory organization give the Commission five days' written notice of its intent to file the proposed rule change. The NASD, through Nasdaq, complied with this requirement. *See* e-mail from John Nachmann, Senior Attorney Nasdaq, to Florence Harmon, Senior Special Counsel, Division of Market Regulation, Commission, dated January 4, 2002.

[8] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45429; File No. SR–NASD–2002–19]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Listing and Trading of Enhanced Return Notes Linked to the Nasdaq 100–Index

February 11, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 7, 2002, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to list and trade Enhanced Return Notes Linked to the Nasdaq-100 Index (the ''Notes'') issued by Merrill Lynch & Co., Inc. (''Merrill Lynch'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Under NASD Rule 4420(f), ''Other Securities,'' Nasdaq may approve for listing and trading innovative securities that cannot be categorized readily under traditional listing guidelines.[3] Nasdaq proposes to list for trading the Notes, as described below, under NASD Rule 4420(f).

Description of the Notes

The Notes [4] are a series of senior debt securities that will be issued by Merrill Lynch and will not be secured by collateral. The Notes will be issued in denominations of whole units (''Units''), with each Unit representing a single Note. The original public offering price will be $10 per Unit. The Notes will not pay interest and are not subject to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 32988 (September 29, 1993), 58 FR 52124 (October 6, 1993) (order approving File No. SR–NASD–93–15) (''1993 Order'').

[4] For a detailed description of the Notes, including the risks associated with investing in the Notes, *see* the registration statement Merrill Lynch filed with the Commission (File No. 333–52822).

redemption by Merrill Lynch or at the option of any beneficial owner before maturity in March 2004.[5]

At maturity, if the value of the Nasdaq-100 Index (''Index'')[6] has increased, a beneficial owner will be entitled to receive a payment on the Notes based on twice the amount of that percentage increase, not to exceed a maximum payment of $15.00 per Unit (the ''Capped Value''). Thus, the Notes provide investors with an opportunity to obtain leveraged returns based on the Index. Unlike ordinary debt securities, the Notes do not guarantee any return of principal at maturity. Therefore, if the value of the Index has declined at maturity, a beneficial owner will receive less, and possibly significantly less, than the original public offering price of $10 per Unit.

The payment that a beneficial owner will be entitled to receive (the ''Redemption Amount'') depends entirely on the relation of the average of the values of the Index at the close of the market on five business days shortly before the maturity of the Notes (the ''Ending Value'') and the closing value of the Index on the date the Notes are priced for initial sale to the public (the ''Starting Value'').

If the Ending Value is less than or equal to the Starting Value, the Redemption Amount per Unit will equal:

$$\$10 \times \left(\frac{\text{Ending Value}}{\text{Starting Value}} \right)$$

If the Ending Value is greater than the Starting Value, the Redemption Amount per Unit per Unit will equal:

$$\$10 + \left(\$20 \times \left(\frac{\text{Ending Value} - \text{Starting Value}}{\text{Starting Value}} \right) \right)$$

not to exceed the Capped Value of $15.00 per Unit.

Criteria for Initial and Continued Listing

The Notes will be subject to Nasdaq's initial listing criteria for other securities under NASD Rule 4420(f). Specifically, under NASD Rule 4420(f)(1):

(A) The issuer shall have assets in excess of $100 million and stockholders' equity of at least $10 million. In the case of an issuer which is unable to satisfy the income criteria set forth in paragraph (a)(1), Nasdaq generally will require the issuer to have the following: (i) assets in excess of $200 million and stockholders' equity of at least $10 million; or (ii) assets in excess of $100 million and stockholders' equity of at least $20 million;

(B) There must be a minimum of 400 holders of the security, provided, however, that if the instrument is traded in $1,000 denominations, there must be a minimum of 100 holders;

(C) For equity securities designated pursuant to this paragraph, there must be a minimum public distribution of 1,000,000 trading units; and

(D) The aggregate market value/principal amount of the security will be at least $4 million.

In addition, Nasdaq notes that Merrill Lynch satisfies the listed marketplace requirement set forth in NASD Rule 4420(f)(2).[7] Lastly, pursuant to NASD Rule 4420(f)(3), prior to the commencement of trading of the Notes, Nasdaq will distribute a circular to the membership providing guidance regarding member firm compliance responsibilities and requirements, including suitability recommendations, and highlighting the special risks and characteristics of the Notes. In particular, Nasdaq will advise members and employees thereof recommending a transaction in the Notes to: (1) Determine that such transaction is suitable for the customer; and (2) have a reasonable basis for believing that the customer can evaluate the special characteristics of, and is able to bear the financial risks of, such transaction.

The Notes will be subject to Nasdaq's continued listing criteria for other securities in NASD Rule 4450(c), which requires that the aggregate market value or principal amount of publicly-held units must be at least $1 million. Furthermore, the Notes must have at least two registered and active market makers as required by NASD Rule 4450(e).

The Notes will be registered under section 12 of the Act.

Rules Applicable to the Trading of the Notes

Because the Notes will be deemed equity securities for the purpose of NASD Rule 4420(f), the NASD and Nasdaq's existing equity trading rules will apply to the Notes. First, pursuant to NASD Rule 2310, ''Recommendations to Customers (Suitability),'' and IM–2310–2, ''Fair Dealing with Customers,'' NASD members must have reasonable grounds for believing that a recommendation to a customer regarding the purchase, sale or exchange of any security is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his other security holdings and as to his financial situation and needs.[8] In addition, as previously mentioned, Nasdaq will distribute a circular to advise members and employees thereof recommending a transaction in the Notes to, among other things, have a reasonable basis for believing that the customer can evaluate the special characteristics of, and is able to bear the financial risks of, such transaction. Second, the Notes will be subject to the equity margin rules. Third, the regular

[5] The maturity date will be determined on the day the Notes are priced.

[6] The Index is a modified capitalization-weighted index of 100 of the largest non-financial companies listed on The Nasdaq National Market tier of Nasdaq. The Index constitutes a broadly diversified segment of the largest and most actively traded securities listed on Nasdaq and includes companies across a variety of major industry groups. To limit domination of the Index by a few large stocks, the Index is calculated under a ''modified capitalization-weighted'' methodology. This capitalization weight distribution is evaluated on a quarterly basis and is rebalanced if either one or both of the following two weight distribution requirements are not met: (1) the current weight of the single largest market capitalization Index component security must be less than or equal to 24.0%, and (2) the ''collective weight'' of those Index component securities whose individual current weights are in excess of 4.5%, when added together, must be less than or equal to 48.0%. Index securities are ranked by market value and are evaluated annually to determine which securities will be included in the Index. Moreover, if at any time during the year an Index security is no longer trading on Nasdaq, or is otherwise determined by Nasdaq to become ineligible for continued inclusion in the Index, the security will be replaced with the largest market capitalization security not currently in the Index that meets the Index eligibility criteria. For a detailed description of the Index, *see* the registration statement filed by Merrill Lynch with the Commission (File No. 333–52822).

[7] NASD Rule 4420(f)(2) generally requires that issuers of securities designated pursuant to NASD Rule 4420(e) be listed on Nasdaq or the New York Stock Exchange, Inc. (''NYSE'') or be an affiliate of a company listed on Nasdaq or the NYSE.

[8] NASD Rule 2310(b) requires members to make reasonable efforts to obtain information concerning a customer's financial status, a customer's tax status, a customer's investment objectives, and such other information used or considered to be reasonable by such member or registered representative in making recommendations to the customer.

equity trading hours of 9:30 a.m. to 4 p.m. will apply to transactions in the Notes. Lastly, NASD Regulation's surveillance procedures for the Notes will be the same as the current surveillance procedures governing equity securities, and will include additional monitoring on key pricing dates.

Disclosure and Dissemination of Information

Merrill Lynch will deliver a prospectus in connection with the initial purchase of the Notes. The procedure for the delivery of a prospectus will be the same as Merrill Lynch's current procedure involving primary offerings. In addition, Nasdaq will issue a circular to NASD members explaining the unique characteristics and risks of the Notes.

2. Basis

Nasdaq believes that the proposed rule change is consistent with section 15A of the Act,[9] in general, and furthers the objectives of section 15A(b)(6) of the Act,[10] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–2002–19 and should be submitted by March 12, 2002.

IV. Commission Findings and Order Granting Accelerated Approval of the Proposed Rule Change

Nasdaq has asked the Commission to approve the proposal on an accelerated basis to accommodate the timetable for listing the Notes. The Commission notes that it has previously approved the listing and trading of similar Enhanced Return Notes linked to the Nasdaq-100 Index on November 5, 2001.[11]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association and, in particular, with the requirements of section 15A(b)(6) of the Act[12] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.[13] The Commission believes that the Notes will provide investors with a means to participate in any percentage increase in the Index that exists at the maturity of the Notes, subject to the Capped Value. Specifically, as described more fully above, a beneficial owner will be entitled to receive at maturity a payment on the Notes based on twice the amount of any percentage increase in the Index, not to exceed the Capped Value.

The Notes are leveraged debt instruments whose price will be derived from and based upon the value of the Index. In addition, as discussed more fully above, the Notes do not guarantee any return of principal at maturity. Thus, if the Index has declined at maturity, a beneficial owner may receive significantly less than the original public offering price of the Notes. Accordingly, the level of risk involved in the purchase or sale of the Notes is similar to the risk involved in the purchase or sale of traditional common stock. Because the final rate of return on the Notes is derivatively priced and based upon the performance of an index of securities, because the Notes are debt instruments that do not guarantee a return of principal, and because investors' potential return is limited by the Capped Value, there are several issues regarding trading of this type of product. For the reasons discussed below, the Commission believes that Nasdaq's proposal adequately addresses the concerns raised by this type of product.

First, the Commission notes that the protections of NASD Rule 4420(f) were designed to address the concerns attendant to the trading of hybrid securities like the Notes.[14] In particular, by imposing the hybrid listing standards, heightened suitability for recommendations,[15] and compliance requirements, noted above, the Commission believes that Nasdaq has adequately addressed the potential problems that could arise from the hybrid nature of the Notes. The Commission notes that Nasdaq will distribute a circular to its membership that provides guidance regarding member firm compliance responsibilities and requirements, including suitability recommendations, and highlights the special risks and characteristics associated with the Notes. Specifically, among other things, the circular will indicate that the Notes do not guarantee any return of principal at maturity, that the maximum return on the Notes is limited to $15.00 per unit, that the Notes will not pay interest, and that the Notes will provide full exposure to any downside movement in the Index. Distribution of the circular should help to ensure that only customers with an understanding of the risks attendant to the trading of the Notes and who are able to bear the financial risks associated with transactions in the Notes will trade the Notes. In addition, the Commission notes that Merrill Lynch will deliver a prospectus in connection with the initial purchase of the Notes.

Second, the Commission notes that the final rate of return on the Notes

[9] 15 U.S.C. 78*o*–3.

[10] 15 U.S.C. 78*o*–3(b)(6).

[11] Securities Exchange Act Release No. 45024; 66 FR 56872 (November 13, 2001).

[12] 15 U.S.C. 78o–3(b)(6).

[13] In approving the proposed rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[14] *See* 1993 Order, *supra* note 3.

[15] As discussed above, Nasdaq will advise members and employees thereof recommending a transaction in the Notes to: (1) determine that the transaction is suitable for the customer; and (2) have a reasonable basis for believing that the customer can evaluate the special characteristics of, and is able to bear the financial risks of, the transaction.

depends, in part, upon the individual credit of the issuer, Merrill Lynch. To some extent this credit risk is minimized by the NASD's listing standards in NASD Rule 4420(f), which provide that only issuers satisfying substantial asset and equity requirements may issue these types of hybrid securities. In addition, the NASD's hybrid listing standards further require that the Notes have at least $4 million in market value. Financial information regarding Merrill Lynch, in addition to information concerning the issuers of the securities comprising the Index, will be publicly available.[16]

Third, the Notes will be registered under section 12 of the Act. As noted above, the NASD's and Nasdaq's existing equity trading rules will apply to the Notes, which will be subject to equity margin rules and will trade during the regular equity trading hours of 9:30 a.m. to 4:00 p.m. NASD Regulation's surveillance procedures for the Notes will be the same as its current surveillance procedures for equity securities, and will include additional monitoring on key pricing dates.

Fourth, the Commission has a systemic concern that a broker-dealer, such as Merrill Lynch, or a subsidiary providing a hedge for the issuer will incur position exposure. However, as the Commission has concluded in previous approval orders for other hybrid instruments issued by broker-dealers,[17] the Commission believes that this concern is minimal given the size of the Notes issuance in relation to the net worth of Merrill Lynch.

Finally, the Commission believes that the listing and trading of the proposed Notes should not unduly impact the market for the securities underlying the Index or raise manipulative concerns. The Commission notes that the Index is well-established and broad-based. In addition, the Commission continues to believe, as it has concluded previously, that the large capitalizations, liquid markets, and relative weightings of the Index's component stocks significantly minimize the potential for manipulation of the Index.[18] The Commission also believes that the weighting methodology for the Index should ensure that no one stock or group of stocks dominates the Index, and reduces the potential influence of any one stock on the movement of the Index.[19] In addition, Nasdaq's surveillance procedures should serve to deter as well as detect any potential manipulation.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission believes that the Notes will provide investors with an additional investment choice and that accelerated approval of the proposal will allow investors to begin trading the Notes promptly. In addition, the Commission notes that it has previously approved the listing and trading of similar Enhanced Return Notes linked to the Nasdaq-100 Index.[20] Accordingly, the Commission believes that there is good cause, consistent with sections 15A(b)(6) and 19(b)(2) of the Act,[21] to approve the proposal on an accelerated basis.

The Commission is approving Nasdaq's proposed listing standards for the Notes. The Commission specifically notes that, notwithstanding approval of the listing standards for the Notes, other similarly structured products will require review by the Commission prior to being traded on Nasdaq.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–NASD–2002–19) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[22]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–3869 Filed 2–15–02; 8:45 am]

BILLING CODE 8010–01–P

[16] The companies comprising the Index are reporting companies under the Act.

[17] *See, e.g.*, Securities Exchange Act Release Nos. 44913 (October 9, 2001), 66 FR 52469 (October 15, 2001) (order approving File No. SR–NASD–2001–73) (approving the listing and trading of notes issued by Morgan Stanley Dean Witter & Co. whose return is based on the performance of the Index); 44483 (June 27, 2001), 66 FR 35677 (July 6, 2001) (order approving File No. SR–Amex–2001–40) (approving the listing and trading of notes issued by Merrill Lynch whose return is based on a portfolio of 20 securities selected from the Amex Institutional Index); and 37744 (September 27, 1996), 61 FR 52480 (October 7, 1996) (order approving File No. SR–Amex–96–27) (approving the listing and trading of notes issued by Merrill Lynch whose return is based on a weighted portfolio of healthcare/biotechnology industry securities).

[18] *See* Securities Exchange Act Release No. 33428 (January 5, 1994), 59 FR 1576 (January 11, 1994) (order approving File No. SR–CBOE–93–42) (approving the listing and trading of Index options on the Chicago Board Options Exchange).

[19] *See* Securities Exchange Act Release No. 40642 (November 5, 1998) 63 FR 63759 (November 16, 1998) (order approving File No. SR–CBOE–98–43).

[20] *See supra* note 11.

[21] 15 U.S.C. 78o–3(b)(6) and 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45433; File No. SR–NYSE–2001–55]

Self-Regulatory Organizations; the New York Stock Exchange, Inc.; Order Granting Approval To Proposed Rule Change To Amend NYSE Rule 51 Relating to Suspension of Trading

February 12, 2002.

On December 31, 2001, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Rule 51, Hours for Business, to make emergency procedures to halt or suspend trading or to close Exchange facilities more flexible and more responsive to the NYSE's current organizational structure and to the kinds of challenges that the Exchange may face. The proposal was published for comment in the **Federal Register** on January 11, 2002.[3] The Commission received no comments on the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange [4] and, in particular, the requirements of Section 6 of the Act [5] and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with Section 6(b)(5) of the Act [6] in that the Rule is designed to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest, by providing the Exchange with more flexibility to respond appropriately and in a timely fashion to extraordinary circumstances that may require the suspension of trading at the NYSE, or the closing of some or all Exchange facilities.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[7] that the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 45249 (January 7, 2002), 67 FR 1529.

[4] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(2).

proposed rule change (SR–NYSE–2001–55) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–3867 Filed 2–15–02; 8:45 am]

BILLING CODE 8010–01–P

SMALL BUSINESS ADMINISTRATION

Public Federal Regulatory Enforcement Fairness Hearing; Region VI Regulatory Fairness Board

The Small Business Administration Region VI Regulatory Fairness Board and the SBA Office of the National Ombudsman, will hold a Public Hearing on Monday, February 25, 2002 at 1:00 p.m. at the Wells Fargo Bank, Southeast & Southwest Rooms, 2nd Floor, 200 Lomas Boulevard NE, Albuquerque, New Mexico, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning the regulatory enforcement and compliance actions taken by federal agencies.

Anyone wishing to attend or to make a presentation must contact Susan Chavez in writing or by fax, in order to be put on the agenda. Susan Chavez, U.S. Small Business Administration, New Mexico District Office, 625 Silver Avenue S.W., Suite 320, Albuquerque, NM 87102, Phone (505) 346–6767 or (505) 346–6759, fax (505) 346–6711, e-mail: *Susan.Chavez@sba.gov*.

For more information see our website at *http://www.sba.gov/ombudsman/dsp—hearings.html*

Dated: February 12, 2002.

Michael L. Barrera,

National Ombudsman.

[FR Doc. 02–4011 Filed 2–15–02; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Complaint Forms Concerning Accessibility of Airline Service

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice announces the Department of Transportation's (DOT) intention to request the extension of a previously approved collection.

DATES: Comments on this notice must be received by April 22, 2002, and be sent to: Attention Blane A. Workie, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (Enforcement Office).

FOR FURTHER INFORMATION CONTACT: Blane A. Workie, Attorney, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (Enforcement Office), Room 4116, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9342.

SUPPLEMENTARY INFORMATION:

Office of the Secretary

Title: Complaint forms: Complaint Concerning Accessibility of Airline Service; Complaint Alleging Discrimination by an Airline Based on Race, Ethnicity, National Origin, Religion, Sex, or Sexual Orientation.

OMB Number: 2105–0543.

Type of Request: Extension of emergency approval of collection.

Abstract: The Department of Transportation's Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (Enforcement Office) and its Aviation Consumer Protection Division (ACPD) are requesting extension of a collection which received an emergency clearance approval from OMB on July 18, 2001, to continue displaying two types of complaint forms on the DOT internet site. The complaint forms provide information to make the public aware of their rights. One complaint form concerns accessibility problems experienced by passengers with disabilities and the other complaint form concerns alleged discrimination on the basis of race, ethnicity, national origin, religion, sex or sexual orientation.

Consumers voluntarily submit complaints to the Department regarding accessibility of airline service and alleged discrimination by an airline by completing the complaint forms, or by letter or email. Many consumers prefer completing the complaint forms to drafting a letter or email because it is easier and tends to take less time. The information collected from the complaint forms will be used by the Department of Transportation to institute an administrative action or investigation against an air carrier. An additional benefit of the complaint forms is that the forms specifically ask questions about the type of information that is needed to conduct an investigation.

Respondents: Airline Passengers.

Estimated Number of Respondents: 38.

Estimated Total Burden on Respondents: 19 hours.

Affected Public: Airline customers who file complaints alleging discrimination by the airline because of disability or based on race, ethnicity, national origin, religion, sex or sexual orientation.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

All responses to this notice, will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issued in Washington, DC, on February 12, 2002.

Samuel Podberesky,

Assistant General Counsel for Aviation Enforcement and Proceedings.

[FR Doc. 02–3931 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary; Aviation Proceedings, Agreements Filed During the Week Ending February 1, 2002.

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

[Docket Number: OST–2002–11423]

Date Filed: January 28, 2002.

Parties: Members of the International Air Transport Association.

Subject: PTC COMP 0895 dated 29 January 2002, Mail Vote 197—Resolution 010z, Special Passenger Amending Resolution, Preface Notes to passenger fares tables, Intended effective date: 1 April 2002.

[Docket Number: OST–2002–11429]

Date Filed: January 29, 2002.

Parties: Members of the International Air Transport Association.

Subject: PTC3 0546 dated 29 January 2002, Mail Vote 196—Resolution 010y, TC3 Between Japan, Korea and South

[8] 17 CFR 200.30–3(a)(12).

East Asia, Special Passenger Amending Resolution between China, (excluding Hong Kong SAR and Macau SAR) and Japan, Intended effective date: 31 March 2002.

[Docket Number: OST–2002–11430]

Date Filed: January 29, 2002.

Parties: Members of the International Air Transport Association.

Subject: PTC3 0545 dated 29 January 2002, Mail Vote 195—Resolution 010x, TC3 Between Japan, Korea and South East Asia, Special Passenger Amending Resolution between Japan and China (excluding Hong Kong SAR and Macau SAR), Intended effective date: 1 April 2002.

[Docket Number: OST–2002–11427]

Date Filed: January 29, 2002.

Parties: Members of the International Air Transport Association.

Subject: PTC3 0529 dated 8 January 2002, TC3 Areawide Resolutions r1–r8; PTC3 0530 dated 8 January 2002, TC3 Within South Asian Subcontinent Resolutions r9–r17; PTC3 0531 dated 8 January 2002, TC3 Within South East Asia Resolutions r18–r29; PTC3 0532 dated 8 January 2002, TC3 Within South West Pacific Resolutions r30–r35; PTC3 0533 dated 8 January 2002, TC3 between South East Asia and South Asian, Subcontinent Resolutions r36–r44; PTC3 0534 dated 8 January 2002, TC3 between South Asian Subcontinent and, South West Pacific Resolutions r45–r52; PTC3 0535 dated 8 January 2002, TC3 between South East Asia and, South West Pacific Resolutions r53–r57; PTC3 0536 dated 8 January 2002, TC3 between Japan and Korea Resolutions r58–r69; PTC3 0537 dated 8 January 2002, TC3 between Japan, Korea and South Asian, Subcontinent Resolutions r70–r84; PTC3 0538 dated 8 January 2002, TC3 between Japan, Korea and South East Asia r85–r113; PTC3 0539 dated 8 January 2002, TC3 between Japan, Korea and South West Pacific r114–r163; MINUTES—PTC3 0544 dated 25 January 2002, TABLES—PTC3 Fares 0164 dated 8 January 2002; PTC3 Fares 0165 dated 8 January 2002; PTC3 Fares 0166 dated 8 January 2002; PTC3 Fares 0167 dated 8 January 2002; PTC3 Fares 0168 dated 8 January 2002; PTC3 Fares 0169 dated 8 January 2002; PTC3 Fares 0170 dated 8 January 2002; PTC3 Fares 0171 dated 8 January 2002; PTC3 Fares 0172 dated 8 January 2002; PTC3 Fares 0173 dated 8 January 2002; Intended effective date: 1 April 2002.

[Docket Number: OST–2002–11438]

Date Filed: January 30, 2002.

Parties: Members of the International Air Transport Association.

Subject: PTC12 SATL–EUR 0084 dated 29 January 2002, Expedited South Atlantic-Europe Resolution 001b, Intended effective date: 15 March 2002.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 02–3965 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2002–10298]

Double Hull Standards for Vessels Carrying Oil in Bulk; U.S. Position on the Amendment of International Standards for the Phase-Out of Existing Single Hull Tank Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: This notice is to inform the public that on February 12, 2002, the U.S. Embassy in London deposited a declaration with the International Maritime Organization (IMO) stating that the express approval of the U.S. Government will be necessary before the revised Regulation 13G of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) would enter into force for the U.S. In this declaration, the U.S. cited specific technical differences between the revised MARPOL Regulation for new and existing tankers and OPA 90.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Jendrossek, Project Manager, Vessel and Facility Operating and Environmental Standards Division (G–MSO–2), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001, telephone 202–267–0836.

SUPPLEMENTARY INFORMATION: On April 27, 2001, The IMO adopted amendments to Regulation 13G of Annex I to MARPOL 73/78. These amendments, which accelerate the phase-out schedule adopted by the IMO on March 6, 1992, for some classes of single-hull tank vessels, will be deemed accepted March 1, 2002, unless prior to that date, not less than one-third of the Parties or Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments. It is unlikely that such objections will be raised. The U.S. will not object but has taken a position with the IMO that the express approval of the U.S. Government would be necessary before this amendment will be enforced by the U.S. As was the case in 1993, the U.S. maintains that the Oil Pollution Act of 1990 (OPA 90) continues to be the more stringent requirement.

The Coast Guard held a public meeting on September 25, 2001, (66 FR 42170) to discuss the amendment of the international standards that were developed and adopted by the IMO in April 2001. The public meeting was used to collect comments and information from the public and industry to develop a final U.S. position to be formally presented to IMO on this matter. The Coast Guard encouraged interested parties to attend the meeting and submit comments for discussion during the meeting. Attendees at the meeting were unanimously in favor of the U.S. retaining the phase-out schedule under OPA 90. No objection was raised to the U.S. intention to inform the IMO that express approval will be required before Regulation 13G becomes effective for the U.S. Additionally, the Coast Guard sought written comments from any party who was unable to attend the public meeting in the same **Federal Register** Notice (66 FR 42170). The docket received ten letters from individuals, associations and societies, and industry providing specific comments on this subject. These letters can be viewed by contacting Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5194. You may also find this docket (USCG 2001–10298) on the Internet at *http://dms.dot.gov*. Of the ten letters received, nine supported the U.S. retaining the phase-out schedule under OPA 90. The one dissenting comment urged the United States to support the amended regulation 13G and adopt use of The American Under Pressure System as an alternative to double-hulls. The Coast Guard disagrees; this issue was previously considered during the development of OPA 90 and not adopted.

Dated: February 12, 2002.

Howard L. Hime,

Acting Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 02–4061 Filed 2–14–02; 1:18 pm]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2002–11274]

Guidelines for Assessing Merchant Mariners Through Demonstrations of Proficiency as Masters and Chief Mates on Ships of 500 Gross Tonnage or More as Measured Under the International Tonnage Convention (ITC)

AGENCY: Coast Guard, DOT.

ACTION: Notice of availability and request for comments.

SUMMARY: The Coast Guard announces the availability of, and seeks public comments on, the national performance measures proposed here for use as guidelines when mariners demonstrate their proficiency as Masters or Chief Mates on ships of 500 gross tonnage ITC or more. These measures were developed from recommendations and input provided by the Merchant Marine Personnel Advisory Committee (MERPAC).

DATES: Comments and related material must reach the Docket Management Facility on or before April 22, 2002.

ADDRESSES: Please identify your comments and related material by the docket number of this notice [USCG 2002–11274]. Then, to make sure they enter the docket just once, submit them by just 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 delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

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

(4) Electronically through the Web Site for the Docket

Management System at *http://dms.dot.gov.*

In choosing among these means, please give due regard to the recent difficulties with delivery of mail by the U.S. Postal Service to Federal facilities.

The Docket Management Facility maintains the public docket for this Notice. Comments and related material received from the public, as well as documents mentioned in this Notice, will become part of this docket and will be available for inspection or copying at 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. You may also find this docket on the Internet at *http://dms.dot.gov.*

The measures proposed here are also available from Mr. Mark Gould, Maritime Personnel Qualifications Division, Office of Operating and Environmental Standards, Commandant (G–MSO–1), U.S. Coast Guard Headquarters, telephone 202–267–0229, or e-mail address *mgould@comdt.uscg.mil.*

FOR FURTHER INFORMATION CONTACT: For questions on this Notice or on the national performance measures proposed here, write or call Mr. Gould where indicated under **ADDRESSES.** For questions on viewing or submitting material to the docket, call Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

What Action Is the Coast Guard Taking?

Table A–II/2 of the Code accompanying the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended in 1995, articulates qualifications for ensuring merchant mariners' attaining the minimum standard of competence through demonstrations of their proficiency as Master or Chief Mate on ships of 500 gross tonnage ITC or more. The Coast Guard tasked MERPAC with referring to the Table, modifying and specifying it as it deemed necessary, and recommending national performance measures. The Coast Guard has reviewed the measures recommended by MERPAC and has developed a final set that we are proposing here for use as guidelines for assessing that proficiency.

The guidelines are set up as follows: First we set forth the competency within the STCW a mariner must demonstrate to meet the STCW section. Next we give a series of examples of Performance Conditions, a set of Performance Behaviors for each Performance Condition, and a set of Performance Standards for each Performance Behavior.

For example, if the STCW competency to demonstrate is, ''Plan a voyage and conduct navigation''—A Performance Condition for that competency demonstrating knowledge, understanding, and proficiency is: On a ship under way or in a navigational laboratory—

A Performance Behavior for that condition is: The candidate will describe all systems for ship's position reporting and Vessel Traffic Systems (VTSs) required for the route.

The Performance Standards for that behavior are: All shoreside entities requiring ships' position reports and all VTS services for the route are correctly identified; All reporting requirements are correctly described; and The hailing frequencies and position-reporting requirements of all VTS services are noted on the appropriate charts.

If the mariner properly meets all of the Performance Standards, he or she passes the practical demonstration. If he or she fails to properly carry out any of the Performance Standards, he or she fails it.

Why Is the Coast Guard Taking This Action?

The Coast Guard is taking this action to comply with STCW, as amended in 1995 and incorporated into domestic regulation in 46 CFR parts 10, 12, and 15 in 1997. Guidance from the International Maritime Organization on shipboard assessments of proficiency suggests that Parties develop standards and measures of performance for practical tests as part of their programs for training and assessing seafarers.

How May I Participate in This Action?

You may participate in this action by submitting comments and related material on the national performance measures proposed here. (Although the Coast Guard does not seek public comment on the measures recommended by MERPAC, as distinct from the measures proposed here, those measures are available on the Internet at the Homepage of MERPAC, *http://www.uscg.mil/hq/g-m/advisory/merpac/merpac.htm.)* These measures are available on the Internet at http://dms.dot.gov, under this docket number [USCG 2002–11274]. They are also available from Mr. Gould where indicated under **ADDRESSES.** If you submit written comments please include—

- Your name and address;
- The docket number for this Notice [USCG 2002–11274];
- The specific section of the performance measures to which each comment applies; and
- The reason for each comment.

You may mail, deliver, fax, or electronically submit your comments and related material to the Docket Management Facility, using an address or fax number listed in **ADDRESSES.** Please do not submit the same comment or material more than once. If you mail

or deliver your comments and material, they must be on 81/2-by-11-inch paper, and the quality of the copy should be clear enough for copying and scanning. If you mail your comments and material and would like to know whether the Docket Management Facility received them, please enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments and material received during the 60-day comment period.

Once we have considered all comments and related material, we will publish a final version of the national performance measures for use as guidelines by the general public. Individuals and institutions assessing the competence of mariners may refine the final version of these measures and develop innovative alternatives. If you vary from the final version of these measures, however, you must submit your alternative to the National Maritime Center for approval by the Coast Guard under 46 CFR 10.303(e) before you use it as part of an approved course or training program.

Dated: January 14, 2002.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 02–3929 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–12]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 11, 2002.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2001–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Sandy Buchanan-Sumter (202) 267–7271, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on February 13, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

[Docket No.: FAA–2001–9976]

Petitioner: United States Ultralight Association, Inc.

Section of 14 CFR Affected: 14 CFR 103.1(a) and (e).

Description of Relief Sought: To permit individuals authorized by the USUA to give instruction in powered ultralight vehicles that have a maximum empty weight of not more than 496 pounds, have a maximum fuel capacity of not more than 10 U.S. gallons, are not capable of more than 75 knots calibrated airspeed at full power in level flight, and have a power-off stall speed that does not excess 35 knots calibrated airspeed, and to include weight exclusions of up to 35 pounds for safety devices intended for deployment in a potentially catastrophic situation, up to 70 pounds for each float, up to 90 pounds for each amphibious float, up to 120 pounds for an amphibious fuselage, and up to 15 pounds for each outrigger float and pylon on powered ultralight vehicles used for training.

[Docket No.: FAA–2001–8939]

Petitioner: Experimental Aircraft Association.

Section of 14 CFR Affected: 14 CFR 103.1(a) and (e).

Description of Relief Sought: To permit individuals authorized by EAA to give instruction in powered ultralight vehicles that have a maximum empty weight of not more than 496 pounds, have a maximum fuel capacity of not more than 10 U.S. gallons, are not capable of more than 75 knots calibrated airspeed at full power in level flight, and have a power-off stall speed that does not exceed 35 knots calibrated airspeed, and to include weight exclusions of up to 35 pounds for safety devices intended for deployment in a potentially catastrophic situation, up to 70 pounds for each float, up to 90 pounds for each amphibious float, up to 120 pounds for an amphibious fuselage, and up to 15 pounds for each outrigger float and pylon on powered ultralight vehicles used for training.

[Docket No.: FAA–2000–8425]

Petitioner: Aero Sports Connection, Inc.

Section of 14 CFR Affected: 14 CFR 103.1(a) and (e).

Description of Relief Sought: To permit individuals authorized by ASC to give instruction in powered ultralight vehicles that have a maximum empty weight of not more than 496 pounds, have a maximum fuel capacity of not more than 10 U.S. gallons, are not capable of more than 75 knots calibrated airspeed at full power in level flight, and have a power-off stall speed that does not exceed 35 knots calibrated airspeed, and to include weight exclusions of up to 35 pounds for safety devices intended for deployment in a potentially catastrophic situation, up to 70 pounds for each float, up to 90 pounds for each amphibious float, up to 120 pounds for an amphibious fuselage, and up to 15 pounds for each outrigger float and pylon on powered ultralight vehicles used for training.

[FR Doc. 02–3932 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Intelligent Transportation Systems (ITS) Joint Program Office (JPO) Announcement of the Completed Integration of the Maintenance and Construction Operations User Service Into the National ITS Architecture

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce that the U.S. Department of Transportation, through the ITS Joint Program Office (JPO), has completed the integration of the Maintenance and Construction Operations (MCO) User Service into the National ITS Architecture. This user service was identified among stakeholders of the rural ITS deployment community as needed in order to develop more effective regional ITS architectures. The user service integration effort involved considerable stakeholder participation from the highway maintenance, construction, weather, and other rural communities from May 2001 through December 2001 at the kickoff meeting, program reviews, and separate discussions/meetings.

FOR FURTHER INFORMATION CONTACT: *For information on National ITS Architecture Development and Evolution:* Mr. Lee Simmons, (202) 366–8048, ITS Joint Program Office (HOIT–1). *For Information on the Maintenance and Construction Operations User Service:* Mr. James Pol, (202) 366–4374, ITS Joint Program Office (HOIT–1), or Mr. Michael Freitas, (202) 366–9292, ITS Joint Program Office (HOIT–1); 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

An electronic copy of this document 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 Web site at:*http://www.access.gpo.gov.*

An electronic copy of the Maintenance and Construction Operations (MCO) User Service can be retrieved from the ITS Web site at: http://*www.its.dot.gov.* The entire National ITS Architecture, including the integrated MCO User Service may be reviewed and retrieved from the ITS Web site at: *http://www.its.dot.gov.* Follow the available link to the Architecture.

Background

The National ITS Architecture provides a common framework for planning, defining, and integrating intelligent transportation systems. This common framework represents the starting point for more detailed regional and/or project architectures in which local characteristics are more appropriately addressed. The scope of the National ITS Architecture is defined by a set of user services. Each user service represents the most common activities and operations that transportation stakeholders perform to sustain efficient and safe travel.

The National ITS Architecture began as a program in 1993 to incorporate the 29 user services that were defined in the National ITS Program Plan. That stakeholder-based consensus effort was completed in 1996. The Maintenance and Construction Operations User Service, published in the **Federal Register** on April 18, 2001, at 66 FR 20026, is the third additional user service and has now been incorporated into the National ITS Architecture.

The functional areas addressed in the MCO User Service are those that involve Intelligent Transportation (ITS) technologies, integration with other transportation systems that are represented in the National ITS Architecture, and those that will benefit surface transportation efficiency and safety. The focus for the MCO User Service is in the following four functional areas:

Maintenance Vehicle Fleet Management—systems that monitor and track vehicle location, support enhanced routing, scheduling and dispatch functions, and use on-board diagnostic systems to assist in vehicle operations and maintenance activities.

Roadway Management—systems that provide automated monitoring of traffic, road surface, and weather conditions, contain coordinated dispatching, perform hazardous road conditions remediation, and have the ability to alert public operating agencies of changes in these conditions.

Conditions and Work Plan Dissemination—systems that ensure safe roadway operations during construction and other work zone activities and communicate with the traveler.

Work Zone Management and Safety—systems that disseminate and coordinate MCO work plans to affected personnel within and between public agencies and private sector firms.

Two new subsystems have been added to the nineteen in existence, Maintenance and Construction Management, and Maintenance and Construction Vehicles. In addition, equipment packages, process specifications, architecture flows and data flows have been added to accommodate the new user service. Twelve new market packages have been defined to reflect the additional services described by the architecture. Finally, the addition of the MCO User Service brought an enhanced focus on weather information for the entire architecture.

The National ITS Architecture Version 4.0, including the new MCO User Service, is planned to be posted on the U.S. DOT ITS Web site in February 2002 with CD ROMs available for distribution in April 2002.

Authority: 23 U.S.C. 101, 106, 109, 133, 315, and 508; sec 5206(e), Pub. L. 105–178,112 Stat. 457 (23 U.S.C. 502 note); and 49 CFR 1.48.

Issued on: February 11, 2002.

Mary E. Peters,

Federal Highway Administrator.

[FR Doc. 02–3930 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2002–11472, Notice 1]

Krystal Koach, Inc., Receipt of Application for Decision of Inconsequential Noncompliance

Krystal Koach, Inc., (Krystal), a California Corporation, dba Krystal Enterprises, has determined that 1,725 Krysal buses produced between June 1996 and November 27, 2001, do not meet the labeling requirements of paragraph S5.3 of Federal Motor Vehicle Safety Standard (FMVSS) No. 120 ''Tire Selection and Rims for Motor Vehicles Other than Passenger Cars.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), Krystal has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR section 573, ''Defect and Noncompliance Reports.''

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

The tire placard labels affixed to the noncompliant vehicles show vehicle weight and tire inflation pressure values listed in ''English'' (Pounds, psi) units. They do not list the metric (Kilogram, kPa) equivalent of these values.

Krystal states that this noncompliance is inconsequential because:

(1) The correct information is shown on the label in English units;

(2) Krystal has not received any complaints or inquiries concerning a lack of a Metric equivalent of the subject information on the label;

(3) Krystal is not aware of any safety related incidents related to this noncompliance;

(4) All Krystal buses were sold in countries that predominantly use the English system of units. In fact, Krystal buses were only sold in the U.S. and Canada.

Interested persons are invited to submit written data, views and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department to Transportation, Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. After the Agency has determined that the application will granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below. Comment closing date: March 21, 2002.

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 02–3964 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Docket No. 937; ATF O 1130.25]

Delegation Order—Delegation of the Director's Authorities in 27 CFR Part 29, Stills and Miscellaneous Regulations

To: All Bureau Supervisors.

1. *Purpose.* This order delegates all of the Director's authorities in part 29 of title 27 of the Code of Federal Regulations (CFR) to subordinate ATF officers. This order also prescribes the specific ATF officers with whom documents, which are not ATF forms, are filed.

2. *Cancellation.* This order cancels ATF O 1130.20, Delegation Order—Delegation of the Director's Authorities in 27 CFR part 170, Miscellaneous Regulations Relating to Liquor.

3. *Background.* The Director has the authority to take final action on matters relating to the manufacture, removal, and use of stills and condensers, and the notice, registration, and recordkeeping requirements established under Chapter 51 of the Internal Revenue Code of 1986, as amended. The Director has delegated these authorities to lower organizational levels within ATF by way of Delegation Order ATF O 1130.20. ATF is currently restructuring the part numbering system in title 27 CFR. The regulations relating to stills, previously located in 27 CFR part 170, are now recodified as 27 CFR part 29. Due to this restructuring, ATF O 1130.20 must be cancelled and a new order must be issued to reflect the new part number.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 120–1 (formerly 221), dated June 6, 1972, and by 26 CFR 301.7701–9, this ATF order delegates all of the authorities to take final action prescribed in 27 CFR part 29 to subordinate officers. Also, this ATF order prescribes the subordinate ATF officers with whom documents required by 27 CFR part 29, which are not ATF forms, are filed. The attached table identifies the regulatory sections, documents, and authorized ATF officers. The authorities in the table may not be redelegated. An ATF organization chart showing the directorates involved in this delegation order is attached.

5. *Questions.* Any questions concerning this order should be directed to the Regulations Division at 202–927–8210.

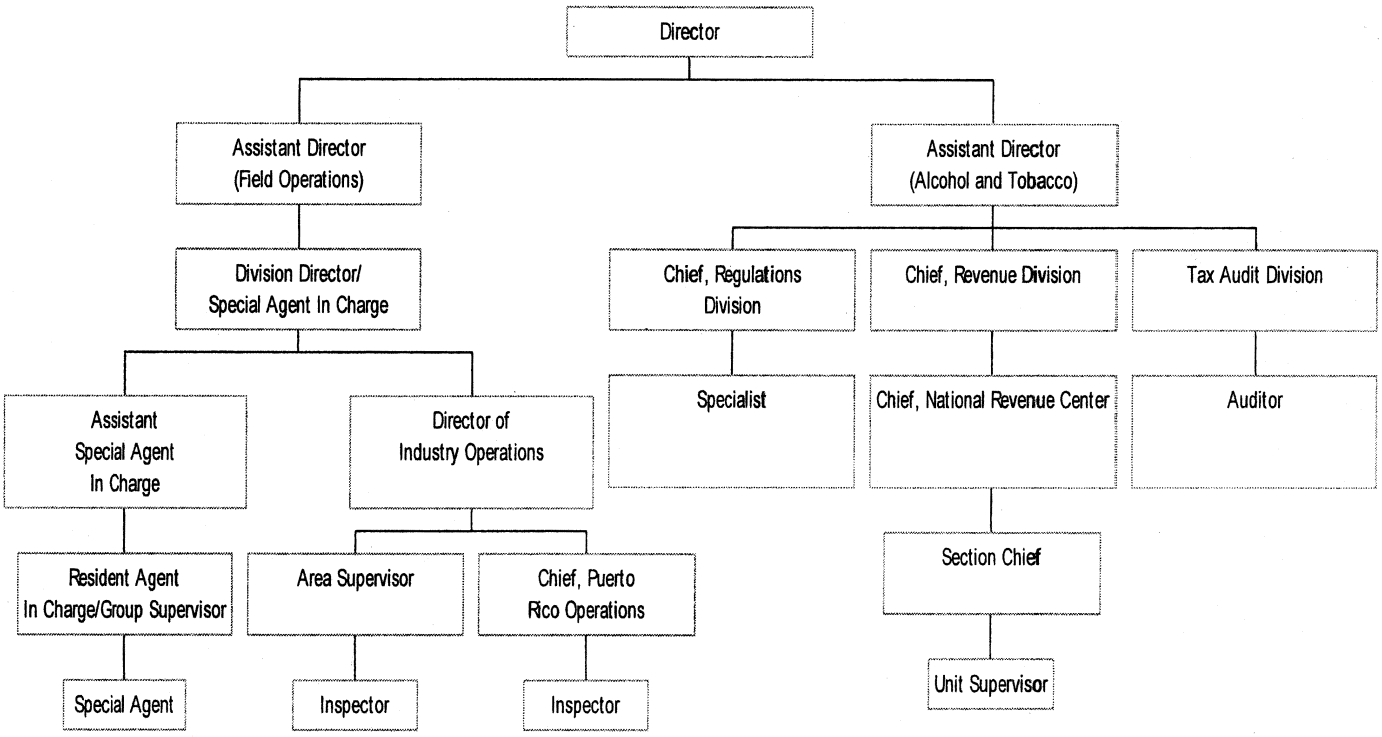
Bradley A. Buckles,

Director.

TABLE OF AUTHORITIES, DOCUMENTS TO BE FILED, AND AUTHORIZED OFFICIALS

Regulatory section	Officer(s) authorized to act or receive document
§ 29.43(a)	Chief, Regulations Division.
§ 29.47(a) & (c)	Unit Supervisor, National Revenue Center (NRC).
§ 29.49	Unit Supervisor, NRC.
§ 29.55(a)	Unit Supervisor, NRC, with whom application is filed. Unit Supervisor, NRC, to approve (by affixing signature of the Director) application upon recommendation of Area Supervisor.
§ 29.55(c)	Unit Supervisor, National Revenue Center.
§ 29.59	Inspector, Specialist, Auditor, or Special Agent.

ATF Organization Chart



This is not a complete organizational chart of ATF

[FR Doc. 02–3940 Filed 2–15–02; 8:45 am]
BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Docket No. 938; ATF O 1130.19]

Delegation Order—Delegation of the Director's Authorities in 27 CFR Part 70, Procedure and Administration, Other Than Certain Offers in Compromise

To: All Bureau Supervisors.

1. *Purpose.* This order delegates certain authorities of the Director to subordinate ATF officers and prescribes the subordinate ATF officers with whom persons file documents which are not ATF forms. In addition, this order provides procedures for requests or demands for disclosure in testimony and in related matters.

2. *Background.* Under current regulations, the Director has authority to take final action on matters relating to procedure and administration. The Bureau has determined that certain of these authorities should, in the interest of efficiency, be delegated to a lower organizational level.

3. *Cancellations.* The following ATF orders are canceled:

a. ATF O 1100.8B, Delegation Order—Notice of Additional Inspection of Taxpayer's Books of Account Under section 7605(b), Internal Revenue Code, dated 10/28/92; and

b. ATF O 1100.115D, Delegation Order—Authority to Approve Testimony and Release Official Information, dated 4/3/98.

4. *Delegations.*

a. Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Orders No. 120–01 (formerly 221), dated June 6, 1972, No. 120–03, dated November 5, 1990, and by 26 CFR 301.7701–9, this ATF order delegates certain authorities to take final action prescribed in 27 CFR part 70 to subordinate officers with certain exceptions. The exceptions are the authorities contained in 27 CFR 70.482 and 70.483 to accept or reject offers in compromise other than those relating to forfeiture cases. These exceptions have been delegated through a separate ATF order.

b. This ATF order prescribes the subordinate officers with whom applications, notices, and reports required by 27 CFR part 70 (other than 27 CFR 70.482 and 70.483), which are not ATF forms, are filed.

c. The attached table identifies the regulatory sections, authorities and documents to be filed, and the authorized ATF officers.

d. The authorities in the table may not be redelegated.

5. *Procedures for Requests or Demands for Disclosure in Testimony and in Related Matters Under 27 CFR 70.803.* These procedures do not restrict (1) the disclosure pursuant to the Freedom of Information Act, (2) Privacy Act requests, and (3) the disclosure to attorneys of the Department of Justice for use in cases referred by the Department of the Treasury for prosecution or defense that arise under the laws administered by or concerning ATF. The provisions, including the penalties, of 27 CFR 70.803 apply to any disclosure.

a. *Request or Demand for Disclosure.* A request or demand for information and, if required, an affidavit or statement, must be served on the Bureau at least 5 working days prior to the

scheduled date of testimony or disclosure of records. If a request or demand is served with less time, advise the requesting party of the requirement under 27 CFR 70.803 and that ATF is prohibited from complying with the request or demand until approval has been granted by the Bureau. These requirements may be waived for good cause.

b. *Headquarters Employees.* The first-line supervisor must obtain the concurrence of the Office of Chief Counsel.

c. *Non-Headquarters Employees.* The first-line supervisor must obtain the concurrence of the assistant U.S. attorney (if appropriate). The assistant chief counsel or division counsel must also be contacted for advice for approvals; however, recommendations for denial must have the concurrence of the appropriate assistant U.S. attorney and assistant chief counsel or division counsel.

d. *Recommendation for approval or denial of a request or demand for testimony or records.* It should be transmitted by memorandum to the deciding officer within 2 workdays and contain the following information as applicable:

(1) Investigation title and number.

(2) Type of request or demand.

(3) Date and time the request or demand was received.

(4) Whether an ongoing investigation might result in criminal prosecution.

(5) Whether a criminal case is pending (also include U.S. attorney's recommendation).

(6) Whether the documents requested contain the name of a confidential informant.

(7) Whether the documents requested contain a disclosure covered by 26 U.S.C. sections 5848, 6103, 7213, or other protected information set forth in section 70.803(e)(5) of the ATF regulations.

(8) Type of proceeding, including the name and location of the court or other authority.

(9) Names of the plaintiffs and defendants.

(10) Copy of the subpoena or written request.

(11) Copy of the requesting party's affidavit if applicable.

(12) For insurance-related arson requests, the name and address of the insurance investigator to whom disclosure will be made, as well as the name and address of the insurance company the investigator represents.

(13) Whether there are any known reasons that release of the information would be inappropriate.

e. *Refusal to Withdraw Request.* If a request or demand is denied and a party refuses to withdraw its subpoena, the employee should do the following:

(1) Immediately notify the deciding officer through the first-line supervisor and contact a representative from the Office of Chief Counsel.

(2) If appropriate, appear with a representative from the U.S. attorney's office or a representative from the Office of Chief Counsel and respectfully state his or her inability to comply in full with the request or demand, relying on the provisions of 27 CFR 70.803.

f. *Additional Reporting.* Report any request or demand for testimony or records in accordance with ATF O 3210.7C, Investigative Priorities, Procedures, and Techniques, dated2/25/1999.

6. *Questions.* If you have questions about this ATF order, contact the Regulations Division (202–927–8210).

Bradley A. Buckles,

Director.

Regulatory section	Officer(s) authorized to act or receive document
§ 70.2	Division Chief in the office of Alcohol and Tobacco except Executive Assistant, Field Operations, for ATF Form 3200.13, Application and Public Voucher for Award.
§ 70.21	Assistant Director (Alcohol and Tobacco) or Director of Industry Operations.
§ 70.22(a)	Inspector, Specialist, Auditor or Special Agent.
§ 70.22(b)	Director of Industry Operations, Chief, National Revenue Center (NRC), Chief, Tax Audit Division, or Assistant to the Special Agent in Charge (Office of Inspection) to issue summonses and to designate Inspectors, Specialists, Auditors or Special Agents who execute the particulars of the summonses.
§ 70.23(b)	Inspector, Specialist, Auditor or Special Agent.
§ 70.24(b)	Director of Industry Operations, Chief, NRC or Assistant to the Special Agent in Charge (Office of Inspection).
§ 70.25(a)(4)	Division Director/Special Agent in Charge or Chief, NRC.
§ 70.26(c)(2)(ii)	Division Director/Special Agent in Charge or Chief, NRC.
§ 70.30	Director of Industry Operations, Chief, NRC or Assistant to the Special Agent in Charge (Office of Inspection).
§ 70.31	Inspector, Specialist, Auditor or Special Agent.
§ 70.32	Inspector, Specialist, Auditor or Special Agent.
§ 70.33	Special Agent or other officer that the Division Director/Special Agent in Charge charges with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of the laws administered and enforced by the Bureau pertaining to commodities subject to regulation by the Bureau.
§ 70.34	Inspector, Specialist, Auditor or Special Agent.
§ 70.40	Inspector, Specialist, Auditor or Special Agent.
§ 70.41(a) and (c)	Division Director/Special Agent in Charge to act on awards of $10,000 or less. Deputy Assistant Director (Field Operations) to act on awards over $10,000.
§ 70.41(d)	Special Agent.
§ 70.42	Inspector, Specialist, Auditor or Special Agent.
§ 70.51	Inspector, Specialist, Auditor or Special Agent.
§ 70.61	For persons filing firearms taxes under Chapter 53 of the Internal Revenue Code, Chief, National Firearms Act Branch; for persons filing alcohol or tobacco taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.64	Inspector, Specialist, Auditor or Special Agent.
§ 70.71	For persons in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC except Inspector, Specialist, Auditor or Special Agent may determine the amount of taxes that are disclosed on a return or list.
§ 70.72	For assessments in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.73	For assessments in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.74	For assessments in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.75	For assessments in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.76	For assessments in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.

Regulatory section	Officer(s) authorized to act or receive document
§ 70.77(a)	For assessments in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.77(b)	Area Supervisor, Chief, Puerto Rico Operations or Chief, Revenue Section.
§ 70.81	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.82	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.92(c)	For refunds in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.92(d)(2)(i)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.94(a)	Inspector, Specialist, Auditor or Special Agent.
§ 70.96(a)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.96(c)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC, except in case of Inspector, Specialist, Auditor or Special Agent who receives such statement along with a return for special tax for retail liquor dealer.
§ 70.97(c)(2)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC.
§ 70.98(b)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC.
§ 70.100	Section Chief, NRC.
§ 70.101	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC.
§ 70.113(b)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC.
§ 70.122	For claims and refunds in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC, to make credit or refund of more than $5,000 or Unit Supervisor, NRC, to make credit or refund of $5,000 or less.
§ 70.123(a)(2) and (b)(1) and (2)	For claims in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.124	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC, to make credit or refund of more than $5,000 or Unit Supervisor, NRC, to make credit or refund of $5,000 or less.
§ 70.125(a) and (b)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC, to abate more than $5,000 or Unit Supervisor, NRC, to abate $5,000 or less.
§ 70.125(c)	Chief, Revenue Programs Division.
§ 70.126	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC, to make credit or refund of more than $5,000 or Unit Supervisor, NRC, to make credit or refund of $5,000 or less.
§ 70.149(a)(3)	Chief, NRC.
§ 70.149(b)(2)(A)	Unit Supervisor, NRC, Inspector, Auditor or Special Agent.
§ 70.150	Chief, NRC.
§ 70.151(g)	Chief, NRC.
§ 70.161	Chief, NRC.
§ 70.162(a) and (b)	Chief, NRC.
§ 70.163(a)(2)(ii)	Inspector, Specialist, Auditor or Special Agent.
§ 70.163(b) and (c)	Chief, NRC.
§ 70.164(b)(1)	Inspector, Specialist, Auditor or Special Agent.
§ 70.164(c)	Chief, Revenue Section, NRC.
§ 70.167	Chief, NRC except for (b)(1)(iii) in which Area Supervisor determines the minimum price of property.
§ 70.168	Chief, NRC.
§ 70.169	Chief Revenue Section, NRC, or Area Supervisor.
§ 70.170(b)	Section Chief, NRC.
§ 70.181(a), (b) and (c)	Director of Industry Operations or Section Chief, NRC.
§ 70.182	Director of Industry Operations or Section Chief, NRC, except that Chief, NRC, to prescribe instructions for disposition of bonds, other than U.S. savings bonds, notes, checks, and other securities.
§ 70.183(a) through (e)	Director of Industry Operations or Section Chief, NRC.
§ 70.183(f)	Chief, NRC, to take charge and assume responsibility from, and to notify, Director of Industry Operations or Section Chief, NRC, or to appoint one Section Chief.
§ 70.184	Director of Industry Operations or Section Chief, NRC.
§ 70.185	Director of Industry Operations or Section Chief, NRC.
§ 70.186	Director of Industry Operations or Section Chief, NRC.
§ 70.187	Area Supervisor or Section Chief, NRC to make record. Unit Supervisor, NRC, to maintain original record and to certify record.
§ 70.188	Area Supervisor or Unit Supervisor, NRC.
§ 70.191	Chief, NRC, or Associate Chief Counsel (Alcohol or Tobacco).
§ 70.192(a)	Chief, NRC, or Associate Chief Counsel (Alcohol or Tobacco).
§ 70.204(a)(3)	Unit Supervisor, NRC.
§ 70.205	Unit Supervisor, NRC.
§ 70.206	Director of Industry Operations or Section Chief, NRC.
§ 70.213	Chief, Financial Management Division.
§ 70.222(b)	Inspector, Specialist, Auditor or Special Agent.
§ 70.223	Chief, Revenue Section, NRC, or Director, Industry Operations.
§ 70.224(a)(2)	Unit Supervisor, NRC.
§ 70.227	Inspector, Specialist, Auditor or Special Agent.
§ 70.231(i)(3)	Section Chief, NRC.
§ 70.241(a)(8)	Section Chief, NRC.
§ 70.242(a) and (c)	Section Chief, NRC.
§ 70.245(a), (c) and (d)	Section Chief, NRC.
§ 70.251(a)(2)	Unit Supervisor, NRC.
§ 70.251(b)	Section Chief, NRC.
§ 70.253(b)(2)	Section Chief, NRC.
§ 70.263(d)	Section Chief, NRC.
§ 70.271(d)(1)	Section Chief, NRC.
§ 70.281(b)(2) and (3)	Section Chief, NRC.
§ 70.301(a)	Chief, Acquisition and Property Management Division.

Regulatory section	Officer(s) authorized to act or receive document
§ 70.306(a)	Inspector, Specialist, Auditor or Special Agent.
§ 70.311	Chief, Document Services Branch, except the Director will establish stamps, marks or labels.
§ 70.333	Chief, NRC.
§ 70.411(b)	Unit Supervisor, NRC.
§ 70.413(a)	Unit Supervisor, NRC, or Area Supervisor.
§ 70.414(a)	Inspector, Specialist, Auditor or Special Agent to take samples. Unit Supervisor, NRC, to allow credit for such samples.
§ 70.416	Chief, Market Compliance Branch.
§ 70.433(a)	Section Chief, NRC.
§ 70.435(i)	Unit Supervisor, NRC.
§ 70.447	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC.
§ 70.471(a)(3)	Assistant Director (Alcohol and Tobacco), Assistant Director (Firearms, Explosives and Arson) or Chief, NRC to whom request is sent. Division Chief (Alcohol or Tobacco) or (Firearms, Explosives and Arson) to issue ruling.
§ 70.471(b)	Unit Supervisor, NRC, for matters concerning alcohol, tobacco, and firearms and ammunition excise tax. For all other matters, Area Supervisor.
§ 70.481	Section Chief, NRC.
§ 70.484—offers in compromise for forfeiture under 26 U.S.C..	Assistant Director (Alcohol and Tobacco) or (Firearms, Explosives and Arson) depending on case.
§ 70.485	Assistant Director (Alcohol and Tobacco) or (Firearms, Explosives and Arson) depending on case.
§ 70.486	Unit Supervisor, NRC, Area Supervisor or Resident Agent In Charge/Group Supervisor.
§ 70.504(c)(2)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.506	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.507(g)	Unit Supervisor, NRC, Area Supervisor or Chief, Puerto Rico Operations.
§ 70.602(a) and (b)	For claims filed in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.606	Unit Supervisor, NRC, Area Supervisor or Chief, Puerto Rico Operations.
§ 70.608	For claims filed in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.609	For claims filed in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.701(a)	An ATF supervisor in the office of Alcohol and Tobacco or Firearms, Explosives and Arson to make rules other than Treasury Decisions.
§ 70.701(d)(2)(iv) (A)	Assistant Director (Alcohol and Tobacco).
§ 70.701(d)(2)(iv) (B) and (C)	Assistant Director (Alcohol and Tobacco) or (Firearms, Explosives and Arson).
§ 70.802(a)	Unit Supervisor, NRC. Copy of abstract and statement available at ATF Library.
§ 70.802(c)	For (a) Certain information about applications for Federal Alcohol Administration Act Basic Permits as allowed by 27 CFR 1.59; or (b) The business name and address of any Federal Alcohol Administration Act permittees Specialist, Clerk or Auditor in the office of Alcohol and Tobacco, or Inspector or Special Agent in the office of Field Operations; otherwise, Chief, Disclosure Division.
§ 70.802(d)	Specialist or Clerk, Alcohol Labeling and Formulation Division.
§ 70.802(e)	Unit Supervisor, NRC.
§ 70.802(f)	Chief, Alcohol and Tobacco Laboratory.
§ 70.803	a. *Request for disclosure by Headquarters officer or employee.* Deputy Director or Deputy Assistant Directors for offices except Executive Assistant for office of Field Operations, to approve, or by affixing the Director's signature to deny in whole or part. b. *Request for disclosure by non-Headquarters officer or employee.* Division Director/Special Agent in Charge, Chief, Laboratory Services, Chief, NRC, Chief, Audit Manager, Chief, NRC, Chief, National Licensing Center, Chief, or National Tracing Center Division, to approve, or by affixing the Director's signature to deny in whole or part.

[FR Doc. 02–3941 Filed 2–15–02; 8:45 am]
BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Extension of Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC is soliciting comment concerning its information collection titled, ''International Regulation—12 CFR 28.''

DATES: You should submit written comments by April 22, 2002.

ADDRESSES: You should direct comments to the Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1–5, Attention: 1557–0102, 250 E Street, SW., Washington, DC 20219. Due to recent, temporary disruptions in the OCC's mail service, commenters are encouraged to submit comments by fax or e-mail. Comments may be sent by fax to (202) 874–4448, or by e-mail to *regs.comments@occ.treas.gov.* You can inspect and photocopy the comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC 20219. You can make an appointment to inspect the comments by calling (202) 874–5043.

A copy of the comments should also be sent to the OMB Desk Officer for the OCC: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New

Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: You can request additional information from Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: International Regulation—12 CFR 28.

OMB Number: 1557–0102.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection. The OCC requests only that OMB extend its approval of the information collection. The OCC's regulations at 12 CFR part 28 implement requirements imposed on national banks and Federal branches and agencies concerning international activities. The information collections in part 28 are as follows:

Section 28.3 requires a national bank to notify the OCC when it takes certain actions regarding its foreign operations.

Section 28.14 requires a designation of one branch or agency to maintain consolidated information.

Section 28.15 requires a national bank to maintain records and to seek OCC approval before permitting withdrawal of certain foreign bank capital equivalency deposits.

Section 28.16 contains recordkeeping requirements and allows a foreign bank to apply to the OCC for an exemption to permit an uninsured Federal branch to accept or maintain certain deposit accounts.

Section 28.18 requires a Federal branch or agency to maintain records, in English, and to provide the OCC with a copy of certain reports filed with other Federal regulatory agencies.

Section 28.20 requires a foreign bank to obtain OCC approval to maintain certain assets.

Section 28.52 requires a banking institution to maintain records regarding its allocated transfer risk reserve.

Section 28.53 requires a banking institution to maintain records regarding its accounting for fees on international loans.

These information collection requirements ensure bank compliance with applicable Federal law, further bank safety and soundness, provide protections for banks, and further public policy interests.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 170.

Estimated Total Annual Responses: 170.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 5,345 hours.

Comments submitted in response to this notice will be summarized and 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 has 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 on respondents, including through the use of automated collection techniques or other forms of information technology; and 1

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2002.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 02–3937 Filed 2–15–02; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Extension of Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC is soliciting comment concerning its information collection titled, ''(MA)-Securities Offering Disclosure Rules (12 CFR 16).''

DATES: You should submit written comments by April 22, 2002.

ADDRESSES: You should direct comments to the Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1–5, Attention: 1557–0120, 250 E Street, SW., Washington, DC 20219. Due to recent, temporary disruptions in the OCC's mail service, commenters are encouraged to submit comments by fax or e-mail. Comments may be sent by fax to (202) 874–4448, or by e-mail to *regs.comments@occ.treas.gov.* You can inspect and photocopy the comments at the OCC's Public Information Room, 250 E Street, SW, Washington, DC 20219. You can make an appointment to inspect the comments by calling (202) 874–5043.

A copy of the comments should also be sent to the OMB Desk Officer for the OCC: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: You can request additional information from Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: (MA)-Securities Offering Disclosure Rules (12 CFR 16).

OMB Number: 1557–0120.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection. The OCC requests only that OMB extend its approval of the information collection.

The requirements in 12 CFR part 16 enable the OCC to perform its responsibilities relating to offerings of securities by national banks by providing the investing public with facts about the condition of the bank, the reasons for raising new capital, and the terms of the offering. Part 16 requires national banks to conform generally to Securities and Exchange Commission rules.

The collections of information in part 16 are as follows:

Sections 16.3 and 16.15 require a national bank to file its registration statement with the OCC.

Section 16.4 requires a national bank to submit certain communications not deemed an offer to the OCC.

Section 16.5 provides an exemption for items that satisfy the requirements of SEC Rule 144, which, in turn, requires certain filings.

Section 16.6 requires a national bank to file documents with the OCC and to make certain disclosures to purchasers in sales of nonconvertible debt.

Section 16.7 requires a national bank to file a notice with the OCC.

Section 16.8 requires a national bank to file offering documents with the OCC.

Section 16.15 requires a national bank to file a registration statement and sets forth content requirements for the registration statement.

Section 16.17 requires a national bank to file four copies of each document filed under part 16, and requires filers of amendments or revisions to underline or otherwise indicate clearly any changed information.

Section 16.18 requires a national bank to file an amended prospectus when the information in the current prospectus becomes stale, or when a change in circumstances makes the current prospectus incorrect.

Section 16.19 requires a national bank to submit a request to the OCC if it wishes to withdraw a registration statement, amendment, or exhibit.

Section 16.20 requires a national bank to file current and periodic reports as requires by sections 12 and 13 of the Exchange Act (15 U.S.C. 78l and m) and SEC Regulation 15d (17 CFR 240.15d–1 through 240.15Aa–1).

Section 16.30 requires a national bank to include certain elements and follow certain procedures in any request to the OCC for a no-objection letter.

These information collection requirements ensure bank compliance with applicable Federal law, further bank safety and soundness, provide protections for banks, and further public policy interests.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 101.

Estimated Total Annual Responses: 101.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 2,333 hours.

Comments submitted in response to this notice will be summarized and 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 has 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 on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2002.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 02–3938 Filed 2–15–02; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–121–90, INTL–292–90, and INTL–361–89]

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 existing final regulations INTL–121–90 (TD 8733), INTL–292–90 (TD 8305), and INTL–361–89 (TD 8292), Treaty-Based Return Positions (§§ 301.6114–1 and 301.7701(b)–7).

DATES: Written comments should be received on or before April 22, 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 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: Treaty-Based Return Positions.

OMB Number: 1545–1126.

Regulation Project Numbers: INTL–121–90, INTL–292–90, and INTL–361–89.

Abstract: Regulation section 301.6114–1 sets forth reporting requirements under Code section 6114 relating to treaty-based return positions. Persons or entities subject to these reporting requirements must make the required disclosure on a statement attached to their return or be subject to a penalty. Regulation section 301.7701(b)–7(a)(4)(iv)(C) sets forth the reporting requirement for dual resident S corporation shareholders who claim treaty benefits as nonresidents of the U.S. Persons subject to this reporting requirement must enter into an agreement with the S corporation to withhold tax pursuant to procedures prescribed by the Commissioner.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 6,020.

Estimated Time Per Respondent: 1 hr.

Estimated Total Annual Burden Hours: 6,015.

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 11, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3971 Filed 2–15–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–218–78]

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, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, LR–218–78 (TD 8096), Product Liability Losses and Accumulations for Product Liability Losses (Section 1.172–13).

DATES: Written comments should be received on or before April 22, 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 regulation 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: Product Liability Losses and Accumulations for Product Liability Losses.

OMB Number: 1545–0863.

Regulation Project Number: LR–218–78.

Abstract: Generally, a taxpayer who sustains a product liability loss must carry the loss back 10 years. However, a taxpayer may elect to have such loss treated as a regular net operating loss under section 172. The election is made by attaching a statement to the tax return. This statement will enable the IRS to monitor compliance with the statutory requirements.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 5,000

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 2,500.

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 11, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3972 Filed 2–15–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–39–89]

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, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, Limitation on Passive Activity Losses and Credits—Treatment of Self-Charged Items of Income and Expense (Section 1.469–7(f)).

DATES: Written comments should be received on or before April 22, 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 regulation 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: Limition on Passive Activity Losses and Credits-Treatment of Self-Charged Items of Income and Expense.

OMB Number: 1545–1244.

Regulation Project Number: PS–39–89.

Abstract: Section 1.469–7(f)(1) of this regulation permits entities to elect to avoid application of the regulation in the event the passthrough entity chooses to not have the income from lending transactions with owners of interests in the entity recharacterized as passive activity gross income. The IRS will use

this information to determine whether the entity has made a proper timely election and to determine that taxpayers are complying with the election in the taxable year of the election and subsequent taxable years.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Individuals and business or other for-profit organizations.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 100.

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 11, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3973 Filed 2–15–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–208156–91]

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 regulations, REG–208156–91 (TD 8929), Accounting for Long-Term Contracts (§ 1.460–1).

DATES: Written comments should be received on or before April 22, 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: Accounting for Long-Term Contracts.

OMB Number: 1545–1650.

Regulation Project Number: REG–208156–91.

Abstract: The regulation requires the Commissioner be notified of a taxpayer's decision to sever or aggregate one or more long-term contracts under the regulations. The statement is needed so the Commissioner can determine whether the taxpayer properly severed or aggregated its contract(s). The regulations affect any taxpayer that manufactures or constructs property under long-term contracts.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Reporting Hours: 12,500.

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 11, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3974 Filed 2–15–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0492]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain

information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to process a policyholder's request.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 22, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0492'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: VA MATIC Authorization, VA Form 29–0532–1.

OMB Control Number: 2900–0492.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used by policyholders to authorize deductions from their bank accounts to pay insurance premiums. The information collected is used by VA to process the policyholder's request.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,500 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 3,000.

Dated: January 31, 2002.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 02–3892 Filed 2–15–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0405]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to confirm the continued entitlement of a beneficiary under the Restored Entitlement Program for Survivors (REPS) program.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 22, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0405'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: REPS Annual Eligibility Report, VA Form 21–8941.

OMB Control Number: 2900–0405.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used to confirm the continued entitlement of a beneficiary under the REPS program.

Affected Public: Individuals or households.

Estimated Annual Burden: 550 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 2,200.

Dated: January 31, 2002.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 02–3893 Filed 2–15–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0168]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted

below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 21, 2002.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0168.''

SUPPLEMENTARY INFORMATION:

Title: Request for Estate Information, VA Form Letter 21–439.

OMB Control Number: 2900–0168.

Type of Review: Extension of a currently approved collection.

Abstract: The form letter is used in VBA's Fiduciary and Field Examination Program, which is responsible for carrying out a Congressional mandate that VA maintain supervision of the distribution and use of VA benefits paid to a fiduciary on behalf of a beneficiary who is incompetent, a minor, or under legal disability. Title 38, U.S.C., section 5503(b)(1)(A), requires discontinuance of benefits when an estate reaches a specific limit and other conditions exist. The information collected is used to determine whether an estate exceeds the limit and discontinuance is warranted.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 1, 2001, at pages 50001–50002.

Affected Public: Individuals or households—Business or other for-profit—Not-for-profit institutions and state, local or tribal government.

Estimated Annual Burden: 2,300 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 13,800.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0168'' in any correspondence.

Dated: January 31, 2002.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 02–3894 Filed 2–15–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0032]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 21, 2002.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0032.''

SUPPLEMENTARY INFORMATION:

Title: Report and Certification of Loan Disbursement, VA Form 26–1820.

OMB Control Number: 2900–0032.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 26–1820 is completed by lenders closing VA guaranteed and insured loans under the automatic or prior approval procedures. Lenders are required to submit with the form a copy of the loan application (showing income, assets, and obligations) which the lender requires the borrower to execute when applying for the loan; original employment and income verifications obtained from the borrower's place of employment; original verification of assets; and original credit report.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on September 26, 2001, at page 49259.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 50,000 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 200,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0032'' in any correspondence.

Dated: January 31, 2002.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 02–3895 Filed 2–15–02; 8:45 am]

BILLING CODE 8320–01–P

Notices

Federal Register
Vol. 67, No. 33
Tuesday, February 19, 2002

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

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Farm Service Agency

Rural Business-Cooperative Service

Rural Utilities Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Rural Housing Service, Farm Service Agency, Rural Business-Cooperative Service, Rural Utilities Service, USDA.

ACTION: Proposed collection; Comments requested.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agencies' intention to request an extension for a currently approved information collection in support of the program for 7 CFR 1901–K.

DATES: Comments on this notice must be received by April 22, 2002, to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Linda Price, Rural Development, Policy and Analysis Division, 1400 Independence Ave, SW STOP 0786, Washington, DC 20250–0786; Telephone (202) 690–2151.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR 1901 K, subpart K, ''Certificates of Beneficial Ownership and Insured Notes.''

OMB Number: 0575–0064.

Type of Request: Extension of a currently approved information collection.

Abstract: The mandate of Rural Development and the Farm Service Agency is to serve as a temporary lender to rural America. In doing so, Rural Development and the Farm Service Agency make three basic types of loans. They are farm ownership and farm operating loans, home ownership and repair loans, and community facility and water system loans. These loans are funded through the congressional appropriations process. They were formerly funded through mechanisms such as the sale of Certificates of Beneficial Ownership (CBO) to private investors and the Federal Financing Bank (FFB). A CBO is a debt instrument that allows Rural Development and the Farm Service Agency to sell, to investors, CBO's secured by loan assets and receive cash from the purchaser. Rural Development and the Farm Service Agency agree to pay interest annually on the CBO and to buy back the CBO after a certain period, usually 5 to 20 years. Until 1974, Rural Development and the Farm Service Agency sold CBO's to the public and the Federal Financing Bank. The FFB is part of the U.S. Treasury that was created to buy CBO's from government agencies. Today, Rural Development and the Farm Service Agency no longer sell CBO's to the public or to the FFB, but rely instead on Federal appropriations. However, some of the CBO's are still outstanding.

The policy for servicing of outstanding CBO's and insured notes held by investors is found in the regulation, 7 CFR 1901–K. These investors who transfer, sell, or request replacement of their insured notes or CBO's are required to prepare or submit data to Rural Development and the Farm Service Agency so that the appropriate changes can be made in the applicable records. Rural Development and the Farm Service Agency should also be notified in the event of the death of a holder of an insured note or CBO.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 0.60 hours per response.

Respondents: Individuals or households, business or other for-profit, non-profit institutions, and small businesses or organizations.

Estimated Number of Respondents: 4.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 4.

Estimated Total Annual Burden on Respondents: 2½ hours.

Copies of this information collection can be obtained from Barbara Williams, Regulations and Paperwork Management Branch, Support Service Division at (202) 692–0045.

Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agencies', including whether the information will have practical utility; (b) the accuracy of the Agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent Barbara Williams, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, Rural Development, STOP 0742, 1400 Independence Ave. SW, Washington, DC 20250–0742. 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.

Dated: January 25, 2002.

James C. Alsop,

Acting Administrator, Rural Housing Service.

Dated: February 1, 2002.

Larry Walker,

Acting Administrator, Farm Service Agency.

Dated: January 25, 2002.

John Rosso,

Acting Administrator, Rural Business-Cooperative Service.

Dated: January 29, 2002.

Hilda Gay Legg,

Administrator, Rural Utilities Service.

[FR Doc. 02–3966 Filed 2–15–02; 8:45 am]
BILLING CODE 3410–XT–P

DEPARTMENT OF AGRICULTURE

Forest Service

Sheep Creek Range Analysis EIS—Lewis and Clark National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement on a proposal to implement

the direction and objectives of the Forest Plan (in compliance with applicable laws, regulations and policies) in authorizing livestock grazing in the Sheep Creek area of the White Sulphur Springs Ranger District on the Lewis and Clark National Forest, Montana.

DATES: Comments concerning the scope of the analysis and issues were received during a comment period in June 2001. Although the formal scoping period is completed for this EIS, comments will be accepted and an opportunity to comment on the draft EIS will be provided.

ADDRESSES: Send written comments to Timothy J. Benedict, White Sulphur Springs District Ranger, Lewis and Clark National Forest, PO. Box A, Great Falls, MT 59645. Electronic mail may be sent to *comment/1_lewisclark@fs.fed.us.*

FOR FURTHER INFORMATION CONTACT: Eldon Rash, EIS Team Leader, (406) 791–7700.

SUPPLEMENTARY INFORMATION: The schedule developed by the Lewis and Clark National Forest, as outlined by the 1995 Rescission Bill, requires adequate National Environmental Policy Act planning be completed on the Sheep Creek allotments by 2001. The Forest Plan prescribes allotment planning on intervals of 10 to 20 years. Of the cattle and horse allotments being analyzed, 23 would have out-dated plans by end of 2001. None of the 5 special use pastures, 2 agriculture special uses or 2 administrative pastures have current plans. Eleven parcels of National Forest System lands are fenced with private land, but are not currently authorized for use under a permit. The proposed actions assume that the proposed land exchange between the Forest Service and the Bair Foundation in the Tenderfoot area will be completed as proposed. If the exchange does not occur, allocation of livestock between private and forest permits in the Bald Hills and Tenderfoot allotments will be revised based on forage capacity of each ownership. The proposed actions are expected to be implemented over a four-year period after the decision is made.

Decisions To Be Made: The District Ranger will decide whether to (a) authorize grazing on reorganized allotments, (b) establish maximum allowable use standards for each pasture, (c) establish seasonal rotation of grazing, (d) reduce length of season of grazing, (e) issue special use permits and/or relocate fences to eliminate unauthorized livestock grazing, (f) construct range improvement and implement ecosystem prescribed burning, and (g) monitor allotments on a schedule.

Responsible Official: Timothy J. Benedict, White Sulphur Spring District Ranger, is the Responsible Official for making the decision to implement any of the alternatives evaluated. He will document his decision and rationale in a Record of Decision.

Preliminary Issues: Issues associated with allotment management planning include upland vegetation, riparian area function, and economics.

Public Involvement, Rationale, and Public Meetings: Scoping for this project began in September 2001. A letter was sent to 109 individuals requesting comment on the proposed action. Scoping comments were received from seventeen individuals or interest groups and will be considered for alternative development, however, public participation in this analysis is welcome at any time. A 45-day review period for comments on the Draft EIS will be provided. Comments received will be considered and included in documentation of the Final EIS. The public is encouraged to take part in the process and to visit with Forest Service officials at any time during the analysis and prior to the decision. The Forest Service has sought and will continue to seek information, comments and assistance from Federal, State and local agencies and other individuals or organizations who may be interested in, or affected by, the proposed action.

Electronic Access and Filing Addresses: Comments may be sent by electronic mail (e-mail) to *comment/r1_lewisclark@fs.fed.us.* Please reference the Sheep Creek Range Analysis EIS on the subject line. Also, include your name and mailing address with your comments so documents pertaining to this project may be mailed to you.

Estimated Dates for Filing: The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by June, 2002. At that time EPA will publish a Notice of Availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the EPA publishes the Notice of Availability in the **Federal Register**. It is very important that those interested in the management of this area participate at that time.

The final EIS is scheduled to be completed by September, 2002. In the final EIS, the Forest Service is required to respond to comments received during the comment period that pertain to the environmental consequences of the action, as well as those pertaining to applicable laws, regulations, and policies. These will be considered in making a decision regarding the proposal.

The Reviewers Obligation To Comment: The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so 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, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *Wisconsin Heritages, 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 period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. 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.

Dated: February 11, 2002.

Rick Prausa,

Lewis and Clark Forest Supervisor.

[FR Doc. 02–3879 Filed 2–15–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Georgia Transmission Corporation; Notice of Finding of No Significant Impact

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact (FONSI) with respect to a request from Georgia Transmission Corporation for assistance from the RUS to finance the construction of a 230/12 kV electric substation in Fulton County, Georgia.

FOR FURTHER INFORMATION CONTACT: Bob Quigel, Environmental Protection Specialist, Engineering and Environmental Staff, RUS, Stop 1571, 1400 Independence Avenue, SW., Washington, DC 20250–1571, telephone (202) 720–0468, fax (202) 720–0820, e-mail at *bquigel@rus.usda.gov.*

SUPPLEMENTARY INFORMATION: Georgia Transmission Corporation proposes to construct the 230/12 kV electric substation in Fulton County, Georgia, at the southwest corner of the intersection of McGinnis Ferry Road and Old Atlanta Road. The substation will be named the Shakerag Substation. The project will include an access road and short transmission loop to tie the substation to the existing 230 kV transmission line that passes just north of the proposed substation site. Approximately 6.4 acres will be cleared and graded for the substation and approximately 1.0 acre for the access road and transmission loop. The length of the transmission loop is approximately 0.2 mile.

Copies of the FONSI are available for review at, or can be obtained from, RUS at the address provided herein or from Ms. Wende Martin, Georgia Transmission Corporation, 2100 East Exchange Place, Tucker, Georgia 30085–2088, telephone (770) 270–7591. Ms. Martin's e-mail address is *wende.martin@gatrans.com.*

Dated: February 13, 2002.

Blaine D. Stockton,

Assistant Administrator, Electric Program.

[FR Doc. 02–3967 Filed 2–15–02; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; Black, Sivalls & Bryson (UK) Ltd.

In the Matter of: Black, Sivalls & Bryson (UK) Ltd., Centre House, 68 Sheen Lane, London SW14 8LP, United Kingdom, Respondent.

Order

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (hereinafter BXA), having notified Black, Sivalls & Bryson (UK) Ltd. of its intention to initiate an administrative proceeding against it pursuant to Part 766 of the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2001)) (the Regulations),[1] issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. app. §§ 2401–2420 (1994 & Supp. V 1999)) (the Act),[2] based on allegations that on three separate occasions, on or about April 15, 1996, on or about May 5, 1997, and on or about February 5, 1998, Black, Sivalls & Bryson (UK) Ltd. received oil production equipment in the United Kingdom that it knew or had reason to know its affiliated company in the United States, BS&B Process systems, Inc., had exported from the United States without the required authorization, and forwarded the items to Iran, thereby violating Section 787.4 of the former Regulations and Section 764.2(e) of the Regulations; and

BXA and Black, Sivalls & Bryson (UK) Ltd. having entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agree to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered,

First, that Black, Sivalls & Bryson (UK) Ltd. shall be assessed a civil penalty in the amount of $32,000, of which $11,000 shall be paid to BXA within 30 days from the date of entry of this Order, $11,000 shall be paid to BXA within one year of the date of entry of this Order, and the remaining $10,000 shall be paid to BXA within two years of the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C.A. Secs. 3701–3720E (1983 and Supp. 1999)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, respondent will be assessed, in addition to interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that, for a period of three years from the date of entry of this Order, Black, Sivalls & Bryson (UK), Ltd., Centre House, 68 Sheen Lane, London SW14 8LP, United Kingdom, may not participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as item) exported or to be exported from the United States, that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing if, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Fourth, that no person may, directly, or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person

[1] The alleged violations occurred in 1996, 1997 and 1998. The Regulations governing the violations at issue are found in the 1996, 1997 and 1998 versions of the Code of Federal Regulations (15 CFR parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996) (hereinafter the ''former Regulations''), 15 CFR parts 730–774 (1997)), and 15 CFR parts 730–774 (1998)). The March 25, 1996, issue of the **Federal Register** redesignated, but did not republish, the then-existing Regulations as 15 CFR Parts 768A–799A. In addition, the March 25, 1996, issue of the **Federal Register** reorganized and restructured the Regulations, redesignating them as an interim rule at 15 CFR parts 730–774, effective April 24, 1996. The former Regulations and the Regulations define the various violations that BXA alleges occurred. The Regulations establish the procedures that apply to this matter.

[2] From August 21, 1994 through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. Secs. 1701–1706 (1994 & Supp. V 1999)) (IEEPA). On November 13, 2000, the Act was reauthorized by Pub. L. No. 106–508 and remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and that is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fifth, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Black, Sivalls & Bryson (UK) Ltd. by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Sixth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Seventh, that, as authorized by Section 766.18(c) of the Regulations, the last two years of the denial period set forth above shall be suspended for a period of two years beginning one year from the date of entry of the appropriate Order and shall thereafter be waived, provided that Black, Sivalls & Bryson (UK) Ltd. has committed no violation of the Act, or any regulation, order, or license issued thereunder, including failure to make timely payments of the civil penalty set forth above.

Eighth, that the proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 4th day of February, 2002.

Michael J. Garcia,

Assistant Secretary for Export Enforcement.

[FR Doc. 02–3856 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Action Affecting Export Privileges; BS&B Process Systems, Inc.

In the matter of: BS&B Process Systems, Inc., 2727 Allen Parkway, Houston, Texas 77019, Respondent.

Order

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (BXA), having notified BS&B Process Systems, Inc. of its intention to initiate an administrative proceeding against pursuant to Part 766 of the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2001)) (The Regulations), [1] issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C. Secs. 2401–2420 (1994 & Supp. V 1999)) (the Act),[2] based on allegations that, on or about April 15, 1996, on or about May 5, 1997, and on or about February 5, 1998, BS&B Process Systems, Inc. exported oil production equipment from the United States to Iran, through the United Kingdom, without obtaining the authorization it knew or had reason to know was required, thereby committing violations of Sections 787.4 and 787.6 of the former Regulations and violations of Sections 764.2(a) and 764.2(e) of the Regulations, and that, in connection with the export to Iran on or about May 5, 1997, BS&B Process Systems, Inc. prepared a Shipper's Export Declaration stating that the ultimate destination of the export was the United Kingdom, when in fact the ultimate designation was Iran, thereby making a false or misleading representation directly or indirectly to a U.S. Government agency in connection with the preparation of an export control document in violation of Section 764.2(g) of the Regulations, and that, in connection with the export to Iran on or about February 5, 1998, BS&B Process Systems, Inc. failed to prepare the required Shipper's Export Declaration, thereby violating Section 764.2(g) of the Regulations; and

BXA and BS&B Process Systems, Inc. having entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agree to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered,

First, that a civil penalty of $86,000 is assessed against BS&B Process Systems, Inc., of which $30,000 shall be paid to BXA within 30 days from the date of entry of this Order, $30,000 shall be paid to BXA within one year of the date of entry of this Order, and the remaining $26,000 shall be paid to BXA within two years of the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701–3720E (1983 and Supp. 1999)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, respondent will be assessed, in addition to interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that, for a period of three years from the date of entry of this Order, BS&B Process Systems, Inc., 2727 Allen Parkway, Houston, Texas 77019, may not participate, directly or indirectly, in any ways in any transaction involving any commodity, software or technology (hereinafter collectively referred to as item) exported or to be exported from the United States, that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

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[1] The alleged violations occurred in 1996, 1997 and 1998. The Regulations governing the violations at issue are found in the 1996, 1997 and 1998 versions of the Code of Federal Regulations (15 CFR parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996) (hereinafter the ''former Regulations''), 15 CFR parts 730–774 (1997)), and 15 CFR parts 730–774 (1998)). The March 25, 1996, issue of the **Federal Register** redesignated, but did not republish, the then-existing Regulations as 15 CFR parts 768A–779A. In addition, the March 25, 1996, issue of the **Federal Register** reorganized and restructured the Regulations, designating them as an interim rule at 15 CFR parts 730–774, effective April 24, 1996. The former Regulations and the Regulations define the various violations that BXA alleges occurred. The Regulations establish the procedures that apply to this matter.

[2] From August 21, 1994, through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1994 & Supp. V 1999)) (IEEPA). On November 13, 2000, the Act was reauthorized by Pub. L. Nos 106–508 and remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefiting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Fourth, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and that is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fifth, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to BS&B Process Systems, Inc. by affiliation, ownership, control or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Sixth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Seventh, that, as authorized by Section 766.18(c) of the Regulations, the denial period set forth above shall be suspended in its entirety for a period of three years from the date of entry of this Order, and shall thereafter be waived, provided that, during the period of suspension, BS&B Process Systems, Inc. has committed no violation of the Act, or any regulation, order, or license issued thereunder, including failure to make timely payments of the civil penalty set forth above.

Eighth, that the proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 4th day of February, 2002.

Michael J. Garcia,

Assistant Secretary for Export Enforcement.

[FR Doc. 02–3857 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No.: 00–BXA–07]

Action Affecting Export Privileges; Eli Cohen

In the Matter of: ELI COHEN, 23rd Halamad Hay Avenue, Haifa 32202, Israel, Respondent.

Order Relating to Respondent, Eli Cohen

The Bureau of Export Administration, United States Department of Commerce (''BXA''), having initiated an administrative proceeding against Eli Cohen (''Cohen'') pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. secs. 2401–2420 (1991 & Supp. V 1999)) (the ''Act''),[1] and the export Administration Regulations (currently codified at 15 CFR Parts 730–774 (2001)) (the ''Regulations''),[2] based on allegations that on or about September 8, 1996, Cohen provided a false and misleading representation or statement of material fact directly to BXA and concealed material facts from BXA in connection with an improper transfer of an infrared camera, an item subject to the Regulations, in Israel, in violation of Section 764.2(g) of the Regulations.

BXA and Cohen having entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered:

First, a civil penalty of $10,000 is assessed against Cohen which shall be paid to the U.S. Department of Commerce within 30 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701–3720E (1983 & Supp. V 1999)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Cohen will be assessed, in addition to interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that, for a period of five years from the date of this Order, Cohen, and when acting for or on behalf of Cohen, his representatives, agents, assigns, and employees (''denied persons''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as

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[1] From August 21, 1994, through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which was extended by successive Presidential Notices, the last of which was issued on August 3, 2000 (3 CFR 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1994 & Supp. V 1999)) (''IEEPA''). On November 13, 2000, the Act was reauthorized by Public Law 106–508 and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

[2] The violation charged occurred in 1996. The Regulations governing the violation at issue are found in the 1996 version of the Code of Federal Regulations (15 CFR parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996)). The March 25, 1996 **Federal Register** publication redesignated, but did not republish, the then-existing Regulations as 15 CFR parts 768A–799A. In addition, the March 25, 1996 **Federal Register** publication restructured and reorganized the Regulations, designating them as an interim rule at 15 CFR parts 730–774, effective April 24, 1996. The Regulations define the violation that BXA alleges occurred in 1996, and establish the procedures that apply to this matter.

''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, license exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Fourth, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United states; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied person, or service any item, of whatever origin, that is owned, possessed or controlled by the denied person is such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fifth, that after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Cohen by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Sixth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Seventh, that a copy of this Order shall be delivered to the United States Coast Guard ALJ Docketing Center, 40 Gay Street, Baltimore, Maryland 21202–4022, notifying that office that this case is withdrawn form adjudication, as provided by Section 766.18(b) of the Regulations.

Eighth, that, the charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 30th day of January, 2002.

Michael J. Garcia,

Assistant Secretary for Export Enforcement.

[FR Doc. 02–3855 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No. 99–BXA–06]

Action Affecting Export Privileges; Thane-Coat, Inc.

In the Matters of: Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson, Respondents.

Order Relating to Respondent, Thane-Coat, Inc.

The Bureau of Export Administration, United States Department of Commerce (''BXA''), having initiated an administrative proceeding against Thane-Coat, Inc. pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. secs. 2401–2420 (1991 & Supp. V 1999)) (the ''Act''),[1] and the Export Administration Regulations (currently codified at 15 CFR Parts 730–774 (2001)) the (The ''Regulations''),[2] based on allegations that Thane-Coat, Inc. committed 112 violations of the former Regulations—one violation of section 787.3(b), 32 violations of section 787.4, five violations of section 787A.4, 32 violations of section 787.5(a), five violations of section 787A.5(a), 32 violations of section 787.6, and five violations of section 787A.6 of the former Regulations. Specifically the charges are:

1. *One Violation of 15 CFR 787.3(b): Conspiracy:* Beginning in June 1994 and continuing through July 1996, Thane-Coat, Inc. conspired with Jerry Vernon Ford, Preston John Engebretson, TIC, Ltd. and Export Materials, Inc., to violate the former Regulations by devising and employing a scheme to export and by exporting polyurethane (isocyanate/polyol) and polyether polyurethane (collectively referred to as ''pipe coating materials''), items subject to the former Regulations, from the United States through the United Kingdom to Libya, a country subject to comprehensive economic sanctions, without applying for and obtaining the required export authorizations from the U.S. Government.

2. *37 Violations of 15 CFR 787.6 and 787A.6: Exports Without the Required Licenses:* Between on or about February 12, 1995 and on or about April 25, 1996, on 37 separate occasions, Thane-Coat, Inc. exported or caused to be exported pipe coatings materials from the United States to Libya without obtaining validated export licenses from the Department of Commerce as required by sections 772.1(b), 772A1(b), 785.7, and 785A.7 of the former Regulations.

3. *37 Violations of 15 CFR 787.4 and 787A.4: Acting with Knowledge of a Violation:* In connection with each of

[1] Form August 21, 1994, through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1994 & Supp. V 1999)) (''IEEPA''). On November 13, 2000, the Act was reauthorized by Public Law No. 106–508 and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

[2] The violations at issue occurred from 1994 through 1996. The Regulations governing the violations at issue are found in the 1994 through 1996 versions of the Code of Federal Regulations (15 CFR parts 768–799 (1994–1995), and 15 CFR parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996)) (the ''former Regulations''). The March 25, 1996 **Federal Register** publication redesignated, but did not republish, the then-existing Regulations as 15 CFR parts 768A–799A. In addition, the March 25, 1996 **Federal Register** publication restructured and reorganized the Regulations, designating them as an interim rule at 15 CFR parts 730–774, effective April 24, 1996. The former Regulations define the various violations that BXA alleges occurred and the Regulations establish the procedures that apply to this matter.

the exports described in paragraph 2 above, on 37 separate occasions, Thane-Coat, Inc. acted with knowledge or had reason to know that validated licenses were required from the Department of Commerce before the pipe coating materials could be sold to Libya.

4. *37 Violations of 15 CFR 787.5(a) and 787A.5(a): Misrepresentation and Concealment:* In connection with each of the exports described in paragraph 2 above. Thane-Coat, Inc., on 37 separate occasions, filed or caused to be filed Shipper's Export Declarations or bills of lading, export control documents as defined in sections 770.2 and 770A.2 of the former Regulations, on which it represented that the ultimate end-use of the pipe coating materials was in the United Kingdom. These statements of material fact were false as the ultimate end-use of the pipe coating materials was in Libya, and were made, directly or indirectly, to an official of the U.S. Government.

BXA and Thane-Coat, Inc. having entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered:

First, a civil penalty of $1,120,000 is assessed against Thane-Coat, Inc. Thane-Coat, Inc. shall pay $200,000 to the U.S. Department of Commerce within 30 days from the date of entry of this Order, it shall make a second payment of $200,000 to the U.S. Department of Commerce within 60 days from the date of entry of this Order, and it shall make a third payment of $200,000 to the U.S. Department of Commerce within 90 days from the date of entry of this Order. Payment shall be made in the manner specified in the attached instructions. Payment of the remaining $520,000 shall be suspended for a period of two years from the date of entry of this Order and thereafter shall be waived, provided that during the period of suspension, Thane-Coat, Inc. has committed no violation of the Act, or any regulation, order or license issued by BXA; and has made the three payments described above in a timely manner.

Second, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C. 3701–3720E (1983 & Supp. V 1999)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Thane-Coat, Inc. will be assessed, in addition to interest, the amount suspended, and a penalty charge and an administrative charge, as more fully described in the attached Notice.

Third, that, for a period of 25 years from the date of this Order, Thane-Coat, Inc., its successors or assigns, and when acting for or on behalf of Thane-Coat, Inc., its officers, representatives, agents or employees (''denied persons'') may not, directly or indirectly, participate in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Fourth, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied persons any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied persons of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied persons acquired or attempt to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied persons of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied persons in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied persons, or service any item, of whatever origin, that is owned, possessed or controlled by the denied persons if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Fifth, that after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Thane-Coat, Inc. by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Sixth, that this Order does not prohibit any export, reexport, or other transactions subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Seventh, that a copy of this Order shall be delivered to the United States Coast Guard ALJ Docketing Center, 40 Gay Street, Baltimore, Maryland 21202–4022, notifying that office that this case is withdrawn from adjudication, as provided by Section 766.18 of the Regulations.

Eighth, that the charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 24th day of January, 2002.

Michael J. Garcia,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 02–3852 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No.: 99–BXA–06]

Action Affecting Export Privileges: Jerry Vernon Ford

In the matters of: Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson, Respondents.

Order Relating to Respondent, Jerry Vernon Ford

The Bureau of Export Administration, United States Department of Commerce

(''BXA''), having initiated an administrative proceeding against Jerry Vernon Ford (''Ford'') pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C. Secs. 2401–2420 (1991 & Supp. V 1999)) (the ''Act''),[1] and the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2001)) (the ''Regulations''),[2] based on allegations that Ford committed 112 violations of the former Regulations—one violation of section 787.3(b), 32 violations of section 787.4, five violations of section 787A.4, 32 violations of section 787.5(a), five violations of section 787A.5(a), 32 violations of section 787.6, and five violations of section 787A.6 of the former Regulations. Specifically the charges are:

1. *One Violation of 15 CFR 787.3(b): Conspiracy:* Beginning in June 1994 and continuing through July 1996, Ford conspired with Thane-Coat, Inc., Preston John Engebretson, TIC, Ltd. and Export Materials, Inc., to violate the former Regulations by devising and employing a scheme to export and by exporting polyurethane (isocyanate/polyol) and polyether polyurethane (collectively referred to as ''pipe coating materials''), items subject to the former Regulations, from the United States through the United Kingdom to Libya, a country subject to comprehensive economic sanctions, without applying for and obtaining the required export authorizations from the U.S. Government.

2. *37 Violations of 15 CFR 787.6 and 787A.6: Exports Without the Required Licenses:* Between on or about February 12, 1995 and on or about April 25, 1996, on 37 separate occasions, Ford exported or caused to be exported pipe coating materials from the United States to Libya without obtaining validated export licenses from the Department of Commerce as required by sections 772.1(b), 772A.1(b), 785.7, and 785A.7 of the former Regulations.

3. *37 Violations of 15 CFR 787.4 and 787A.4: Acting with Knowledge of a Violation:* In connection with each of the exports described in paragraph 2 above, on 37 separate occasions, Ford acted with knowledge or had reason to know that validated licenses were required from the Department of Commerce before the pipe coating materials could be sold to Libya.

4. *37 Violations of 15 CFR 787.5(a) and 787A.5(a): Misrepresentation and Concealment:* In connection with the exports described in paragraph 2 above, Ford, on 37 separate occasions, filed or caused to be filed Shipper's Export Declarations or bills of lading, export control documents as defined in sections 770.2 and 770A.2 of the former Regulations, which represented that the ultimate end-use of the pipe coating materials was in the United Kingdom. These statements of material fact were false as the ultimate end-use of the pipe coating materials was in Libya. The false statements were made, directly or indirectly, to an official of the U.S. Government.

BXA and Ford having entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered:

First, that, for a period of 25 years from the date of this Order, Ford, and when acting for or on behalf of Ford, his representatives, agents, assigns, or employees (''denied persons''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied persons any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied persons of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied persons acquire or attempt to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied persons of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied persons in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied persons, or service any item, of whatever origin, that is owned, possessed or controlled by the denied persons if such service involves the use of any item to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Ford by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations

[1] From August 21, 1994, through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR, 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1994 & Supp. V 1999)) (''IEEPA''). On November 13, 2000, the Act was reauthorized by Public Law 106–508 and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

[2] The violations at issue occurred from 1994 through 1996. The Regulations governing the violations at issue are found in the 1994 through 1996 versions of the Code of Federal Regulations (15 CFR parts 768–799 (1994–1995), and 15 CFR parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996)) (the ''former Regulations''). The March 25, 1996 **Federal Register** publication redesignated, but did not republish, the then-existing Regulations as 15 CFR parts 768A–799A. In addition, the March 25, 1996, **Federal Register** publication restructured and reorganized the Regulations, designating them as an interim rule at 15 CFR parts 730–774, effective April 24, 1996. The former Regulations define the various violations that BXA alleges occurred and the Regulations establish the procedures that apply to this matter.

where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Fifth, that a copy of this Order shall be delivered to the United States Coast Guard ALJ Docketing Center, 40 Gay Street, Baltimore, Maryland 21202–4022, notifying that office that this case is withdrawn from adjudication, as provided by Section 766.18 of the Regulations.

Sixth, that, the charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 24th day of January, 2002.

Michael J. Garcia,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 02–3853 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

[Docket No.: 99–BXA–06]

Action Affecting Export Privileges; Preston John Engebretson

In the Matters of: Thane-Coat, Inc., Jerry Vernon Ford, and Preston John Engebretson, Respondents.

Order Relating to Respondent, Preston John Engebretson

The Bureau of Export Administration, United States Department of Commerce (''BXA''), having initiated an administrative proceeding against Preston John Engebretson (''Engebretson'') pursuant to section 13(c) of the Administration Act of 1979, as amended (50 U.S.C. secs. 2401–2420 (1991 & Supp. V 1999)) (the ''Act''),[1] and the Export Administration Regulations (currently codified at 15 CFR parts 730–774 (2001)) (the ''Regulations''),[2] based on allegations that Engebretson committed 112 violations of the former Regulations—one violation of section 787.3(b), 32 violations of section 787.4, five violations of section 787A.4, 32 violations of section 787.5(a), five violations of section 787A.5(a), 32 violations of section 787.6, and five violations of section 787A.6 of the former Regulations. Specifically the charges are:

1. *One Violation of 15 CFR 787.3(b): Conspiracy:* Beginning in June 1994 and continuing through July 1996, Engebretson conspired with Thane-Coat, Inc., Jerry Vernon Ford, TIC, Ltd. and Export Materials, Inc., to violate the former Regulations by devising and employing a scheme to export and by exporting polyurethane (isocyanate/polyol) and polyether polyurethane (collectively referred to as ''pipe coating materials''), items subject to the former Regulations, from the United States through the United Kingdom to Libya, a country subject to comprehensive economic sanctions, without applying for and obtaining the required export authorizations from the U.S. Government.

2. *37 Violations of 15 CFR 787.6 and 787A.6: Exports Without the Required Licenses:* Between on or about February 12, 1995 and on or about April 25, 1996, on 37 separate occasion, Engebretson exported or caused to be exported pipe coating materials from the United States to Libya without obtaining validated export licenses from the Department of Commerce as required by sections 772.1(b), 772A.1(b), 785.7, and 785A.7 of the former Regulations.

3. *37 Violations of 15 CFR 787.4 and 787A.4: Acting with Knowledge of a Violation:* In connection with each of the exports described in paragraph 2 above, on 37 separate occasions, Engebretson acted with knowledge or had reason to know that validated licenses were required from the Department of Commerce before the pipe coating materials could be sold to Libya.

4. *37 Violations of 15 CFR 787.5(a) and 787A.5(a): Misrepresentation and Concealment:* In connection with each of the exports described in paragraph 2 above, Engebretson, on 37 separate occasions, filed or caused to be filed Shipper's Export Declarations or bills of landing, export control documents as defined in sections 7702 and 770A.2 of the former regulations, which represented that the ultimate end-use of the pipe coating materials was in the United Kingdom. These statements of material fact were false as the ultimate and-use of the pipe coating materials was in Libya. These false statements were made, directly or indirectly, to an official of the U.S. Government.

BXA and Engebretson having entered into a Settlement Agreement pursuant to Section 766.18(b) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

It is therefore ordered:

First, that, for a period of 25 years from the date of this Order, Engebretson, and when acting for or on behalf of Engebretson, his representatives, agents, assigns, or employees (''denied persons''), may not, directly or indirectly, participate in any way in any transaction involving any commodity, software, or technology (hereinafter collectively referred to as ''item'') exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by the denied persons of the ownership, possession, or control of any item subject to the Regulations that has been

[1] From August 21, 1994, through November 12, 2000, the Act was in lapse. During that period, the President, through Executive Order 12924, which had been extended by successive Presidential Notices, the last of which was August 3, 2000 (3 CFR 2000 Comp. 397 (2001)), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701–1706 (1994 & Supp. V 1999)) (''IEEPA''). On November 13, 2000, the Act was reauthorized by Public Law 106–508 and it remained in effect through August 20, 2001. Since August 21, 2001, the Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Regulations in effect under IEEPA.

[2] The violations at issue occurred from 1994 through 1996. The Regulations governing the violations at issue are found in the 1994 through 1996 versions of the Code of Federal Regulations (15 CFR parts 768–799 (1994–1995), and 15 CFR parts 768–799 (1996), as amended (61 FR 12714, March 25, 1996)) (the ''former Regulations''). The March 25, 1996 **Federal Register** publication redesignated, but did not republish, the then-existing Regulations as 15 CFR parts 768A–799A. In addition, the March 25, 1996, **Federal Register** publication restructured and reorganized the Regulations, designating them as an interim rule at 15 CFR parts 730–774, effective April 24, 1996. The former Regulations define the various violations that BXA alleges occurred and the Regulations establish the procedures that apply to this matter.

or will be exported from the United States, including financing or other support activities related to a transaction whereby the denied persons acquire or attempt to acquire or such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied persons of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied persons in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States and which is owned, possessed or controlled by the denied persons, or service any item, of whatever origin, that is owned, possessed or controlled by the denied persons if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

Third, that after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to Engebretson by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be subject to the provisions of this Order.

Fourth, that this Order does not prohibit any export, reexport, or other transaction subject to the Regulations where the only items involved that are subject to the Regulations are the foreign-produced direct product of U.S.-origin technology.

Fifth, that a copy of this Order shall be delivered to the United States Coast Guard ALJ Docketing Center, 40 Gay Street, Baltimore, Maryland 21202–4022, notifying that office that this case is withdrawn from adjudication, as provided by Section 766.18 of the Regulations.

Sixth, that, the charging letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 24th day of January, 2002.

Michael J. Garcia,

Assistant Secretary of Commerce for Export Enforcement.

[FR Doc. 02–3854 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet March 5, 2002, 9 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistance Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuiing review to update the EAR as needed.

Agenda

Public Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Update on pending regulations.
4. Working group activity reports.
5. Update on the Wassenaar Arrangement.
6. Discussion on status of Automated Export System regulations.
7. Discussion on status of pending encryption regulations.

Closed Session

8. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to the following address: Ms. Lee Ann Carpenter, OSIES/EA/EXA, MS: 3876, 14th St. & Constitution Ave., NW., U.S. Department of Commerce, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 12, 2001, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and 10(a)(3) of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For more information, call Lee Ann Carpenter at (202) 482–2583.

Dated: February 14, 2002.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 02–3996 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–801, A–570–844, A–583–825]

Notice of Final Results

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

ACTION: Notice of Final Results of Five-Year Sunset Reviews and Revocation of Antidumping Duty Orders on Melamine Institutional Dinnerware from Indonesia (A–560–801), the People's Republic of China (A–570–844), and Taiwan (A–583–825).

SUMMARY: On January 2, 2002, the Department of Commerce (''the Department'') initiated sunset reviews of the antidumping duty orders on melamine institutional dinnerware (''dinnerware'') from Indonesia, the People's Republic of China (''PRC'') and Taiwan (67 FR 57). Because no domestic interested party responded to the sunset review notice of initiation by the applicable deadline, the Department is revoking these orders.

EFFECTIVE DATE: February 25, 2002.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW.,

Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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

Background

On February 25, 1997, the Department issued the antidumping duty orders on dinnerware from Indonesia, China, and Taiwan, and amended final determination of sales at less than fair value on dinnerware from Indonesia (62 FR 8426). Pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'') and 19 CFR 351.218, the Department initiated sunset reviews of these orders by publishing a notice of the initiation in the **Federal Register**, January 2, 2002, (67 FR 57). In addition, as a courtesy to interested parties, the Department sent letters, via certified and registered mail, to each party listed on the Department's most current service list for these proceedings to inform them of the automatic initiation of a sunset review of these orders.

No domestic interested parties in any of these sunset reviews of these orders responded to the notice of initiation by the January 17, 2002, deadline (*see* 351.218 (d)(1)(i).

Determination to Revoke

Pursuant to section 751(c)(3)(A) of the Act and 19 CFR 351.218(d)(1)(iii)(B)(3), if no domestic interested party responds to the notice of initiation, the Department shall issue a final determination, within 90 days after the initiation of the review, revoking the order. Because no domestic interested party responded to the notice of initiation by the applicable deadline, January 17, 2002 (*see* 19 CFR 351.218 (d)(1)(i) and 19 CFR 351.218 (e)(1)(i)(C)(1)) of the Sunset Regulations)), we are revoking these antidumping duty orders.

Effective Date of Revocation

In accordance with sections 751(c)(3)(A) and 751(d)(2) of the Act, and 19 CFR 351.222(i)(2)(i), the Department will instruct the Customs Service to terminate the suspension of liquidation of the merchandise subject to these orders entered, or withdrawn from warehouse, on or after February 25, 2002. Entries of subject merchandise prior to the effective date of revocation will continue to be subject to suspension of liquidation and antidumping/countervailing duty deposit requirements. The Department will complete any pending administrative reviews of these orders and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

Dated: February 12, 2002.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–3970 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–824]

Certain Corrosion–Resistant Carbon Steel Flat Products From Japan: Notice of Final Results of Changed Circumstances Review, and Revocation in Part of Antidumping Duty Order

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

ACTION: Notice of Final Results of Changed Circumstances Review, and Revocation in Part of Antidumping Duty Order.

SUMMARY:

On December 31, 2001, the Department of Commerce (''the Department'') published a notice of initiation and preliminary results of a changed circumstances review with the intent to revoke, in part, the antidumping duty order on certain corrosion–resistant carbon steel flat products from Japan. See Certain Corrosion–Resistant Carbon Steel Flat Products From Japan: Notice of Initiation and Preliminary Results of Changed Circumstances Review of the Antidumping Order and Intent to Revoke Order in Part, 66 FR 67507 (December 31, 2001) (''Initiation and Preliminary Results''). In our Initiation and Preliminary Results, we gave interested parties an opportunity to comment; however, we did not receive any comments. We are now revoking this order, in part, with respect to the particular carbon steel flat products described below, based on the fact that domestic parties have expressed no interest in the continuation of the order with respect to these particular carbon steel flat products.

EFFECTIVE DATE: February 19, 2002.

FOR FURTHER INFORMATION CONTACT: Catherine Bertrand, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–3207.

THE APPLICABLE STATUTE AND REGULATIONS

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations as codified at 19 C.F.R. Part 351 (2001).

SUPPLEMENTARY INFORMATION:

Background

On November 21, 2001, Dana Glacier Daido America, LLC (''Dana'') requested that the Department revoke in part the antidumping duty order on certain corrosion–resistant carbon steel flat products from Japan. Specifically, Dana requested that the Department revoke the order with respect to imports meeting the following specifications: carbon steel coil or strip, measuring a minimum of and including 1.10 millimeters to a maximum of and including 4.90 millimeters in overall thickness, a minimum of and including 76.00 millimeters to a maximum of and including 250.00 millimeters in overall width, with a low carbon steel back comprised of: carbon under 0.10%, manganese under 0.40%, phosphorous under 0.04%, sulfur under 0.05%, and silicon under 0.05%; clad with aluminum alloy comprised of: under 2.51% copper, under 15.10% tin, and remainder aluminum as listed on the mill specification sheet.

On November 29, 2001, domestic producers of the like product, Bethlehem Steel Corporation, LTV Steel Company, Inc., National Steel Corporation, and U.S. Steel Group LLC, informed the Department that they have no interest in the importation or sale of steel from Japan with these specialized characteristics. Subsequently, as noted above, we gave interested parties an opportunity to comment on the Initiation and Preliminary Results. We received no comments from interested parties.

Scope of Changed Circumstances Review

The merchandise covered by this changed circumstances review is certain corrosion–resistant carbon steel flat products from Japan. This changed circumstances administrative review covers all manufacturers/exporters of carbon steel flat products meeting the following specifications: carbon steel coil or strip, measuring a minimum of and including 1.10 millimeters to a maximum of and including 4.90 millimeters in overall thickness, a minimum of and including 76.00 millimeters to a maximum of and including 250.00 millimeters in overall width, with a low carbon steel back comprised of: carbon under 0.10%, manganese under 0.40%, phosphorous under 0.04%, sulfur under 0.05%, and silicon under 0.05%; clad with aluminum alloy comprised of: under 2.51% copper, under 15.10% tin, and remainder aluminum as listed on the mill specification sheet.

Final Results of Review; Partial Revocation of Antidumping Duty Order

The affirmative statement of no interest by petitioners concerning carbon steel flat products, as described herein, constitutes changed circumstances sufficient to warrant partial revocation of this order. Also, no party commented on the Initiation and Preliminary Results. Therefore, the Department is partially revoking the order on certain corrosion–resistant carbon steel flat products from Japan with regard to products which meet the specifications detailed above, in accordance with sections 751(b) and (d) and 782(h) of the Act and 19 CFR 351.216(d). We will instruct the U.S. Customs Service (''Customs'') to liquidate without regard to antidumping duties, as applicable, and to refund any estimated antidumping duties collected for all unliquidated entries of certain corrosion–resistant carbon steel flat products meeting the specifications indicated above, and not subject to final results of an administrative review as of the date of publication in the Federal Register of the final results of this changed circumstances review in accordance with 19 CFR 351.222.

This notice serves as a reminder to parties subject to administrative protective orders (''APOs'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This changed circumstances administrative review, partial revocation of the antidumping duty order and notice are in accordance with sections 751(b) and (d) and 782(h) of the Act and sections 351.216(e) and 351.222(g) of the Department's regulations.

February 12, 2002

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 02–3968 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–814]

Notice of Extension of Time Limit of Preliminary Results of Antidumping Duty Administrative Review: Stainless Steel Sheet and Strip in Coils from France

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

EFFECTIVE DATE: February 19, 2002.

FOR FURTHER INFORMATION CONTACT: Alex Villanueva, AD/CVD Enforcement Group III, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0408.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are 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 (the Department's) regulations are to 19 CFR part 351 (April 2001).

Background

On October 1, 2001, the Department published a notice of initiation of the administrative review of the antidumping duty order on Stainless Steel Sheet and Strip in Coils from France, covering the period July 1, 2000, through June 30, 2001 (66 FR 49924). The preliminary results are currently due no later than April 2, 2002.

Extension of Time Limit for Preliminary Results

Section 751(a)(3)(A) of the Act states that the administering authority shall make a preliminary determination within 245 days after the last day of the month in which occurs the anniversary of the date of publication of the order, finding, or suspension agreement for which the review under paragraph (1) is requested. If it is not practicable to complete the review within the foregoing time, the administering authority may extend that 245 day period to 365 days. Completion of the preliminary results within the 245 day period is impracticable for the following reasons: (1) This review involves certain complex issues (e.g., home market downstream sales); (2) this review involves certain complex U.S. further manufacturing; (3) the corporate structure has changed from previous administrative reviews which affects several calculations including, but not limited to, warehouse expenses, inland freight, and inventory. See also 19 CFR 351.213(h)(2).

Because it is not practicable to complete this review within the time specified, we are extending the time limit of the preliminary results of the administrative review of stainless steel sheet and strip in coils from France by 120 days, in accordance with section 751(a)(3)(A) of the Act.

The deadline for issuing the preliminary results is extended from April 2, 2002, to July 31, 2002.

February 12, 2002

Joseph A. Spetrini,

Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 02–3969 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Issuance of an Amended Export Trade Certificate of Review, Application No. 97–5A003.

SUMMARY: The Department of Commerce issued an amended Export Trade Certificate of Review to the Association for the Administration of Rice Quotas, Inc. on February 5, 2002. Notice of issuance of the original Certificate was published in the **Federal Register** on January 28, 1998, (63 FR 4220).

FOR FURTHER INFORMATION CONTACT: Vanessa M. Bachman, Acting Director,

Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131, *oetca@ita.doc.gov.* This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001 *et seq.*) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III are found at 15 CFR part 325 (2000).

The Office of Export Trading Company Affairs (''OETCA'') is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under Section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Amended Certificate

The Association for the Administration of Rice Quotas, Inc. (''AARQ'') original Certificate was issued on January 21, 1998 (63 FR 4220, January 28, 1998), and last amended on April 5, 2001, (66 FR 21368, April 30, 2001).

AARQ's Export Trade Certificate of Review has been amended to:

1. Add the following companies as new ''Members'' of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): Rickmers Rice USA, Inc., St. Louis, Missouri; Commodity Specialists Company, Minneapolis, Minnesota.

2. Delete the following companies as ''Members'' of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): Affiliated Rice Milling, Inc., Alvin , Texas; Garnac Grain Co., Inc., Overland Park, Kansas.

3. Change the listings of the names of the current Members as follows: ''AFE (USA), Inc., Houston, Texas'' to ''AFE (USA), Inc., Portland, Oregon;'' ''California Pacific Rice Milling, Ltd., Arbuckle, California'' to ''CAL PAC Investments, LLC dba California Pacific Rice Milling, Woodland, California;'' ''Glencore Ltd., Stamford, Connecticut (a subsidiary of Glencore International AG), for the activities of Glencore Grain Division and Glencore Ltd.'s subsidiary, LaGrain International Inc., Baton Rouge, Louisiana;'' to ''Glencore Ltd., Stamford, Connecticut (a subsidiary of Glencore International AG), for the activities of Glencore Grain Division.''

Dated: February 12, 2002.

Vanessa M. Bachman,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 02–3935 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 021202B]

Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT); Spring Species Working Group Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Advisory Committee to the U.S. Section to ICCAT announces its spring meeting with its Species Working Group Technical Advisors on March 5 and 6, 2002.

DATES: The open sessions of the Committee meeting will be held on March 5, 2002, from 9:30 a.m. to 12 p.m., and on March 6, 2002, from 11:30 a.m. to 5 p.m.. Closed sessions will be held on March 5, 2002, from 1:15 p.m. to approximately 6 p.m., and on March 6, 2002, from 9 a.m. to 11:30 a.m.

ADDRESSES: The meeting will be held at the Hilton Hotel Silver Spring, 8727 Colesville Road, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Erika Carlsen at (301) 713–2276.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in two open sessions to receive and discuss information on (1) the 2001 ICCAT meeting results and U.S. implementation of ICCAT decisions; (2) 2002 ICCAT and NMFS research and monitoring activities; (3) ICCAT's allocation criteria development process results; (4) U.S. development of its National Plan of Action on Illegal, Unregulated, and Unreported (IUU) Fishing; (5) the U.S. Endangered Species Act status review of white marlin; (6) NMFS International Bycatch Task Force activities; (7) upcoming ICCAT working group meetings on combating IUU fishing, using trade measures to promote conservation, and improving ICCAT's monitoring and control regime; (8) next steps and future directions given the end of the 2001 ICCAT meeting; (9) Committee operational issues; (10) the Atlantic Tunas Convention Act required consultation on the identification of countries that are diminishing the effectiveness of ICCAT; (11) the results of the meetings of the Committee's Species Working Groups; and (12) other matters relating to the international management of ICCAT species. The public will have access to the open sessions of the meeting, but there will be no opportunity for public comment.

The Advisory Committee will go into executive session during part of the afternoon of March 5, 2002, to discuss sensitive information relating to upcoming international negotiations and for a portion of the morning of March 6 to discuss internal operational matters. In addition, the Committee will meet in its Species Working Groups for a portion of the afternoon of March 5 and morning of March 6, 2002. These sessions are not open to the public, but the results of the species working group discussions will be reported to the full Advisory Committee during the Committee's afternoon open session on March 6.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Erika Carlsen at (301) 713–2276 at least 5 days prior to the meeting date.

Dated: February 12, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–3976 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020602D]

Pacific 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 Pacific Fishery Management Council (Council) and its advisory entities will hold public meetings.

DATES: The Council and its advisory entities will meet March 10–15, 2002. The Council meeting will begin on

Tuesday, March 12, at 8 a.m., reconvening each day through Friday. All meetings are open to the public, except a closed session will be held from 8 a.m. until 9:30 a.m. on Tuesday, March 12 to address litigation and personnel matters. The Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: The meetings and hearing will be held at the Red Lion Hotel Sacramento, 1401 Arden Way, Sacramento, CA 95815; telephone: (916) 922–8041.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: (503) 326–6352.

SUPPLEMENTARY INFORMATION: The following items are on the Council agenda, but not necessarily in this order:

A. Call to Order

1. Opening Remarks, Introductions
2. Council Member Appointments
3. Roll Call
4. Executive Director's Report
5. Approve Agenda
6. Approve September and November 2001 Meeting Minutes

B. Salmon Management

1. NMFS Report
2. Final Review of Methodology Changes to the Klamath Ocean Harvest Model and Coho Fishery Regulation Assessment Model
3. Review of 2001 Fisheries and Summary of 2002 Stock Abundance Estimates
4. Inseason Management Recommendations for Openings Prior to May 1 off the Oregon Coast
5. Identification of Management Objectives and Preliminary Definition of 2002 Options
6. Council Recommendations for 2002 Management Option Analysis
7. Salmon Fishery Management Plan Amendment Scoping
8. Salmon Hearings Officers
9. Adoption of 2002 Management Options for Public Review

C. Habitat Issues: Essential Fish Habitat Issues

D. Marine Reserves

1. Status of Marine Reserves Proposals for Channel Islands National Marine Sanctuary

E. Pacific Halibut Management

1. NMFS Report
2. Report on International Pacific Halibut Commission Annual Meeting
3. Proposed 2002 Incidental Catch Regulations for the Troll Salmon and Fixed Gear Sablefish Fisheries

F. Groundfish Management

1. NMFS Report
2. Pacific Whiting Harvest Levels for 2002
3. Update on Revision of Amendment 12 - Rebuilding Plans
4. Groundfish Strategic Plan Implementation
5. Groundfish Fishery Management Plan Environmental Impact Statement

G. Highly Migratory Species Management

1. NMFS Report
2. Highly Migratory Species Fishery Management Plan

H. Coastal Pelagic Species Management

1. NMFS Report
2. Amendment 10

I. Administrative and Other Matters

1. Status of Legislation
2. Appointments to Advisory Bodies, Standing Committees, and Other Forums
3. Council's ''Statement of Organization, Practices, and Procedures'' and ''Council Operating Procedures'' Documents
4. Research and Data Needs Process
5. Report on Council Staff Retreat
6. Council Staff Work Load Priorities
7. April 2002 Council Meeting Agenda

SCHEDULE OF ANCILLARY MEETINGS

SUNDAY, MARCH 10, 2002

Klamath Fishery Management 2 p.m. Comstock 3 Room

MONDAY, MARCH 11, 2002

Council Secretariat 8 a.m. California Room
Scientific and Statistical Cmte 8 a.m. Comstock 2 Room
Salmon Advisory Subpanel 8 a.m. Sierra B Room
Salmon Technical Team 8 a.m. Sierra A Room
Habitat Steering Group 10 a.m. Comstock 1 Room
Klamath Fishery Management Council As Needed Comstock 3 Room
Tribal Policy Group As Needed Almanor Room 303
Tribal and Washington Technical Groups As Needed Shasta Room 305
Washington State Delegation As Needed Oroville Room 608

TUESDAY, MARCH 12, 2002

Council Secretariat 7 a.m. California Room
California State Delegation 7 a.m. Sierra B Room
Oregon State Delegation 7 a.m. Comstock 2 Room
Scientific and Statistical Cmte 8 a.m. Comstock 2 Room
Salmon Advisory Subpanel 8 a.m. Sierra B Room
Salmon Technical Team 8 a.m. Sierra A Room
Enforcement Consultants Immediately after Council session Tahoe Room 514
Washington State Delegation As Needed Oroville Room 608
Tribal Policy Group As Needed Almanor Room 303
Tribal and Washington Technical Groups As Needed Shasta Room 305
Klamath Fishery Management Council As Needed Comstock 3 Room

WEDNESDAY, MARCH 13, 2002

Council Secretariat 7 a.m. California Room
California State Delegation 7 a.m. Sierra B Room
Oregon State Delegation 7 a.m. Comstock 2 Room
Salmon Advisory Subpanel 8 a.m. Sierra B Room
Salmon Technical Team 8 a.m. Sierra A Room
Highly Migratory Species A.S. 8 a.m. Comstock 1 Room
Coastal Pelagic Species 10 a.m. Comstock 2 Room
Highly Migratory Species Team As Needed Klamath Room 513
Tribal Policy Group As Needed Needed Almanor Room 303
Tribal and Washington Technical Groups As Needed Shasta Room 305
Enforcement Consultants As Needed Tahoe Room 514
Klamath Fishery Management Council As Needed Comstock 3 Room
Washington State Delegation As Needed Oroville Room 608

THURSDAY, MARCH 14, 2002

Council Secretariat 7 a.m. California Room
California State Delegation 7 a.m. Sierra B Room
Oregon State Delegation 7 a.m. Comstock 2 Room
Salmon Advisory Subpanel 8 a.m. Sierra B Room
Salmon Technical Team 8 a.m. Sierra A Room
Washington State Delegation As Needed Needed Oroville Room 608
Tribal Policy Group As Needed Almanor Room 303
Tribal and Washington Technical Groups As Needed Shasta Room 305
Enforcement Consultants As Needed Tahoe Room 514
Klamath Fishery Management Council As Needed Comstock 3 Room

FRIDAY, MARCH 15, 2002

Council Secretariat 7 a.m. California Room

California State Delegation 7 a.m. Sierra B Room

Oregon State Delegation 7 a.m. Comstock 2 Room

Salmon Advisory Subpanel 8 a.m. Sierra B Room

Salmon Technical Team 8 a.m. Sierra A Room

Washington State Delegation As Needed Oroville Room 608

Tribal Policy Group As Needed Almanor Room 303

Tribal and Washington Technical Groups As Needed Shasta Room 305

Enforcement Consultants As Needed Tahoe Room 514

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject 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 Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at (503) 326–6352 at least 5 days prior to the meeting date.

Dated: February 12, 2002.

Richard W. Surdi,

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

[FR Doc. 02–3977 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 012502B]

Marine Mammals; File No.481–1623–00

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that LGL Ltd., environmental research associates, 22 Fisher Str., P.O.B. 280, King City, Ontario, Canada L7B 1A6 [Principal Investigator: W. John Richardson, Ph.D.]has been issued a permit to take ringed seals (Phoca hispida) and incidentally take bearded seals(Erignathus barbatus) and spotted seals (Phoca largha)for purposes of scientific research.

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

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

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586–7221; fax (907) 586–7249.

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

SUPPLEMENTARY INFORMATION: On November 19, 2001, notice was published in the **Federal Register** (66 FR 57939) that a request for a scientific research permit to take above listed species had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: February 12, 2002.

Eugene T. Nitta,

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

[FR Doc. 02–3983 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

February 12, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: February 19, 2002.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being increased for carryover and the recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 66 FR 65178, published on December 18, 2001). Also see 66 FR 58446, published on November 21, 2001.

D. Michael Hutchinson

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 12, 2002.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 14, 2001, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 2002 and extends through December 31, 2002.

Effective on February 19, 2002, you are directed to increase the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
338/638	1,419,850 dozen.
339/639	1,689,619 dozen.
340/640	1,461,657 dozen.
342/642	1,028,601 dozen.
347/348/647/648	3,498,920 dozen of which not more than 1,848,483 dozen shall be in Categories 647/648.
351/651	1,752,276 dozen.
442	87,626 dozen.
443	151,074 numbers.
444	87,626 numbers.

Category	Adjusted twelve-month limit [1]
448	45,141 dozen.
633	214,468 dozen.

[1]The limits have not been adjusted to account for any imports exported after December 31, 2001.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 02–3904 Filed 2–15–02; 8:45 am]

BILLING CODE 3510–DR–S

CONSUMER PRODUCT SAFETY COMMISSION

Notification of Request for Extension of Approval of Information Collection Activity—Customer Satisfaction Surveys

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In the November 16, 2001 **Federal Register** (66 FR 57707), the Consumer Product Safety Commission published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) to announce the agency's intention to seek extension of approval of 5 customer satisfaction surveys to determine the kind and quality of services CPSC customers want and customers' level of satisfaction with existing services. The Commission now announces that it has submitted to the Office of Management and Budget a request for extension of approval of that collection of information.

CPSC will use the information it obtains in these surveys to improve its work on behalf of the American public. In addition, the CPSC Office of Planning and Evaluation will use information from the surveys to prepare sections of the agency's annual performance report (required by the Government Performance and Results Act (GPRA)). This information will provide measures of the quality and effectiveness of agency efforts related to three goals in its strategic plan (informing the public, industry services, and customer satisfaction). In the past, information from these surveys has shown an overall high level of customer satisfaction. If this information is not periodically collected, we would not have useful measures of our effectiveness in reaching consumers and others, and the information necessary to guide program development and improvement would not be available. We would be unable to measure our ability to meet our identified GPRA goals.

CPSC will collect this information in several ways, such as using telephone interviews and mail questionnaires. Fewer than 5 customer surveys or information collection activities a year would be conducted using this clearance.

Additional Information About the Request for Extension of Approval of Information Collection Activity

Title of information collection: Customer Satisfaction Surveys: Fast track recall survey; ombudsman survey; state partner survey; hotline survey; and clearinghouse survey.

Type of request: Extension of approval.

Frequency of collection: Each survey will be conducted once during a 3-year period.

General description of respondents: (1) Persons telephoning the Hotline; (2) persons or companies contacting the National Injury Information Clearinghouse for information; (3) State representatives who work with CPSC on cooperative programs; (4) firms using CPSC's Fast-Track Product Recall Program; and (5) small businesses that have contacted the CPSC's small business ombudsman.

Estimated Number of respondents: 501 per year.

Estimated average number of responses per respondent: One per year.

Estimated number of responses for all respondents: 501 per year.

Estimated number of hours per response: 3.5 minutes.

Estimated number of hours for all respondents: 29.2 per year.

Estimated cost of collection for all respondents: $608 per year.

Comments: Comments on this request for extension of approval of an information collection activity should be submitted by March 21, 2002 to (1) Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for CPSC, Office of Management and Budget, Washington DC 20503; telephone: (202) 395–7340, and (2) the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207. Comments may be delivered to the Office of the Secretary, room 502, 4330 East-West Highway, Bethesda, Maryland, 20814. Comments may also be sent to the Office of the Secretary by facsimile at (301) 504–0127, or by e-mail at *cpsc-os@cpsc.gov.*

Copies of this request for extension of approval of an information collection activity are available from Linda L. Glatz, Management & Program Analyst, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 504–0416, extension 2226.

Dated: February 13, 2002.

Todd Stevenson,

Secretary Consumer Product Safety Commission.

[FR Doc. 02–4000 Filed 2–15–02; 8:45 am]

BILLING CODE 6355–01–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 21, 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 13, 2002.

John Tressler, Leader,

Regulatory Information Management, Office of the Chief Information Officer.

Office of English Language Acquisitions

Type of Review: New.

Title: Application for Grants under English Language Acquisition: National Professional Development Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden: Responses: 300. *Burden Hours:* 30,000.

Abstract: The Department needs and uses this information to make grants. The respondents are institutions of higher education and are required to provide this information in applying for grants.

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 Sheila Carey at (202) 708–6287 or via her internet address *Sheila.Carey@ed.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 02–4012 Filed 2–15–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[Docket Nos. EA–257]

Application to Export Electric Energy; Emera Energy Services, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Emera Energy Services, Inc. (EES) has applied to export electric energy from the United States to Canada, pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before March 21, 2002.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Import/Export (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. § 824a(e)).

On January 10, 2002, EES applied to the Department of Energy (''DOE) for authority to export electric energy from the Unites States to Canada. EES, a Delaware corporation with its principal place of business in Bangor, Maine, is a wholly-owned indirect subsidiary of Emera Incorporated, a Nova Scotia corporation that is a diversified energy and services company. EES does not own or control any electric generation or transmission facilities nor does it have a franchised service area. Emera Incorporated owns and operates transmission facilities in the United States through its operating divisions. EES will be engaged in the marketing of power as both a broker and as a marketer of electric power at wholesale. EES plans to purchase the power that it will sell from cogeneration facilities, federal power marketing agencies, electric utilities and exempt wholesale generators within the United States.

In FE Docket No. EA–257, EES proposes to export electric energy to Canada and to arrange for the delivery of those exports to Canada over the international transmission facilities owned by Citizens Utilities, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Maine Electric Power Company, Maine Public Service Company and Vermont Electric Transmission Company.

The construction of each of the international transmission facilities to be utilized by EES has previously been authorized by a Presidential permit issued pursuant to Executive Order 10485, as amended.

Procedural Matters: Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the EES application to export electric energy to Canada should be clearly marked with Docket EA–257. Additional copies are to be filed directly with Calvin Bell, Emera Energy Services, Inc., One Cumberland Place, Suite 102, Bangor, ME 04401, Michael E. Small, Wendy N. Reed, Wright & Talisman, P.C., 1200 G Street, NW., Suite 600, Washington, DC 20005 *AND* Mr. Richard J. Smith, Secretary and General Counsel, Emera Incorporated, 1894 Barington Street, 18th Floor, Barrington Tower, PO Box 910, Halifax, Nova Scotia, CANADA B3J 2W5.

A final decision will be made on this application after the environmental impact has been evaluated pursuant to the National Environmental Policy Act of 1969, and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at *http://www.fe.doe.gov.* Upon reaching the Fossil Energy Home page, select ''Regulatory'' Programs,'' then ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menus.

Issued in Washington, DC, on February *8,* 2002.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Import/Export, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 02–3887 Filed 2–15–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Steel Industry Research Challenge Number DE–PS07–02ID14279

AGENCY: Idaho Operations Office, Department of Energy.

ACTION: Notice of availability of solicitation.

SUMMARY: The U.S. Department of Energy (DOE), Idaho Operations Office (ID) is seeking applications for conceptual designs for steel making processes that will revolutionize the way steel is made in the 21st century. This is the next ''stretch'' step in advancing the future of the domestic steel industry and compliments the current program based on the Steel Technology Roadmap. Each award made in response to this solicitation will be for a maximum of two years. During this period, each awardee will develop a conceptual design with supporting technical, marketing, economic and policy data; describe opportunities and barriers; and develop energy, environmental and economic targets. Multi-partner collaborations between steel companies, equipment suppliers, engineering firms, and educational institutions are strongly encouraged; collaboration with educational institutions and their students is mandatory. At the end of the two year period, a panel of judges made up of steel industry executives will determine which designs will be selected for long term cost-shared research and development investment.

DATES: The deadline for receipt of applications is 3 p.m. MDT April 15, 2002. The issuance date of Solicitation No. DE–PS07–02ID14279 will be approximately February 5, 2002.

ADDRESSES: Applications should be submitted through DOE's Industry Interactive Procurement System (IIPS) at *http://e-center.doe.gov*

FOR FURTHER INFORMATION CONTACT: Marshall Garr, Contract Specialist, at *garrmc@id.doe.gov* or telephone (208) 526–1536.

SUPPLEMENTARY INFORMATION: Approximately $1,000,000 in federal funds are expected to be available to fund the first year of selected design concept efforts. It is anticipated that equivalent funds should be available for any follow-on contract year. DOE anticipates making 1 to 4 cooperative agreement awards each with a duration of two years or less. The cooperative agreements will be awarded in accordance with DOE Financial Assistance regulations, Title 10 of the Code of Federal Regulations, chapter II subchapter H, part 600 (10 CFR 600). Award of a cooperative agreement under this solicitation does not commit the Government to fund any follow-on research. Successful applicants will be required to submit reports to DOE as identified in the reporting requirements checklist. No fee or profit will be paid to cooperative agreement award recipients.

No cost share is required. However, cost sharing is encouraged by the participants. Cost share may be provided as cash or in-kind cost share. Cost share may not be other federal funding. For additional information reference 10 CFR 600.127.

For-profit, non-profit, state and local governments, Indian Tribes, and institutions of higher education may submit applications in response to this solicitation. National laboratories will not be eligible for an award under this solicitation. However, an application that includes performance of a portion of the work by a National Laboratory may be considered for award provided the applicant clearly identifies the unique capabilities, facilities and/or expertise the Laboratory offers the primary applicant. National Laboratories will receive their funding through their existing arrangements with the Government via Field Work Proposals (FWP). The solicitation will be available in full text via the Internet on DOE's Industry Interactive Procurement System (IIPS) at *http://e-center.doe.gov.* Technical and non-technical questions should be submitted in writing to Marshall Garr by e-mail *garrmc@id.doe.gov,* or facsimile at 208–526–5548 no later than March 12, 2002.

The statutory authority for this program is the Federal Non-Nuclear Energy Research and Development Act of 1974 (Public Law 93–577).

Issued in Idaho Falls on February 5, 2002.

R. Jeffrey Hoyles,

Director, Procurement Services Division.

[FR Doc. 02–3891 Filed 2–15–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket Nos. 01–16–NG, 01–60–NG, 02–01–NG, 01–36–NG, 02–02–NG, and 00–100–NG]

Office of Fossil Energy; Cinergy Marketing & Trading, LP (Formerly Cinergy Marketing & Trading, LLC), Cinergy Marketing & Trading, LP (Formerly Cinergy Marketing & Trading, LLC), Texaco Energy Marketing L.P., TXU Energy Trading Company LP (Formerly TXU Energy Trading Company), EPCOR Merchant and Capital (US) Inc., IDACORP Energy L.P. (Formerly IDACORP Energy Solutions L.P.); Orders Granting and Transferring Authority to Import and Export Natural Gas

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during January 2002, it issued Orders granting and transferring authority to import and export natural gas. These Orders are summarized in the attached appendix and may be found on the FE Web site at *http://www.fe.doe.gov* (select gas regulation), or on the electronic bulletin board at (202) 586–7853. They are also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on February 5, 2002.

Yvonne Caudillo,

Acting Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import & Export Activities, Office of Fossil Energy.

APPENDIX—ORDERS GRANTING AND TRANSFERRING IMPORT/EXPORT AUTHORIZATIONS

Order No.	Date issued	Importer/exporter FE docket No.	Import volume	Export volume	Comments
1679–A	1–7–02	Cinergy Marketing & Trading, LP (Formerly Cinergy Marketing & Trading, LLC) 01–16–NG.			Transfer of blanket import and export authority.
1731–A	1–10–02	Cinergy Marketing & Trading, LP (Formerly Cinergy Marketing & Trading, LLC) 01–60–NG.			Transfer of blanket import and export authority.

APPENDIX—ORDERS GRANTING AND TRANSFERRING IMPORT/EXPORT AUTHORIZATIONS—Continued

Order No.	Date issued	Importer/exporter FE docket No.	Import volume	Export volume	Comments
1753	1–16–02	Texaco Energy Marketing L.P. 02–01–NG.	120 Bcf		Import natural gas from Canada, beginning on January 21, 2002, and extending through January 20, 2004.
1699–A	1–17–02	TXU Energy Trading Company LP (Formerly TXU Energy Trading Company) 01–36–NG.			Transfer of blanket import and export authority.
1754	1–25–02	EPCOR Merchant and Capital (US) Inc. 02–02–NG.	22 Bcf	33 Bcf	Import and export natural gas from and to Canada, beginning on January 25, 2002, and extending through January 24, 2004.
1633–A	01–28–02	IDACORP Energy L.P. (Formerly IDACORP Energy Solutions LP.) 00–100–NG.			Transfer of blanket import and export authority.

[FR Doc. 02–3890 Filed 2–15–02; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Extension of Collection; Comment Request

AGENCY: Energy Information Administration, DOE.

ACTION: Agency information collection activities: Proposed collection; comment request.

SUMMARY: The Energy Information Administration (EIA) is soliciting comments on the proposed three-year extension to the Form EIA–28, Financial Reporting System (FRS), under section 3507(h)(1).

DATES: Written comments must be submitted within 60 days of the publication of this notice. If you anticipate difficulty in submitting comments within that period, contact the person identified below as soon as possible.

ADDRESSES: Comments should be directed to Gregory P. Filas of EIA. To ensure receipt of the comments by the due date, submission by FAX (202–586–9753) or e-mail (*greg.filas@eia.doe.gov*) is recommended. Mr. Filas mailing address is Energy Information Administration (EI–62), Financial Analysis Team, Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Filas may be telephoned at (202) 586–1347.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Mr. Filas at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974, (Pub. L. No. 93–275, 15 U.S.C. 761 *et seq.*), and the Department of Energy Organization Act (Pub. L. No. 95–91, 42 U.S.C. 7101 *et seq.*), require the Energy Information Administration (EIA) to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer-term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) of the collections under section 3507(h) of the Paperwork Reduction Act of 1995.

Under Pub. L. 95–91, section 205(h), the Administrator of the EIA is required to ''identify and designate'' the major energy companies who must annually file Form EIA–28 to ensure that the data collected provide ''a statistically accurate profile of each line of commerce in the energy industry in the United States.'' Data collected on Form EIA–28 are published and used in analyses of the energy industry.

II. Current Actions

EIA is proposing a three-year extension with no changes to the previously approved Form EIA–28.

III. Request for Comments

Prospective respondents and other interested persons are invited to comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments.

General Issues

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent

A. Are the Form EIA–28 instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can information be submitted by the due date?

C. Public reporting burden for the Form EIA–28 collection, including proposed changes, is estimated to average 450 hours per response. The estimated burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose and provide the information.

Please comment on (1) the accuracy of the agency's estimate and (2) how the agency could minimize the burden of collecting this information, including the use of information technology.

D. The agency estimates respondents will incur no additional costs for reporting other than the hours required to complete the collection. What is the estimated: (1) Total dollar amount annualized for capital and start-up costs; and (2) recurring annual costs of operation and maintenance, and purchase of services associated with this data collection?

E. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the method(s) of collection.

As a Potential User

A. Is the information useful at the levels of detail indicated on the form?

B. For what purpose(s) would the information be used? Be specific.

C. Are there alternate sources for the information and are they useful? If so, what are their deficiencies and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13, 44 U.S.C. Chapter 35).

Issued in Washington, DC.

Nancy J. Kirkendall,

Director, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 02–3889 Filed 2–15–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–347–003]

Canyon Creek Compression Company; Notice of Compliance Filing

February 12, 2002.

Take notice that on February 6, 2002, Canyon Creek Compression Company (Canyon) tendered for filing to be part of its FERC Gas Tariff, Third Revised Volume No. 1, certain pro forma tariff sheets . No effective date is indicated on these revised tariff sheets.

Canyon states that the purpose of this filing is to comply with the Commission's Letter Order in Docket No. RP00–347–002 issued on January 17, 2002. This proceeding relates to compliance by Canyon with Order Nos. 637, *et seq.*

Canyon states that copies of the filing are been mailed to each person designated on the official service list.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at http://www.ferc.gov using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3912 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR02–4–000]

Chevron Products Company, Complainant, v. SFPP, L.P., Respondent; Notice of Complaint

February 12, 2002.

Take notice that on February 11, 2002, pursuant to rule 206 of the Commission's rules of practice and procedure (18 CFR 385.206) and the Procedural Rules Applicable to Oil Pipeline Procedures (18 CFR 343(a)(1)), Chevron Products Company (Chevron) filed a complaint in this proceeding. Chevron alleges that SFPP, L.P. (SFPP) has been and is in violation of the Interstate Commerce Act, 49 U.S.C. App. Section 1, *et seq.* (ICA), by charging unjust and unreasonable rates for the shipment of petroleum products in interstate commerce, particularly from points in Texas and in California to points in Arizona.

Chevron requests that the Commission (1) determine just and reasonable rates for shipment of petroleum products on SFPP's East and West Lines, (2) order refunds, reparations, damages and other just and appropriate relief, including but not limited to the reasonable costs of litigation, (3) consolidate its Complaint with ongoing proceedings in Docket Nos. OR96–2–000, et al., and (4) examine existing SFPP rates and charges for shipment of petroleum products on the East and West Lines and determine that such are unjust, unreasonable and otherwise not in accordance with applicable law.

Chevron has served a copy of the Complaint on SFPP.

Any person desiring to be heard or to protest this 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 must be filed on or before March 4, 2002. 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. Answers to the complaint shall also be due on or before March 4, 2002. 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, interventions and answers 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. 02–3908 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–407–003, and RP00–619–004]

High Island Offshore System; Notice of Compliance Filing

February 12, 2002.

Take notice that on February 5, 2002, High Island Offshore System (HIOS), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets referenced in Appendix A to its filing. HIOS requests that the tariff sheets become effective March 7, 2002.

HIOS states that it is submitting the referenced tariff sheets to comply with the directives of the Commission's November 8, 2001 Order regarding segmentation and secondary mainline point priority.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3913 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–78–000]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Application

February 12, 2002.

Take notice that on January 31, 2002, Maritimes & Northeast Pipeline, L.L.C. (Maritimes), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP02–78–000, an application pursuant to Section 7(c) of the Natural Gas Act (NGA), for a certificate of public convenience and necessity to construct and operate certain pipeline and compression facilities in order to render up to 400,000 dekatherms per day of firm transportation service, all as more fully set forth in the application 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).

Specifically, Maritimes proposes to construct and operate: (1) Approximately 31.3 miles of 36-inch diameter pipeline loop in Washington County, Maine; (2) four new compressor stations in the state of Maine in the towns of Eliot, Gorham, Searsmont, and Brewer, each consisting of 26,800 horsepower (a total of 107,200 horsepower); (3) modifications at the existing Baileyville and Richmond Compressor Stations; (4) modifications to three existing compressor stations; and (5) a new meter station in Haverhill, Massachusetts. In addition, Maritimes proposes to construct various auxiliary installation under Section 2.55 of the Commission's regulations. Maritimes estimates that the cost of the proposed facilities is $250 million and will be financed by equity (25 percent) and a combination of short-term and long-term debt (75 percent).

Maritimes further states that it will provide firm and interruptible service for the capacity created by its proposed facilities pursuant to its existing rate schedules on file with the Commission and the General Terms and Conditions of its FERC Gas Tariff. PanCanadian Energy Services Inc. (PanCanadian) has executed a precedent agreement for a ten-year term for the firm transportation of the entire capacity created by the proposed facilities. Maritimes states that it will provide service to PanCanadian at negotiated rates in accordance with its FERC Gas Tariff.

Maritimes states that its proposal is consistent with the Commission's Certificate Policy Statement. Maritimes maintains that its existing customers will not subsidize the proposed facilities since the revenues associated with the transportation of the PanCanadian volumes will exceed the costs associated with the proposed facilities.[1] Maritimes adds that its proposed facilities will have minimal impact on existing pipelines and their customers, or on landowners and communities and that the public benefits of its proposal outweigh any adverse effects.

Any questions regarding the application should be directed to Joseph F. McHugh, Director, Regulatory Affairs, M&N Management Company, 1284 Soldiers Field Road, Boston, Massachusetts 02135 at 617–560–1518.

[1] Maritimes states that it does not seek a determination at this time regarding the appropriateness of rolling-in the costs of the proposed facilities, but may do so in a future rate case.

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 March 5, 2002, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-

environmental issues prior to the completion of its review of the environmental aspects of the project. The preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3906 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–81–000]

Natural Gas Pipeline Company of America; Notice of Abandonment Application

February 12, 2002.

On February 7, 2002, Natural Gas Pipeline Company of America (Natural), 747 East 22nd Street, Lombard, Illinois, 60148, filed an application in Docket No. CP02–81–000 pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon certain facilities as detailed below, by sale to Prism Gas Systems, Inc. (Prism) and Panther Pipeline, Ltd. (Panther), two non-jurisdictional gathering companies (which are each to own a fifty percent (50%) interest in the facilities to be abandoned). The application also requests that the Commission determine that the facilities to be sold to Prism and Panther, and the services rendered by means of such facilities, are non-jurisdictional gathering facilities and services, and will be exempt from the Commission's jurisdiction under the NGA, all as more fully set forth in the application 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 be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' from follow the instructions (call (202)208–2222 for assistance).

Any questions regarding this application should be directed to James J. McElligott, Senior Vice President, Natural Gas Pipeline Company of America, 747 East 22nd Street, Lombard, Illinois 60148, at (630) 691–3525 or Philip R. Telleen, Esq. at (630) 691–3749.

Specifically, Natural requests authorization to abandon by sale the following:

(1) 26.70 miles of 16-inch diameter offshore and related onshore pipeline and appurtenances originating at the High Island (HI) Block 71A Platform Offshore Texas and terminating onshore near a connection with Natural's 30-inch Louisiana No. 1 Mainline in Jefferson County, Texas including a forty (40) foot portion of 12-inch line in HI Block 48 (HI 71A Lateral), a dual 8-inch meter and appurtenances located on the HI Block 71A Platform Offshore Texas, a dual 8-inch meter and appurtenances located onshore at Natural's Booster Station No. 344 (BS 344) in Jefferson County, Texas, two 12-inch subsea taps located in HI Block 11 and HI Block 48 (all authorized in Docket No. CP72–233), and two (2) 12-inch taps in HI Block 48 and an 8-inch tap in HI Block 71 all authorized in CP82–402 (HI 71A Facilities);

(2) 26.36 miles of 16-inch diameter offshore pipeline and appurtenances originating at the HI Block 139A Platform Offshore Texas and terminating at a 12-inch subsea tie-in tap in HI Block 48 (HI 139A Lateral), a dual 8-inch meter and appurtenances located on the HI Block 139 Platform Offshore Texas, three (3) 12-inch subsea taps in HI Block 51, HI Block 93 and HI Block 109 (authorized in Docket No. CP80–252), and an 8-inch subsea tap in HI Block 68 authorized in Docket No. CP82–402 (HI 139A Facilities);

(3) 3.12 miles of 20-inch onshore pipeline and appurtenances originating near Natural's BS 344 in Jefferson County, Texas and terminating near a connection with Natural's 30-inch Louisiana No. 2 in Jefferson County, Texas (Sabine Pass Lateral) and a dual 12-inch meter and appurtenances located at BS 344 (all authorized in Docket No. CP80–86, as amended) (Sabine Pass Facilities).

There are two ways to become involved in the Commission's review of this abandonment. First, any person wishing to obtain legal status by becoming a party to the proceedings for this abandonment should, on or before March 5, 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 abandonment. 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 abandonment provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this abandonment should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the

Commission) and will not have the right to seek court review of the Commission's final order.

Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying abandonment will be issued.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3907 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP02–155–000 and CP01–407–001]

Ozark Gas Transmission, L.L.C.; Notice of Tariff Filing and Compliance Filing

February 12, 2002.

Take notice that on January 29, 2002, Ozark Gas Transmission, L.L.C. (Ozark) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the revised tariff sheets listed in Appendix A attached to the filing, to be effective March 1, 2002.

Ozark states that the purpose of this filing is to comply with the Commission's order Granting Certificates and Approving Market-Based Storage Rates, issued December 21, 2001 in Docket No. CP01–407–000, directing Ozark to file certain pro forma tariff sheets as actual sheets and to develop cost-based storage rates for no-notice service.

Ozark further states that it has served copies of the filing upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before February 19, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. 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. 02–3914 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP99–580–005 and CP99–582–006]

Southern LNG Inc.; Notice of Compliance Filing

February 12, 2002.

Take notice that on January 10, 2002, Southern LNG Inc. (Southern LNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following proposed sheets to become effective December 1, 2001:

Substitute Original Sheet No. 9
Substitute Original Sheet No. 23
Substitute Original Sheet No. 107
Substitute Original Sheet No. 133

Southern LNG states that the filing implements certain directives in the Commission's order issued on January 7, 2002 in the captioned proceeding. SLNG states that copies of the filing will be served upon its customers and interested state commissions, and upon each party designated on the official service listed compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before February 19, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3905 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC02–48–000, et al.]

Otter Tail Power Company, et al.; Electric Rate and Corporate Regulation Filings

February 11, 2002.

Take notice that the following filings have been made with the Commission. Any comments should be submitted in accordance with Standard Paragraph E at the end of this notice.

1. [Docket No. EC02–48–000] Otter Tail Power Company

Take notice that on February 5, 2002, Otter Tail Power Company, a division of Otter Tail Corporation, (Otter Tail) pursuant to 18 CFR 33.2(i), tendered for filing a supplement to its Application to Transfer Contractual Rights Over Transmission Facilities to the Midwest Independent Transmission System Operator, Inc. filed on January 31, 2002. This supplement is Exhibit L and contains a copy of an order by the North Dakota Public Service Commission, issued on January 31, 2002, regarding Otter Tail's petition for approval of transfer of functional control of certain transmission facilities to the Midwest Independent Transmission System Operator, Inc.

Comment Date: February 26, 2002.

2. Northeast Utilities Service Company, The Connecticut Light and Power Company, Western Massachusetts Electric Company, Select Energy, Inc.

[Docket No. EC02–50–000]

Take notice that on February 5, 2002, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light and Power Company (CL&P), Western Massachusetts Electric Company (WMECO), and Select Energy, Inc. (Select), filed an application for an

order authorizing the proposed transfer of the Bulk Power Service Agreement Between NUSCO, as agent for CL&P and WMECO, and the Town of Madison, Department of Electric Works, to Select.

Comment Date: February 26, 2002.

3. Southern California Edison Company

[Docket No. ER01–2609–003]

Take notice that on February 6, 2002, Southern California Edison Company (SCE) submitted for filing revised sheets for FERC Electric Tariff, First Revised Volume No. 6 Service Agreement No. 10, the Interconnection Facilities Agreement (IFA) between SCE and Wildflower Energy LP (Wildflower).

The purpose of this filing is to comply with the Commission's November 7, 2001 Order Conditionally Accepting Interconnection Agreement for Filing with Modifications in Southern California Edison Company, 97 FERC ¶ 61,148 (2001), which order required certain changes to be made to the IFA.

Copies of this filing were served upon the Public Utilities Commission of the State of California, the California Independent System Operator and Wildflower.

Comment Date: February 27, 2002.

4. Colton Power L.P.

[Docket No. ER01–2644–004]

Take notice that on February 5, 2002, Colton Power L.P. (Applicant) tendered for filing an amended market-based rate schedule under Section 205 of the Federal Power Act in order to comply with the Federal Energy Regulatory Commission's Letter Order accepting Applicant's market-based rate tariff on January 30, 2002 in the above referenced dockets.

Comment Date: February 26, 2002.

5. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–290–001]

Take notice that on February 6, 2002, Midwest Independent Transmission System Operator, Inc. (Midwest ISO), tendered for filing with the Federal Energy Regulatory Commission (Commission), an Attachment U to its Open Access Transmission Tariff (OATT), FERC Electric Tariff, Original Volume No. 1, which contains the Midwest ISO's Process for the Use of Network Resources Outside of the Midwest ISO and Resolving Competing Requests for Transmission Service Among Network Customers and between Point-to-Point and Network Customers.

The Midwest ISO has electronically served copies of its filing, with attachments, upon all Midwest ISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, the Midwest ISO Advisory Committee participants, Policy Subcommittee participants, as well as all state commissions within the region. In addition, the filing has been electronically posted on the Midwest ISO's website at www.midwestios.org under the hearing ''Filings to FERC'' for other interested parties in this matter.

Comment Date: February 27, 2002.

6. CinCap Madison, LLC

[Docket Nos. ER02–322–002 and ER00–1784–004]

Take notice that on February 4, 2002, CinCap Madison, LLC tendered for filing with the Federal Energy Regulatory Commission (Commission) an amendment to its notice of change in status and an amendment to the market-based rate tariff and code of conduct.

Comment Date: February 25, 2002.

7. Shady Hills Power Company, LLC

[Docket No. ER02–537–001]

Take notice that on February 6, 2002, Shady Hills Power Company, LLC (Shady Hills) tendered for filing, pursuant to a letter order issued by the Federal Energy Regulatory Commission (Commission) on January 30, 2002, a compliance filing enclosing revised tariff sheets reflecting the correct effective date and including the service agreement as Sheet No. 4 to Shady Hills' market-based rate tariff.

Comment Date: February 27, 2002.

8. Otter Tail Power Company

[Docket No. ER02–912–001]

Take notice that on February 5, 2002, Otter Tail Power Company submitted corrections to its proposal to implement a Control Area Services and Operations Tariff and terminate its Open Access Transmission Tariff, which was filed on January 31, 2002. The corrections concern the Control Area Services and Operations Tariff.

Comment Date: February 26, 2002.

9. Otter Tail Power Company

[Docket No. ER02–916–001]

Take notice that on February 5, 2002, Otter Tail Power Company filed a revised version of the Ancillary Services Agreement between Otter Tail Power Company and the Midwest Independent Transmission System Operator, Inc. to replace the initial version filed on January 31, 2002. The revised version contains the signatures of both parties on a single page and also includes the designations required by Order No. 614.

Copies of this filing were sent to those persons on the official service list compiled by the Secretary in this proceeding and upon each person served the original filing made on January 31, 2002.

Comment Date: February 26, 2002.

10. Entergy Services, Inc.

[Docket No. ER02–970–000]

Take notice that on February 6, 2002, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing a Non-Firm Point-To-Point Transmission Service Agreement and a Short-Term Firm Point-To-Point Transmission Service Agreement both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Entergy Power Generation Corporation.

Comment Date: February 27, 2002.

11. DTE East China, LLC

[Docket No. ER02–971–000]

Take notice that on February 6, 2002, DTE East China, LLC (DTE East China) submitted for filing with the Federal Energy Regulatory Commission (Commission), pursuant to Section 205 of the Federal Power Act, and Part 35 of the Commission's regulations, a Petition for authorization to make sales of electric capacity and energy, and for certain waivers and blanket authorizations of the Commission's regulations typically granted to entities with market-based rate authorizations.

Comment Date: February 27, 2002.

12. Illinois Power Company

[Docket No. ER02–972–000]

Take notice that on February 6, 2002, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, filed with the Federal Energy Regulatory Commission (Commission), a Network Integration Transmission Service Agreement entered into by Illinois Power, as transmission provider, with Illinois Power, as retail merchant. The Agreement was entered into pursuant to Illinois Power's Open Access Transmission Tariff.

Illinois Power requests an effective date of February 1, 2002.

Illinois Power states that a copy of this filing has been sent to the customer.

Comment Date: February 27, 2002.

13. International Transmission Company

[Docket No. ER02–974–000]

Take notice that on February 6, 2002, International Transmission Company

(International Transmission) tendered for filing pursuant to Section 205 of the Federal Power Act, 16 U.S.C. § 824d (1994), transmission service agreements for the provision of network integration transmission service and short-term firm point-to-point transmission service under the joint open access transmission tariff between International Transmission and Michigan Electric Transmission Company to the following customers: CMS MS&T Michigan L.L.C., Engage Energy America LLC, Quest Energy L.L.C., and Nordic Marketing LLC.

Comment Date: February 27, 2002.

14. Energy.com Corporation

[Docket No. ER02–976–000]

Take notice that on January 31, 2002, Energy.com Corporation and its parent company, eVulkan Inc. d/b/a beMany, filed a cancellation of rate schedule.

Energy.com requests an effective date of January 31, 2002.

Comment Date: February 21, 2002.

15. Entergy Services, Inc.

[Docket No. ER02–980–000]

Take notice that on February 6, 2002, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing a Long-Term Firm Point-To-Point Transmission Service Agreement between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Calpine Energy Services, L.P.

Comment Date: February 27, 2002.

16. California Independent System Operator Corporation

[Docket No. ER02–981–000]

Take notice that on February 6, 2002, the California Independent System Operator Corporation (ISO), tendered for filing with the Federal Energy Regulatory Commission (Commission) a Scheduling Coordinator Agreement between the ISO and Allegheny Energy Supply Company, LLC for acceptance by the Commission.

The ISO is requesting the Coordinator Agreement to be made effective as of January 31, 2002.

The ISO states that this filing has been served on Allegheny Energy Supply Company, LLC and the California Public Utilities Commission.

Comment Date: February 27, 2002.

17. Koch Energy Trading, Inc.

[Docket No. ER02–982–000]

Take notice that on February 6, 2002, Koch Energy Trading, Inc. tendered for filing with the Federal Energy Regulatory Commission (Commission), a Notice of Termination of a Service Agreement with Koch Energy Trading, Inc. under Rate Schedule FERC No. 210 previously filed under the Commission's Docket No. ER00–993–000 with an effective termination date of February 1, 2002.

Comment Date: February 27, 2002.

18. Illinois Power Company

[Docket No. ER02–983–000]

Take notice that on February 6, 2002, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, filed with the Federal Energy Regulatory Commission (Commission) a Notice of Cancellation, effective at 11:59 p.m. on January 31, 2002, of Rate PS Power Sales Tariff, FERC Electric Tariff, Original Volume No. 7.

Illinois Power states that a copy of the Notice of Cancellation has been mailed to each person on the official service list in this proceeding and each party having a service agreement under Rate PS Power Sales Tariff.

Comment Date: February 27, 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. 02–3862 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2342–011 Washington]

PacifiCorp, Notice of Intention to Hold a Public Meeting on the Draft Supplemental Final Environmental Impact Statement for the Condit Hydroelectric Project

February 12, 2002.

On January 29, 2002, the Commission staff delivered the Draft Supplemental Final Environmental Impact Statement (draft supplemental FEIS) to the U.S. Environmental Protection Agency, resource and land management agencies, and interested organizations and individuals. The draft supplemental FEIS evaluates the environmental consequences of removing Condit dam located on the White Salmon River in Klickitat and Skamania Counties, Washington.

The draft supplemental FEIS was noticed in the **Federal Register** on February 8, 2002, and comments are due by March 25, 2002.

Commission staff will conduct a public meeting to present the draft supplemental FEIS findings, answer questions about the findings, and solicit public comment. The public meeting will be recorded by a court reporter, and all meeting statements (oral or written) will become part of the Commission's public record of this proceeding.

The meeting will be held Wednesday, March 13, 2002, in the Columbia Room, at the Best Western Hood River Inn, 1108 East Marina Way, Hood River, Oregon. The meeting will begin at 7:00 p.m. and end at 9:30 p.m.

For further information, please contact Nicholas Jayjack at (202) 219–2825.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3911 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Site Visit

February 12, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Amended application for new license.

b. *Project No.:* 1354.

c. *Date filed:* July 28, 2001.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Crane Valley.

f. *Location:* On Willow Creek, North Fork Willow Creek, South Fork Willow Creek, Chilkoot Creek, and Chiquito Creek within the San Joaquin River Basin. The project is in Madera and Fresno counties near the town of Oakhurst, California.

The project includes 738.11 acres of federal lands within the Sierra National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791 (a)–825(r).

h. *Applicant Contact:* Mr. James Holeman (415) 973–6891 or Mr. Nicholas Markevich (415) 973–5358.

i. FERC Contact: Jim Fargo at (202) 219–2848; e-mail *james.fargo@ferc.fed.us.*

j. This application has been accepted, but is not ready for environmental analysis at this time.

k. The Crane Valley—with 26.7 megawatts (MW) of normal operating capacity—has storage, diversion, water conveyance, and power production facilities.

- The Crane Valley reservoir (Bass Lake) with a maximum storage capacity of 45,410 acre-feet (ac-ft) and Chilkoot reservoir, upstream of Crane valley, with a maximum capacity of 310 ac-ft.
- A small diversion on a tributary to the West Fork Chiquito Creek that brings water to Chilkoot reservoir.
- A conveyance system—including three diversion dams, three forebays, one afterbay, and about 14 miles of canals, tunnels and flumes—linking these five powerhouses:

—Crane Valley, with 0.9 MW of normal operating capacity
—San Joaquin No. 3, with 3.4 MW of normal operating capacity
—San Joaquin No. 2, with 3.2 MW of normal operating capacity
—San Joaquin No. 1A, with 0.4 MW of normal operating capacity
—Wishon, with 18.8 MW of normal operating capacity.

Historically, the project produces 123.3 gigawatthours (GWh) of electrical energy annually and has a dependable capacity of 8.4 MW.

1. Site visit: On March 12 and 13, 2002, the participants will meet at 9:00 a.m. at the registration desk at the Pines Resort at Bass Lake in Oakhurst, California. The site visit will extend to 5:00 p.m. Those interested in participating should contact Mr. Nicholas Markevich (415) 973–5358, in advance. Participants should provide their own transportation and apparel for the site visit. Participants are responsible for their own lunches; however, we will be stopping at nearby restaurants.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3909 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Scoping Meeting and Soliciting Scoping Comments for an Applicant Prepared Environmental Assessment Using the Alternative Licensing Process

February 12, 2002.

a. Type of Application: Alternative procedures to prepare a new license application.

b. Project Nos.: P–2146–090, P–82–019, P–618–104, and P–2165–015.

c. Applicant: Alabama Power Company.

d. Name of Projects: Coosa River Project (Weiss, Neely Henry, Logan Martin, Lay and Bouldin developments), Mitchell Project, Jordan Project, and Warrior River Project (Lewis Smith and Bankhead developments), collectively called the Coosa-Warrior Projects.

e. Location: On the Coosa and Warrior Rivers, in Cherokee, Etowah, Calhoun, St. Clair, Talladega, Chilton, Coosa, Shelby, Elmore, Walker, Winston, Cullman, and Tuscaloosa Counties, Alabama and Floyd County, Georgia. The Warrior River Project occupies federal lands within the Bankhead National Forest.

f. Filed Pursuant to: Federal Power Act, 16 U.S.C. §§ 791(a)—825®).

g. Applicant Contacts: Jim Crew, Relicensing Project Manager, Alabama Power Company, 600 North 18th Street, Birmingham, AL 35291, (205) 257–4265, e-mail jfcrew@southernco.com or Barry Lovett, Relicensing Project Manager, Alabama Power Company, 600 North 18th Street, Birmingham, AL 35291, (205) 257–1268, e-mail *bklovett@southernco.com.*

h. FERC Contact: Ronald McKitrick at (770) 452–3778; e-mail ronald.mckitrick@ferc.fed.us.

i. Deadline for filing scoping comments: April 12, 2002.

All documents (original and eight copies) should be filed with: Magalie Roman Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

Scoping comments may be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(l)(iii) and the instructions of the Commission's web site (*http://ww.ferc.gov*) under the ''e-filing'' link.

The existing Coosa River Project consists of five developments (Weiss, Neely Henry, Logan Martin, Lay, and Bouldin) with a total rated capacity of 705.78 MW. Lay and Bouldin operate principally as run-of-river projects. Weiss, Neely Henry, and Logan Martin operate as peaking projects. The Mitchell Project has a rated capacity of 170 MW and operates principally as run-of-river. The Jordan Project has a rated capacity of 100 MW and operates principally as run-of-river. The Warrior River Projects consists of two developments (Lewis Smith and Bankhead) with a total rated capacity of 210 MW, Lewis Smith is a peaking project and Bankhead operates principally as run-of-river. The Bankhead development is located on an existing ACOE dam and reservoir. The project includes the powerhouse only.

k. Scoping Process

Alabama Power Company (APC) intends to utilize the Federal Energy Regulatory Commission's (Commission) alternative licensing process (ALP). Under the ALP, APC will prepare an Applicant Prepared Environmental Assessment (APEA) and license application for the Coosa-Warrior Projects.

APC expects to file the APEA and the license application for the Coosa-Warrior Projects with the Commission by July 2005.

The purpose of this notice is to inform you of the opportunity to participate in the upcoming scoping meeting identified below, and to solicit your scoping comments.

Scoping Meeting

APC and the Commission staff will hold an evening scoping meeting to help us identify the scope of issues to be addressed in the APEA.

All interested individuals, organizations, and agencies are invited to attend the meeting, to assist the staff in identifying the environmental issues and reasonable alternatives that should be analyzed in the APEA. The time and location of the evening meeting is as follows:

Tuesday, March 12, 2002, 7:00 pm to 9:00 pm.

Sheraton Birmingham South Hotel, 8 Perimeter Drive, Birmingham, Alabama 35243, (205) 967–2700.

Scoping Document 1 (SD1) outlines the subject areas to be addressed in the APEA and describes the accomplishments of the stakeholders during early scoping efforts for the

APEA. The purpose of the SD1 is to help focus discussions at the meeting. SD1 was mailed by February 18th to the APEA participants, in addition copies will be available at the scoping meeting. If you did not receive a copy of SD1 and would like to review the document before the meeting you can locate the document on the APC website using the following link *http://www.southernco.com/alpower/hydro.* (For assistance, please contact APC at (205) 257–2211). You may also use the Commission's website at *www.ferc.gov* using the ''RIMS'' link—select ''Docket No.'' and follow the instructions (call (202)–452–3778 or by email at *ronald.mckitrick@ferc.fed.us.* You may also receive a copy via electronic mail.

Based on all written comments received, a Scoping Document 2 (SD2) may be issued. SD2 will include a revised list of issues, based on the scoping sessions.

Objectives

At the scoping meeting, the Commission staff and APC will: (1) summarize the environmental issues tentatively identified for analysis in the APEA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from the experts and the public on issues that should be analyzed in the APEA, including viewpoints in opposition to, or in support of stakeholder's list of issues as defined in SD1; (4) determine the resource issues to be addressed in the APEA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

The meeting will be recorded by a stenographer and will become part of the formal record of the Commission proceeding on the project.

Individuals, organizations and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the APC in defining and clarifying the issues to be addressed in the APEA.

Magalie R. Salas,

Secretary.

[FR Doc. 02–3910 Filed 2–15–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Energy Imbalance Service

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Extension of Comment Period.

SUMMARY: The Western Area Power Administration (Western), a Federal power marketing agency of the Department of Energy (DOE), published on December 20, 2001, in the **Federal Register**, a notice announcing a revision to the current rate schedule for Energy Imbalance Service for the Western Area Colorado Missouri control area (WACM).

Western held an informal public information meeting on January 15, 2002. As a result of this meeting, several requests were made to extend the comment period to allow for further review of data for those entities within WACM. This will also allow those entities to submit more in-depth comments on the subject.

This **Federal Register** notice extends the comment period for the Proposed Rate for Energy Imbalance Service from January 31, 2002, to February 28, 2002, and will delay the date that the interim rate is to be placed into effect from April 1, 2002, to May 1, 2002.

DATES: The consultation and comment period has been extended to February 28, 2002. The date that the interim rate is to be placed into effect has been delayed from April 1, 2002, to may 1, 2002.

ADDRESSES: Send written comments about this proposed rate schedule revision to: Mr. Joel K. Bladow, Regional Manager, Rocky Mountain Customer Service Region, Western Area Power Administration, PO Box 3700, Loveland, CO 80539–3003. Interested parties may also fax their comments addressed to Mr. Bladow at (970) 461–7213. Western must receive all written comments by 6 p.m. (MST) February 28, 2002, to be assured consideration.

FOR FURTHER INFORMATION CONTACT: Daniel T. Payton, Rates Manager, 970–461–4772; Paul Humberson, Project Manager, 970–461–7327; or Lynn E. Richardson, Public Utilities Specialist, 970–461–7440.

Dated: February 5, 2002.

Michael S. Hacskaylo,

Adminstrator.

[FR Doc. 02–3888 Filed 2–15–02; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7146–9]

Proposed CERCLA Administrative Order on Consent for Remedial Investigation/Feasibility Study—Bountiful/Woods Cross/5th South PCE Plume NPL Site, Woods Cross, Davis County, UT

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for public comment.

SUMMARY: In accordance with the requirements of section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9622(h)(1), notice is hereby given of the proposed administrative settlement under section 122(h) of CERCLA, 42 U.S.C. 9622(h), between EPA and W.S. Hatch Company (''Settling Party'') regarding the W.S. Hatch facility (the ''Facility''). The property which is the subject of this proposed Consent Order is a parcel of land approximately three acres in size and is located at approximately 643 South and 800 West in Woods Cross, Davis County, Utah. The settlement, embodied in the proposed Administrative Order on Consent for Remedial Investigation/Feasibility Study (''RI/FS''), EPA Docket No. CERCLA–8–2001–14 (''AOC''), is intended to resolve the Settling Party's liability at the Site for and all response costs incurred and paid, or to be incurred and paid, by EPA in connection with the work performed at the Site as provided for in the AOC.

W.S. Hatch Company is the owner of a parcel of land which has been impacted by business operations at the Hatchco Facility and is included within the defined boundaries of the Site. The proposed AOC will resolve Settling Party's liability under section 107(a)(1) of CERCLA, 42 U.S.C. 9607(a)(1). Under the terms of the proposed AOC, the Settling Party agrees to conduct a RI/FS on the Settling Party's property. In exchange, the Settling Party will settle its liability for all response costs incurred and paid, or to be incurred and paid, at the Site in connection with the work performed at the Site as provided for in the AOC.

OPPORTUNITY FOR COMMENT: For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received on the Reimbursement of Response and Oversight Costs portion of the AOC only (Section XXII) and may modify or

withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA Superfund Record Center, 999 18th Street, 5th Floor, in Denver, Colorado.

DATES: Comments must be submitted on or before March 21, 2002.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Records Center, 999 18th Street, 5th Floor, in Denver, Colorado. Comments and requests for a copy of the proposed settlement should be addressed to Carol Pokorny, Enforcement Specialist (8ENF–T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, and should reference the Bountiful/Woods Cross/5th South PCE Plume NPL Site (Hatchco Property), Woods Cross, Davis County, Utah, and the EPA Docket No. CERCLA–8–200–14 (Hatchco AOC).

FOR FURTHER INFORMATION CONTACT: Carol Pokorny, Enforcement Specialist (8ENF–T), Technical Enforcement Program, U.S. Environmental Protection Agency, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, (303) 312–6970.

It is so agreed:

Dated: February 4, 2002.

Carol Rushin,

Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, Region VIII.

[FR Doc. 02–3923 Filed 2–15–02; 8:45 am]

BILLING CODE 6560–50–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Meeting of the President's Council of Advisors on Science and Technology

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for a meeting of the President's Council of Advisors on Science and Technology (PCAST), and describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (FACA).

Dates and Place: March 5, 2002, Washington, DC. This meeting will take place in the Board Room of the American Institute of Architects, 1735 New York Avenue, NW, Washington, DC.

Type of Meeting: Open.

Proposed Schedule and Agenda: The President's Council of Advisors on Science and Technology is tentatively scheduled to meet in open session on Tuesday, March 5, 2002, at approximately 10:30 a.m., to discuss: (1) The science and technology of combating terrorism; (2) policies and technologies to improve energy efficiency; (3) the federal investment in science and technology research and development; and (4) demand issues that can speed the deployment of a 21st Century broadband infrastructure. The work of the PCAST panels on these topics will also be discussed. This session will end at approximately 4:30 p.m.

Public Comments: There will be a time allocated for the public to speak on any of the above agenda items. Please make your request for the opportunity to make a public comment five (5) days in advance of the meeting. The time for public comments will be limited to no more than 5 minutes per person. Written comments are welcome at any time prior to or following the meeting. Please notify Stan Sokul, PCAST Executive Director, at (202) 456–6070, or fax your request/comments to (202) 456–6021.

FOR FURTHER INFORMATION: For information regarding time, place and agenda, please call Cynthia Chase at (202) 456–6010, prior to 3:00 p.m. on Friday, March 1, 2002. Information may also be available at the PCAST Web site at: *http://www.ostp.gov/PCAST/pcast.html.* Please note that public seating for this meeting is limited and is available on a first-come, first-served basis.

SUPPLEMENTARY INFORMATION: The President's Council of Advisors on Science and Technology was established by Executive Order 13226, on September 30, 2001. The purpose of PCAST is to advise the President on matters of science and technology policy, and to assist the President's National Science and Technology Council in securing private sector participation in its activities. The Council members are distinguished individuals appointed by the President from non-Federal sectors. The PCAST is co-chaired by Dr. John H. Marburger, III, the Director of the Office of Science and Technology Policy, and by E. Floyd Kvamme, a Partner at Kleiner Perkins Caufield & Byers.

Barbara Ann Ferguson,

Assistant Director for Budget and Administration, Office of Science and Technology Policy.

[FR Doc. 02–3885 Filed 2–15–02; 8:45 am]

BILLING CODE 3170–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Establishment of the FDIC Advisory Committee on Banking Policy

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice.

SUMMARY: The Chairman of the Federal Deposit Insurance Corporation has determined to establish the FDIC Advisory Committee on Banking Policy (''the Committee''). The Committee will provide advice and recommendations on a broad range of issues relating to the FDIC's mission and activities, including, but not limited to: the delivery of services by the FDIC, its corporate infrastructure, and policy initiatives in the areas of deposit insurance, supervision of financial institutions, resolutions and management of failing and failed institutions, and other issues impacting the financial services industry. The Chairman certifies that the establishment of this advisory committee is in the public interest in connection with the performance of duties imposed on the FDIC by law.

FOR FURTHER INFORMATION CONTACT: Joan S. van Berg, Legal Division, FDIC, 550 17th Street, NW., Washington, DC 20429; telephone (202) 898–6891.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act (''FACA''), 5 U.S.C. App. 2, notice is hereby given that the Chairman of the FDIC intends to establish the FDIC Advisory Committee on Banking Policy (''the Committee''). After consultation with the General Services Administration as required by section 9(a)(2) of FACA and 41 CFR 102–3.65, the Chairman of the FDIC certifies that he has determined that the establishment of the Committee is in the public interest in connection with the performance of duties imposed on the FDIC by law.

The Committee will provide advice and recommendations on a broad range of issues relating to the FDIC's mission and activities, including, but not limited to: the delivery of services by the FDIC, its corporate infrastructure, and policy

initiatives in the areas of deposit insurance, supervision of financial institutions, resolutions and management of failing and failed institutions, and other issues impacting the financial services industry. The Committee will function solely as an advisory body, and in compliance with the provisions of the Federal Advisory Committee Act. To achieve the Committee's goals, members will be appointed that can effectively represent the varied and diverse interests affected by the range of issues to be considered. The Committee's membership may include, among others, representatives from academia, financial institutions, the financial services industry, private industry, consumer or public interest groups, state supervisory authorities, or others impacted by banking-related and operational issues. The Committee's members will be chosen to ensure a fairly balanced membership to bring into account a diversity of viewpoints, expertise, and backgrounds.

Dated: February 13, 2002.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 02–3975 Filed 2–15–02; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

Labor-Management Cooperation Program; Information Collection Request

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Publication of FMCS seeking comments on the following information collection.

SUMMARY: The Federal Mediation and Conciliation Service (FMCS) is seeking comments on the following information colleciton requests. FMCS submitted to the Office of Management and Budget (OMB) a request for review of six FMCS forms. The forms are SF–242 Application or Reimbursement, (LM–8) Project Performance, SF–269a (LM–7) Financial Status Report, (LM–9) FMCS Grants Program Grantee Evaluation and (LM–3) Accounting System and Financial Capability Questionnaire.

DATES: Comments must be submitted within *60* days from the date of this publication in the **Federal Register.**

ADDRESSES: Send Comments to: Office of Information and Regulatory Affairs of Office of Management and Budget, Attention: Desk Officer for the Federal Mediation and Conciliation Service, Room 10235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jane A. Lorber, (202) 606–8181.

FEDERAL MEDIATION AND CONCILIATION SERVICE

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Notice of Forms SF–424, SF–270 (LM–6), (LM–8), SF–269a (LM–7), (LM–9), and (LM–3) submitted for extension and review to the Office of Management and Budget.

SUMMARY: This notice announces that six information collection requests contained in the Federal Mediation and Conciliation Service (FMCS) agency forms are coming up for renewal. FMCS submitted to the Office of Management and Budget (OMB) a request for review of six FMCS forms: SF–424 Application for Federal Assistance, SF–270 (LM–6)—Request for Advance or Reimbursement, (LM–8)—Project Performance, SF–269 (LM–7)—Financial Status Report, (LM–9)—FMCS Grants Program Grantee Evaluation Questionnaire, and (LM–3)—Accounting System and Financial Capability Questionnaire. In addition to renewing these forms in paper format, FMCS will also provide the forms on-line in a fillable format to allow for application by electronic means as required by the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106–107. The request seeks OMB approval for a three-year expiration date of Forms SF–424, SF–269a (LM–6), (LM–8), SF–270a (LM–7), (LM–9) and (LM–3) until December 31, 2004. FMCS is soliciting comments on specific aspects of the collection as described below.

DATES: Comments must be submitted on or before February 28, 2002.

ADDRESSES: Submit written comments identified by the appropriate agency form number by mail to to the Office of Information and Regulatory Affairs of Office of Management and Budget, Attn: Desk Office for the Federal Mediation and Conciliation Service, Room 10235, Washington, DC 20503. Copies of the complete agency forms may be obtained from the Labor Management Grants Program at Federal Mediation and Conciliation Service, the Labor Management Grants Program, 2100 K Street, NW., Washington, DC 20427 or by contacting the person whose name appears under the section headed, **FOR FURTHER INFORMATION CONTACT.**

Comments and data may also be submitted by fax at (202) 606–3434 or electronically by sending electronic (e-mail) to *ilorber@fmcs.gov* or *lstubbs@fmcs.gov.* All comments and data in electronic form must be identified by the appropriate agency form number. No confidential business information (CBI) should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of the information as ''CBI''. Information so marked will not be disclosed but a copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by FMCS without prior notice. All written comments will be available for inspection in Room 714 at the Washington, DC address above from 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Jane Lorber, Director of Labor Management Grants Program or Ms. Linda Stubbs, Grants Management Specialists, FMCS 2100 K Street, NW., Washington, DC 20427. Telephone (202) 606–8181; Fax (202) 606–3434.

SUPPLEMENTARY INFORMATION: Copies of each of the agency forms are available from the Labor-Management Grants Program, by calling, facing, or writing, Ms. Linda Stubbs at the above address. Please ask for the form by title and agency form number.

I. Information Collection Requests

FMCS is seeking comments on the following information collection requests contained in FMCS agency forms.

Agency: Federal Mediation and Conciliation Service.

Form Number: OMB No. 3076–0006.

Type of Request: Extension of Expiration date of a currently approved collection without any change in the substance. In compliance with the Federal Financial Assistance Management Improvement Act of 1999, Public Law 106–107, an electronic filing is being added as a collection method.

Affected Entities: Potential applicants/grantees who received our grant application kit. Also, applicants/grantees who have received a grant from FMCS.

Frequency:

a. Three of the forms the SF–424, LM–6, and LM–9 are submitted at the applicant/grantee's discretion.

b. To conduct the quarterly submission, LM–7/LM–8 forms are

used. Less than quarterly reports would deprive FMCS of the opportunity to provide promptly technical assistance to deal with those problems identified in the report.

c. Once per application. The LM–3 is the only form to which a ''similar information'' requirement could apply. That form takes the requirement into consideration by accepting recent audit reports in lieu of applicant completion of items C2 through 9 and items D1 through 3.

Burden: SF–424 Application for Federal Assistance, SF–270 (LM–6) Request for Advance or Reimbursement-30 minutes, (LM–8) Project Performance-60 minutes, SF–269a (LM–7) Financial Status Report-30 minutes, (LM–9) FMCS Grants Program Evaluation Questionnaire-60 minutes, and (LM–3) Accounting System and Financial Capability Questionnaire 60 minutes.

Abstract: Except for the FMCS Forms LM–3 and LM–9, the forms under consideration herein are either required or recommended on OMB Circulars. The two exceptions are non-recurring forms, the former a questionnaire sent only to non-governmental potential grantees and the latter a questionnaire sent only to former grantees for voluntary completion and submission.

The collected information is used by FMCS to determine annual applicant suitability, to monitor quarterly grant project status, and for on-going program evaluation. If the information were not collected, there could be no accounting for the activities of the program. Actual use has been the same as intended use.

II. Request for Comments

FMCS solicits 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 estimates of the burden of the proposed collection of information.

(ii) Enhance the quality, utility, and clarity of the information to be collected.

(iv) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated electronic collection technologies or other forms of information technology, e.g. permitting electronic and fax submission of responses.

III. The Official Record

The official record is the paper records maintained at the address in **ADDRESSES** at the beginning of this document. FMCS will transfer all electronically received comments into printed form as they are received. These records are available for inspection from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

List of Subjects

Labor-Management Cooperation Program and Information collection requests.

Dated: December 21, 2001.

Jane A. Lorber,

Director, Labor Management Grants Program.

[FR Doc. 02–3886 Filed 2–15–02; 7:45 am]

BILLING CODE 6372–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 4, 2002.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Paul J. Thompson, Leawood, Kansas; Mark C. Thompson, Kansas City, Missouri; and Timothy J. Thompson, Fairway, Kansas; to acquire voting shares of CCB Corporation, Kansas City, Missouri, and thereby indirectly acquire voting shares of Country Club Bank, National Association, Prairie Village, Kansas, and Acquisition Corporation, Leawood, Kansas, and thereby acquire shares of MidAmerican Bank and Trust Company, National Association, Leavenworth, Kansas

Board of Governors of the Federal Reserve System, February 12, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–3880 Filed 2–15–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. 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 each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 14, 2002.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. First Community Bancshares, Xenia, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of First Community Bank, Xenia-Flora, Xenia, Illinois.

Board of Governors of the Federal Reserve System, February 12, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–3881 Filed 2–15–02; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
TRANSACTIONS GRANTED EARLY TERMINATION—01/22/2002			
20020314	SBC Communications Inc.	Yahoo! Inc.	Yahoo! Inc.
20020315	CKE Restaurants, Inc.	Santa Barbara Restaurants Group, Inc.	Santa Barbara Restaurants Group, Inc.
20020320	DBBC, L.L.C.	Cumulus Media Inc.	Cumulus Media Inc.
20020323	Atmos Energy Corporation	Robert M. Hearin Support Foundation	Mississippi Valley Gas Company.
20020327	Kirin Brewery Company, Limited	Diageo plc	Joseph E. Seagram & Sons, Inc.
20020333	General Electric Company	W. Don Cornwell	KNTV License, Inc. KNTV Television, Inc.
20020335	Joseph M. & Marie Field	Tribune Company	Tribune Denever Radio, Inc.
20020339	Crandell C. & Erskine B. Bowels	Carl M. & Marie T. Bouckaert	Beaulieu Canada Company. Beaulieu Group, LLC.
20020340	Heartland Industrial Partners, L.P.	Carl M. & Marie T. Bouckaert	Beaulieu Canada Company. Beaulieu Group, LLC.
TRANSACTIONS GRANTED EARLY TERMINATION—01/23/2002			
20020290	GTCR Fund VII, L.P.	Verizon Communications Inc.	TSI Telecommunications Services Inc.
20020332	The Bank of New York Company, Inc.	Credit Suisse Group	Autranet LLC.
20020348	SBC Communications, Inc.	Newco	Newco.
TRANSACTIONS GRANTED EARLY TERMINATION—01/24/2002			
20020351	Tyco International Ltd.	McGrath RentCorp	McGrath RentCorp.
TRANSACTIONS GRANTED EARLY TERMINATION—01/25/2002			
20020325	Yahoo! Inc.	HotJobs.com, Ltd.	HotJobs.com,Ltd
20020342	Nextel Communications, Inc.	NeoWorld Holdings, LLC	NeoWorld Communications, Inc.
20020346	Digi International Inc.	NetSilicon, Inc.	NetSilicon, Inc.
TRANSACTIONS GRANTED EARLY TERMINATION—01/28/2002			
20020353	Moore Corporation Limited	The Nielsen Group, Inc.	The Nielsen Company.
20020355	Chiron Corporation	Matrix Pharmaceutical, Inc.	Matrix Pharmaceutical, Inc.
20020356	Danaher Corporation	Marconi plc	Marconi Data Systems, Inc.
20020359	Dycom Industries, Inc.	Arguss Communications, Inc.	Arguss Communications, Inc.
20020360	Sumner M. Redstone	Sumner M. Redstone	MTVI Group LP.
20020361	Barcardi U.S.A., Inc.	Tequila Cazadores, S.A. de C.V.	Tequila Cazadores, S.A. de C.V.
20020366	IM Internationalmedia AG	Spyglass Enterainment Group, Inc.	Spyglass Entertainment Group, Inc.
20020367	Gray Barber	IM Internationalmedia AG	IM Internationalmedia AG.
20020370	Pierre Lassonde	Newmont Mining Corporation	Newmont Mining Corporation.
20020371	Seymour Schulich	Newmont Mining Corporation	Newmont Mining Corporation
TRANSACTIONS GRANTED EARLY TERMINATION—01/29/2002			
20020324	Carl C. Icahn	Willamette Industries, Inc.	Willamette Industries, Inc.
20020328	Northwestern Corporation	The Montana Power Company	The Montana Power Company
20020357	Alpha Industries, Inc.	Conexant Systems, Inc.	Washington Sub, Inc.
20020365	Respironics, Inc.	Novametrix Medical Systems Inc.	Novametrix Medical Systems Inc.
20020369	General Electric Company	PII Group Limited	PII Group Limited
TRANSACTIONS GRANTED EARLY TERMINATION—01/30/2002			
20020264	Danaher Corporation	Pennon Group, Plc	Viridor Instrumentation Limited.

Trans #	Acquiring	Acquired	Entities
TRANSACTIONS GRANTED EARLY TERMINATION—02/01/2002			
20020306	Elan Corporation, plc	Ligand Pharmaceuticals Incorporated	Ligand Pharmaceuticals Incorporated.
20020336	Adelphia Communications Corporation	ML Media Partners, L.P.	Century/ML Cable Venture.
20020374	Nestle S.A.	PhotoCure ASA	PhotoCure ASA.
20020375	Mrs. L. Bettencourt	PhotoCure ASA	PhotoCure ASA.
20020377	Yellow Pages Investments, L.P.	McLeodUSA Incorporated	McLeodUSA Media Group, Inc.
20020389	Mr. Jeffrey H. Loria	Mr. John W. Henry	Florida Marlins Baseball Club, L.L.C. Marlins Ballpark Development Company.
20020390	Mr. John W. Henry	The Jean R. Yawkey Trust, dated July 28, 1981, as amended.	Boston Red Sox Baseball Club L.P.
20020393	UBS AG	Enron Corp.	Enron Corp.
20020395	CenturyTel, Inc.	Verizon Communications Inc.	Verizon Communications Inc.
20020396	Voting Trust Agreement	R.R. Engstrom	Darr Equipment Operating Co., L.P. Darr Rental Co.
20020401	Peter M. Holt	R.R. Engstrom	Darr Energy Services, L.P. Darr Equipment Operating Co., L.P. Darr Rental Co.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, or Chandra L. Kennedy, Contact Representatives. Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary .

[FR Doc. 02–3830 Filed 2–15–02; 8:45 am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0259]

Proposed Collection for Public Comments; Comment Request Entitled Market Research Questionnaire

AGENCY: Federal Supply Service, GSA.

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (3090–0259), Market Research Questionnaire.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the General Services Administration (GSA) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Market Research Questionnaire.

Public comments are particularly invited on: Whether this collection of market research information is necessary for the proper performance of GSA procurement, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

DATES: *Comment Due Date*: April 22, 2002.

ADDRESSES: Submit comments regarding this information collection to Stephanie Morris, General Services Administration, Acquisition Policy Division, 1800 F Street, NW., Room 4035, Washington, DC 20405 or fax to (202) 501–4067. Please cite OMB Control Number 3090–0259.

FOR FURTHER INFORMATION CONTACT: Charles P. Gallagher, Federal Supply Service, GSA (703) 305–6930.

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration will be requesting the Office of Management and Budget (OMB) to review and approve information collection, 3090–0259, concerning the Market Research Questionnaire. The Market Research Questionnaire is used to gather information that is necessary to develop and/or revise Federal specifications and other purchase descriptions.

B. Annual Reporting Burden

Respondents: 25.
Annual Responses: 25.
Average hours per response: 0.5.
Burden Hours: 12.5.

Obtaining Copies of Proposal: Requester may obtain a copy of the proposal from the General Services Administration, Acquisition Policy Division (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501–4744. Please cite OMB Control No. 3090–0259, Market Research Questionnaire.

Dated: February 11, 2002.

Michael W. Carleton,

Chief Information Officer (I).

[FR Doc. 02–3997 Filed 2–15–02; 8:45 am]

BILLING CODE 6020–61–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

Protection of Human Subjects: Common Rule (56 FR 28003) and HHS Regulations at 45 CFR Part 46—999–0020—The Common Rule (56 FR 28003) establishes Federal policy for the protection of human subjects of Federal government conducted or sponsored research. The Common Rule, published in 1991, request applicant and awardee institutions to establish procedures to report, disclose and maintain required records to include informed consent, assurances that an Institutional Review Board (IRB) has been established, IRB recordkeeping and disclosure requirements and certification that

projects have been reviewed by the IRB. Respondents: Individuals, Business or other for-profit, Non-profit institutions, Federal, State, Local or Tribal Governments.

BURDEN INFORMATION

Section of rule and description	Annual number of responses	Burden (hrs) per response	Total (hrs) burden
103(a)–(c)—assurances	3,300	3	9,900
Written policies and procedures	1,800	13.89	27,000
103(b)(3)—change IRB membership	500	1	500
103(b)(5)—incident reporting (non-compliance cases)	120	80	9,600
103(b)(5)—incident reporting (other)	275	4	1,100
103(f)—certification	20,574	.083	1,708
103(b), 116, 117, 115(a) IRB actions, informed consent, recordkeeping	20,574	5	102,870
103(b)(4)—changes to IRB	41,148	1	41,148
113—termination of IRB approval	275	2	550

Total Burden: 194,376 hours.

OMB Desk Officer: Allison Herron Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Written comments should be received within 30 days of this notice.

Dated: February 11, 2002.

Kerry Weems,

Acting Deputy Assistant Secretary, Budget.

[FR Doc. 02–3984 Filed 2–15–02; 8:45 am]

BILLING CODE 4150–28–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–1537]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medicare/Medicaid Hospital Survey Report Form and Supporting Regulations in 42 CFR 482.2 through 482.57; *Form No.:* HCFA–1537 (OMB# 0938–0382); *Use:* Section 1861(e) of the Social Security Act (the Act) provides that hospitals participating in Medicare under the Act must meet specific requirements. These requirements are presented as Condition of Participation. State agencies must determine compliance with these conditions through the use of this report form.; *Frequency:* Annually; *Affected Public:* State, Local, or Tribal Government; *Number of Respondents:* 630; *Total Annual Responses:* 630; *Total Annual Hours:* 2,048.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Julie Brown, CMS–1537, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 6, 2002.

John P. Burke, III,

Reports Clearance Officer, Security and Standards Group Division of CMS Enterprise Standards.

[FR Doc. 02–3987 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–10059]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden

estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection; *Title of Information Collection:* Survey of Medicare Private Fee-for-Service (PFFS) Enrollees and Nonenrollees; *Form No.:* CMS–10059 (OMB# 0938–NEW); *Use:* Private fee-for-service was established in the Balanced Budget Act (BBA) of 1997 as an important variant of the Medicare+Choice program. As of September 2001, the only PFFS product was being offered by Sterling Insurance Company in some or all of 25 states with enrollees 24,300 including disenrollees. CMS wishes to survey approximately 6,322 enrollees and nonenrollees to evaluate the impact of this option on Medicare beneficiary on their awareness and knowledge of PFFS, decision making for/against PFFS, access to care, out-of-pocket costs, satisfaction with PFFS, etc.; *Frequency:* Other: One-time; *Affected Public:* Individuals or households; *Number of Respondents:* 6,322; *Total Annual Responses:* 6,322; *Total Annual Hours:* 1,581.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Dawn Willinghan, CMS–10059, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: February 6, 2002.

John P. Burke, III,

Reports Clearance Officer, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3989 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Docket Identifier: CMS–10048]

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services, (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Health Insurance Flexibility and Accountability Section 1115 Model Waiver; *Form No.:* CMS–10048 (OMB# 0938–0848); *Use:* This Health Insurance Flexibility and Accountability (HIFA) Section 1115 Model Demonstration will enable states to use Medicaid and SCHIP funds in concert with private health insurance options to expand coverage to low-income uninsured individuals, with a focus on those with income at or below 200 percent of the Federal poverty level. The model demonstration application will facilitate State efforts in designing programs to cover the uninsured; *Frequency:* Other: 5 years after initial submission; *Affected Public:* State, Local or Tribal Government; *Number of Respondents:* 10, *Total Annual Responses:* 10; *Total Annual Hours:* 50.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMB document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: January 24, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3988 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Document Identifier: CMS–21]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to

minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Quarterly Children's Health Insurance Program Statement of Expenditures for title XXI; *Form No.:* CMS–21 (OMB# 0938–00731); *Use:* States use certain schedules of form 21 to report their budget, expenditure, and related statistical information required for the implementation of the Children's Health Insurance Program (title XXI of the Social security Act); *Frequency:* Quarterly; *Affected Public:* State, local or tribal govt.; *Number of Respondents:* 56; *Total Annual Responses:* 448; *Total Annual Hours:* 7,840.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Brenda Aguilar, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: January 24, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3990 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Document Identifier: CMS–R–238]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Inpatient Psychiatric Services for Individuals Under Age 21 and Supporting Regulations in 42 CFR 441.152; *Form No.:* CMS—(OMB# 0938–0754); *Use:* Certification requirements in section 441.152 are modified to require that the certification of need for inpatient psychiatric services include documented clinical evidence that serves as the basis for the certification of need for inpatient psychiatric care. Section 1905(h)(1)(B) requires physicians and other personnel qualified to make determinations with respect to mental health conditions and the treatment thereof certify the need for care which they have determined to be necessary on an inpatient basis; *Affected Public:* State, local, or tribal govt, business or other for-profit, not-for-profit institutions; *Number of Respondents:* 80,000; *Total Annual Responses:* 80,000; *Total Annual Hours:* 1.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: January 9, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3991 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Document Identifier: CMS–R–131]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* Advance Beneficiary Notice; *Form No.:* CMS–R–131 (OMB# 0938–0566); *Use:* Physicians, practitioners, suppliers, and providers furnishing Part A or Part B items or services may bill a patient for items or services denied by Medicare as not reasonable and necessary if they informed the patient, before furnishing the item or service, that Medicare was likely to deny payment for the items or services and the patient, after being informed, agreed to pay for the items or services; *Frequency:* On occasion; *Affected Public:* Businesses or other for-profit, Individuals or households, Not-for-profit institutions; *Number of*

Respondents: 1,028,585; *Total Annual Responses:* 19,660,110; *Total Annual Hours:* 1,638,345.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS'' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: January 24, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3992 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Document Identifier: CMS–R–50]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of Information Collection:* Medical Records Review Under PPS and Supporting Regulations in 42 CFR 412.40–412.52; *Form No.:* CMS–R–0050 (OMB# 0938–0359); *Use:* Peer Review Organizations (PRO) are authorized to conduct medical review activities under the Prospective Payment System. In order to conduct the medical review activities we depend upon hospitals to make available medical records. PROs ensure that admissions are medically necessary, provided in the appropriate setting, and that they meet acceptable standards of quality; *Frequency:* When records are reviewed; *Affected Public:* Business or other for profit; *Number of Respondents:* 7,087; *Total Annual Responses:* 899,340; Total Annual Hours: 26,865.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: January 9, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3993 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Medicare and Medicaid Services

[Document Identifier: CMS–64]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Center for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Center for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; Title of Information Collection: Quarterly Medicaid Statement of Expenditures for the Medical Assistance Program; *Form No.:* CMS–64 (OMB# 0938–0067); *Use:* State Medicaid agencies use the CMS–64 to report their actual program benefit costs and administrative expenses to CMS. CMS uses this information to compute the Federal financial participation for the State's Medicaid program; *Frequency:* Quarterly; *Affected Public:* State, local or tribal govt.; *Number of Respondents:* 56; *Total Annual Responses:* 224; *Total Annual Hours:* 16,464.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS'' Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Brenda Aguilar, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: January 24, 2002.

John P. Burke, III,

CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.

[FR Doc. 02–3994 Filed 2–15–02; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Cancer Institute Director's Consumer Liaison Group.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Director's Consumer Liaison Group.

Date: March 11, 2002.

Time: 2:00 PM to 4:00 PM.

Agenda: To follow up on the Survivorship Forum and to get reports from the Working Groups.

Place: 6116 Executive Boulevard, Room 3068A, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Elaine Lee, Executive Secretary, Office of Liaison Activities, National Institutes of Health, National Cancer Institute, 6116 Executive Boulevard, Suite 300C, Bethesda, MD 20892, 301/594–3194.

Information is also available on the Institute's/Center's home page: deainfo.nci.nih.gov/advisory/dclg/delg.htm, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Direction and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3949 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of Scientific Counselors, National Cancer Institute. The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualification and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Cancer Institute, Subcommittee A—Clinical Sciences and Epidemiology.

Date: March 24–25, 2002.

Time: 7:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Abby B. Sandler, PhD, Scientific Review Administrator, Institute Review Office, Office of the Director, National Cancer Institutes of Health, 6116 Executive Boulevard, Room 7031, Rockville, MD 20852, (301) 496–7628.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3950 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, National Cancer Institute. The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Cancer Institute, Subcommittee B—Basic Sciences.

Date: March 24–25, 2002.

Time: 7:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Florence E. Farber, PhD, Executive Secretary, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 7027, Rockville, MD 20852, (301) 496–7628.

Any interested person may file written comments with the committee by forwarding the statement to the Contract Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology

Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3951 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Cooperative Family Registry for Colorectal Cancer Studies.

Date: March 1, 2002.

Time: 8:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Gerald G. Lovinger, PhD, Scientific Review Administrator, Special Review and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8101, Rockville, MD 20892–7405, 301/496–7987.

Name of Committee: National Cancer Institute Special Emphasis Panel, Enhancing T Cell Therapy of Cancer.

Date: March 13, 2002.

Time: 1 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: 6116 Executive Blvd., Rockville, MD 20892 (Telephone Conference Call).

Contact Person: William D. Merritt, PhD, Scientific Review Administrator, Grants Review Branch, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8034, MSC 8328 Bethesda, MD 20892–8328, 301–496–9767.

Name of Committee: National Cancer Institute Special Emphasis Panel, Letter RFA Advanced Technology Radiation Therapy.

Date: March 14, 2002.

Time: 1:30 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: 6116 Executive Boulevard, 8th Floor, Room 8023, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Gerald G. Lovinger, PhD, Scientific Review Administrator, Special Review and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8101, Rockville, MD 20892–7405, 301/496–7987.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS.)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3952 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group, Subcommittee F—Manpower & Training.

Date: March 3–5, 2002.

Time: 6:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Georgetown, 2101 Wisconsin Ave., Washington, DC 2007.

Contact Person: Mary Bell, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, PHS, DHHS, 6116 Executive Boulevard, Room 8113, Bethesda, MD 20892–8328, 301–496–7978, *bell@dea.nci.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394. Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397; 93, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3953 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Effects of the Chernobyl Accident on Thyroid Cancer and Leukemia and Related Diseases.

Date: March 11, 2002.

Agenda: To review and evaluate contract proposals.

Place: Executive Plaza North, Conference Room D, 6130 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Kenneth L. Bielat, PhD, Scientific Review Administrator, Davis of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8043, Bethesda, MD 20892, (301) 496–7576.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Constitution;

93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3954 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel Communications Technology.

Date: March 15, 2002.

Time: 9:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Room 1AS19, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Richard I. Martinez, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–19G, Bethesda, MD 20892–6200, (301) 594–2849.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3945 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: March 1, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: Sean N. O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3834 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institutes of Mental Health Special Emphasis Panel.

Date: February 28–March 1, 2002.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pooks Hill Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Houmam H. Araj, PHD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, Md 20892–9608, 301–443–1340.

Name of Committee: National Institutes of Mental Health Special Emphasis Panel.

Date: March 13–14, 2002.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Houmam H. Araj, PHD, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6150, MSC 9608, Bethesda, Md 20892–9608, 301–443–1340.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants: 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3835 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6). Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Initial Review Group Population Research Subcommittee.

Date: March 25–26, 2002.

Time: 8 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Executive Blvd., Rm. 5E01, MSC 7510, Bethesda, MD 20892, (301) 435–6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3836 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: April 5, 2002.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Hyatt Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Carla T. Walls, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 9000 Rockville Pike, MSC 7510, 6100 Building, Room 5e03, Bethesda, MD 20892, (301) 496–1485.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3837 Filed 2–19–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel ZNS1 SRB H 02.

Date: February 21, 2002.

Time: 10 AM to 11 AM.

Agenda: To review and evaluate grant applications.

Place: 6001 Executive Blvd, Rockville, MD 20852. (Telephone Conference Call)

Contact Person: Phillip F. Wiethorn, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: March 13–14, 2002.

Time: 8 AM to 4 PM.

Agenda: To review and evaluate grant applications.

Place: The Westin Grand Hotel, 2350 M St NW., Washington, DC 20037.

Contact Person: Lillian M. Pubols, PhD, Chief, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9923, *lp28e@nih.gov.*

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: March 14–15, 2002.

Time: 8 AM to 5 PM.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20892.

Contact Person: Raul A. Saavedra, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3839 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 22, 2002.

Time: 11 AM to 12 PM.

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd 5th Floor, Rockville, MD 20852. (Telephone Conference Call).

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 9000 Rockville Pike, MSC 7510, 6100 Building, Room 5E01, Bethesda, MD 20892, (301) 496–1487, *anandr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children, 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3840 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby give of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: February 28, 2002.

Time: 2:30 PM to 3:30 PM.

Agenda: To review and evaluate grant applications.

Place: 6120 Executive Blvd, Suite 400C, Bethesda, MD 20852. (Telephone Conference Call)

Contact Person: Ali A. Azadegan, DVM, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NIDCD, NIH, DHHS, Bethesda, MD 20892–7180, (301) 496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3841 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 21, 2002.

Time: 12:30 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5E03, Bethesda, MD 20892, (301) 435–6884.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3842 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: April 8–9, 2002.

Time: 8 am to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton 8400 Wisconsin Avenue Bethesda, MD 20814.

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 9000 Rockville Pike, MSC 7510, 6100 Building, Room 5E01, Bethesda, MD 20892, (301) 496–1487, *anandr@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and

Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3843 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences: Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets of commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel, Review of Program Project Applications.

Date: March 4–6, 2002.

Time: 7 P.M. to 12 P.M.

Agenda: To review and evaluate grant applications.

Place: Salbasgeon Suites, 1730 NW. 9th Street, Corvallis, OR 97330.

Contact Person: Brenda K. Weis, PhD, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institutes of Environmental Health Sciences, P.O. Box 12233, MD/EC–30, Research Triangle Park, NC 27709, 919/541–4964.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113. Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances-Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: February 8, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3944 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given on the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel, Comparative Medicine.

Date: March 4, 2002.

Time: 7 am to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Camille M. King, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Centre, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892–7965, (301) 435–0810, *kingc@ncrr.nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel, Comparative Medicine.

Date: March 5, 2002.

Time: 7 am to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Camille M. King, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Centre, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892–7965, (301) 435–0810, *kingc@ncrr.nih.gov.*

Name of Committee: National Center for Research Resources Special Emphasis Panel, Research Centers in Minority Institutions.

Date: April 5, 2002.

Time: 8 am to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Bethesda Residence Inn, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: C. William Angus, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6705 Rockledge Dr., Rm. 6018, MSC 7965, Bethesda, MD 20892–7965, 301/435–0812, *angusw@ncrr.nih.gov.*

[FR Doc. 02–3845 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: March 6, 2002.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: 6120 Executive Blvd, Suite 400C, Bethesda, MD 20852, (Telephone Conference Call).

Contact Person: Ali A Azadegan, DVM, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramual Research, NIDCD, NIH, DHHS, Bethesda, MD 20892–7180, (301) 496–8683.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3947 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel.

Date: March 26–27, 2002.

Time: 8 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Washington DC, 1400 M Street NW, Washington, DC 20005–2750.

Contact Person: Stanley C. Oaks, Jr. PhD, Scientific Review Branch, Division of Extramural Research, Executive Plaza South, Room 400C, 6120 Executive Blvd., Bethesda, MD 20892–7180, 301–496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS.)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3948 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March, 1, 2002.

Time 1:00 PM to 3:30 PM.

Agenda: To review and evaluate contract proposals.

Place: 6100 Executive Boulevard, 5th Floor Conference Room, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Hameed Khan, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Developments, National Institutes of Health, 6100 Executive Blvd., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3955 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 12–13, 2002.

Time: 8:30 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Four Points Sheraton, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Marita R. Hopmann, PhD., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, 6100 Building, Room 5E01, Bethesda, MD 20892, (301) 435–6911, *hopmannm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3956 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice if hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, NIAAA Special Emphasis Panel.

Date: March 1, 2002.

Time: 8:00 AM to 8:30 AM.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 25th Street, Washington, DC 20037.

Contact Person: Sean N. O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: February 12, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3957 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: March 7, 2002.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Latham Hotel, 3000 M Street N.W., Washington, DC 20007.

Contact Person: Nasrin Nabavi, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892–7616, 301 496–2550, *nn30t@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3960 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institute of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Special Emphasis Panel.

Date: March 11, 2002.

Time: 11 AM to 12 PM.

Agenda: To review and evaluate grant applications.

Place: Wilco Building, Suite 409, 6000 Executive Boulevard, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Sean N. O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, NIAAA Special Emphasis Panel.

Date: March 11, 2002.

Time: 3 PM to 4 PM.

Agenda: To review and evaluate grant applications.

Place: Wilco Building, Suite 409, 6000 Executive Boulevard, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Sean N. O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel, NIAAA Special Emphasis Panel.

Date: March 12, 2002.

Time: 10 AM to 11 AM.

Agenda: To review and evaluate grant applications.

Place: Wilco Building, Suite 409, 6000 Executive Boulevard, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Sean N. O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3961 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel, University of Pennsylvania Unsolicited Proposal.

Date: February 19, 2002.

Time: 1:00 PM to 2:00 PM.

Agenda: To review and evaluate contract proposals.

Place: National Library of Medicine, Building 38A, HPCC Conference Room B1N30Q, 8600 Rockville Pike, Bethesda, MD 20894. (Telephone Conference Call)

Contact Person: Susan Sparks, PhD, Senior Education Specialist, National Library of Medicine, Extramural Programs, Rockledge One, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20892.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library

Assistance, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3838 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biomedical Library Review Committee.

Date: March 6–7, 2002.

Closed: March 6, 2002, 8:30 am to 11:30 am.

Agenda: To review and evaluate grant applications.

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Open: March 6, 2002, 11:30 am to 12 p.m.

Agenda: Remarks by the Director, NLM.

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Closed: March 6, 2002, 12 pm to 1:30 pm.

Agenda: To review and evaluate grant applications—Medical Informatics Fellowship, Subcommittee.

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Closed: March 6, 2002, 12 pm to 1:30 pm.

Agenda: To review and evaluate grant applications—Medical Library Resource, Subcommittee.

Place: National Library of Medicine, Building 38, Second Floor Mezzanine, Conference Room B, Bethesda, MD 20892.

Closed: March 6, 2002, 1:30 pm to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Closed: March 7, 2002, 8:30 am to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Contact Person: Merlyn M Rodrigues, MD, PHD, Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

(Catalogue of Federal Domestic Assistance Program Nos. 93,879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 7, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3844 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Library of Medicine Special Emphasis Panel.

Date: March 25, 2002.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: 6705 Rockledge Dr., Suite 301, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Merlyn M. Rodrigues, MD, PhD, Medical Officer/SRA, National Library of Medicine, Extramural Programs, 6705 Rockledge Drive, Suite 301, Bethesda, MD 20894.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS.)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3946 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biochemical Sciences Integrated Review Group Pathobiochemistry Study Section.

Date: February 20, 2002.

Time: 8:30 AM to 2:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW, Washington, DC 20007.

Contact Person: Zakir Bengali, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, MSC 7842, Bethesda, MD 20892, (301) 435–1742.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: February 21, 2002.
Time: 3:00 p.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: The Latham Hotel, 3000 M Street, NW, Washington, DC 20007.
Contact Person: Lawrence N. Yager, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7808, Bethesda, MD 20892, (301) 435–0903, *yagler@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: February 22, 2002.
Time: 8:30 AM to 4:30 PM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Betty Hayden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, (301) 435–1223, *haydenb@csr.nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: February 25–26, 2002.
Time: 8:30 AM to 3:00 PM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW, Washington, DC 20007.
Contact Person: Prabha L. Atreya, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7842, Bethesda, MD 20892, (301) 435–8367.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: February 27, 2002.
Time: 5:00 PM to 6:00 PM.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: Angela Y. Ng, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7804, Bethesda, MD 20892, (301) 435–1715, nga@csr.nih.gov.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 92.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3958 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. as amended. The grant applications, and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: February 15, 2002.
Time: 8 AM to 9 AM.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda MD 20814.
Contact Person: Syed Amir, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435–1043, *amirs@nih.gov.*
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333. Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 12, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3959 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Director, National Institutes of Health; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2, notice is hereby giving of a meeting of the Secretary's Advisory Committee on Xenotransplantation.

The meeting will be open to the public; however, seating is limited and pre-registration is encouraged. To pre-register, please contact Capital Consulting Corporation (Joanne Mowczko) at 301–468–6001, ext. 418. Individuals who plan to attend and need special assistance, such as sign language interpretation or reasonable accommodations, should notify Ms. Mowczko is advance of the meeting.

Name of Committee: Secretary's Advisory Committee on Xenotransplantation.
Date: March 11–12, 2002.
Time: March 11—8:00 am to 5:00 PM. March 12—8:00 am to adjournment.
Agenda: The SACX will focus on a variety of issues relating to the science of xenotransplantation and to informed consent issues in xenotransplantation clinical trials. The first day of the SACX meeting will include presentations and discussions of endothelial cell-host interactions in solid organ xenotransplantation; transgenic and cloning technologies; cellular transplants; extracorporeal technologies; complement and coagulation systems; and immune rejection and tolerance. The second day will include concurrent breakout sessions during which the SACX Working Groups will convene, and plenary discussion of their progress. Closer to the meeting, a more updated agenda will be available electronically at *http://www4.od.nih.gov/oba/Sacx.htm*
Public Comment: Individuals who wish to provide public comment (oral or written) should contact the SACX Executive Director, Mary Groesch, by telephone at 301–496–0785, or email at *groeschm@od.nih.gov.*
Place: Holiday Inn Select Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.
Contact Person: Mary Groesch, Ph.D., Executive Director, Secretary's Advisory Committee on Xenotransplantation, Office of Science Policy, Rockledge, I, Room 750, Bethesda MD 20892, 301–496–9838

(Catalogue of Federal Domestic Assistance Program Nos. 93.14, Intramural Research

Training Award; 93.187, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds; 93.22, Clinical Research Loan Repayment Program for Individuals from Disadvantaged Backgrounds; 93.232, Loan Repayment Program for Research Generally; 93.39, Academic Research Enhancement Award; 93.936 yNIH Acquired Immunodeficiency Syndrome Research Loan Repayment Program, National Institutes of Health HHS)

Dated: February 07, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–3832 Filed 2–15–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Changes Resulting from the Indian Land Consolidation Act Amendments of 2000

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs is issuing this notice, as required by the Indian Land Consolidation Act Amendments of 2000, to inform the public that this new law made important changes in what happens to Indian allotments when the owners die. This notice provides some information about the new law.

ADDRESSES: For a list of Bureau offices with addresses and telephone numbers that administer the trust and restricted land write to: Bureau of Indian Affairs, Attention: Public Affairs/ILCA, Mail Stop: 4542–MIB, 1849 C St., NW., Washington, DC 20240; or fax to (202) 501–1516 and the list will be mailed or faxed to you.

FOR FURTHER INFORMATION CONTACT: Larry Scrivner, Deputy Director, office of Trust Responsibilities, Bureau of Indian Affairs, Washington, DC; 202–208–7737.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of November 7, 2000, Public Law 106–462, 114 Stat. 1999, the Secretary of the Interior must publish a notice informing Indian owners of trust or restricted land of the effect of the Act and estate planning options available. Special terms used in this notice:

Close family. Your close family members are your brothers, sisters, aunts, uncles, nieces, nephews, and first cousins.

Immediate family. Your immediate family members are your parents, children, grandchildren, grandparents, brothers, and sisters.

Indian. You will be considered an Indian under the new law if you are enrolled (or eligible to be enrolled) in a federally recognized Indian tribe, or if you are considered an Indian under certain other federal laws.

Joint tenants with rights of survivorship or JTROS. If you own land with someone else as joint tenants with right of survivorship, your right to the land lasts as long as you live. As each joint tenant dies, the surviving joint tenants get the share of the deceased joint tenant. Eventually, the last surviving joint tenant owns the entire interest in the land, and only that person can decide who gets the land.

Life estate. If you own a life estate in land your right to the land lasts as long as you live, but you cannot decide who will get the land when you pass away.

Remainder interest. If you own a remainder interest in land, your right to the land begins when the person owning the life estate in the land dies. If an Indian has the remainder interest, the land stays in trust.

Tenants in common. If you own land with someone else as tenants in common, you will have an equal right with your co-owners to the land while you live, and you can also decide who will own that interest when you pass away.

Probate Changes

The law provides two methods for a judge to decide who will own your land. By writing a will, you decide who receives your property. If you do not write a will a judge will apply rules of intestate succession to decide who will own your land. The rules explained in paragraphs I and II will apply to the estates of people who die after approximately February 2003 (the exact date will be one year from when the Secretary publishes a certification that notice was provided.). These rules may also be affected by a federally approved tribal probate code.

I. Rules of Intestate Succession

If you do not write a will, a judge can only give your land to your spouse or immediate family, but only if they are Indian.

If your spouse or *immediate family* are not Indian, they can inherit a *life estate.* The remainder interest will go to any of your close family if they are Indian and also own a share in the same allotment. If no members of your close family are Indian or none of them owns a share in the allotment, the tribe will get the land when the *life estate* holder dies.

If a share is smaller than 5 percent of the whole allotment and it is inherited by more than one of your heirs, those heirs will inherit as JTROS. If the decedent's share is more than 5 percent, each heir will inherit as a tenant in common.

II. Rules of Inheritance With a Will

If you write a will, you may leave your trust land to any Indian or the tribe.

However, if your will leaves your land to a non-Indian, they will receive only a life estate. The judge will give the remainder interest to your spouse or immediate family, but only if they are Indian.

If neither your spouse nor your immediate family are Indian, the remainder interest will go to your close family if they are Indian and also own a share in the same allotment. If no members of your close family are Indian or none of them owns a share in the allotment, the tribe will get the land when the life estate holder dies.

If your will leaves your land to more than one person, the judge will make them JTROS, unless your will specifically makes them tenants in common.

If your spouse, immediate family, close family, and children, grandchildren, etc. are all non-Indians, you may be able to leave more than a ''life estate'' to them. To find out more about your options, you should contact the local BIA Real Estate Services Office.

To prevent land from leaving trust status, tribes may buy interests that are left to non-Indians by will.

III. Rules for Co-owners

If you own a share in an Indian allotment, you may buy the share of a deceased co-owner to prevent the tribe from acquiring that share under either intestate succession or a will. You may not do this if the deceased co-owner's family will inherit the property.

Additional Changes

Other parts of the new law that will be helpful with land consolidation and the development of allotted land are as follows:

1. At any probate hearing the heirs can consolidate their shares in the land being probated or any other shares in allotments the heirs may own.

2. The new law makes it easier for allotment owners to buy, sell, or exchange interests in trust land. For example, an appraisal may not be needed when you give or sell land to a family member. Also, you can now make a gift of your land to non-family members and the tribe. It should also take less time to put an undivided

interest into trust if any of the allotment was in trust on November 7, 2000.

3. To encourage consolidation, you can now make a written request for the names, addresses and ownership interests of your co-owners or the owners of trust land on your reservation. To encourage development, lessees and other users can also obtain the same information.

4. To encourage negotiated leases, the law sets new minimum consent requirements for the leasing of allotted land.

5. The new law does not apply to land in Alaska.

This notice is published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1.

Dated: November 5, 2001.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–3939 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Amendment to Approved Tribal-State Compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Pub. L. 100–497, 25 U.S.C. section 2710, the Secretary of the Interior shall publish, in the **Federal Register,** notice of the approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment V to the Tribal-State Compact for Class III Gaming between the Burns-Paiute Tribe and the State of Oregon, which was executed on December 28, 2001.

DATES: This action is effective upon date of publication.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: February 8, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–3860 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–4N–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to an approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988, Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register** notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment X to the Confederated Tribes of the Warm Springs Reservation of Oregon and the State of Oregon Gaming Compact, which was executed on December 21, 2001.

DATES: This action is effective February 19, 2002.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: February 6, 2002.

Neal A McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–3859 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–4N–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Amendment to Approved Tribal-State Compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100–497, 25 U.S.C. section 2710, the Secretary of the Interior shall publish, in the **Federal Register,** notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved Amendment VIII to the Tribal-State Compact for Regulation of Class III Gaming Between The Klamath Tribes and the State of Oregon, which was executed on December 21, 2001.

DATES: This action is effective upon date of publication.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: February 6, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs

[FR Doc. 02–3861 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–4N–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register,** notice of the approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Third Amendment to the Tribal-State Compact for Class III Gaming between the Muckleshoot Indian Tribe and the State of Washington, which was executed on January 16, 2001.

DATES: This action is effective February 19, 2002.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: February 8, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–3858 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–4–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–930–1430–ET; COC–3984]

Public Land Order No. 7511; Revocation of Public Land Order No. 4536; CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order in its entirety as to 640 acres

of public land withdrawn for the Department of Energy as an experimental area. The land will be opened to surface entry, mining, and mineral leasing.

EFFECTIVE DATE: March 21, 2002.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7076, 303–239–3706.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 4536, which withdrew public land for the Department of Energy (formerly the Atomic Energy Commission) Project Bronco experimental area, is hereby revoked in its entirety as to the following described land:

Sixth Principal Meridian

T.1 N., R. 98 W.,
Sec. 14, SW¼;
Sec. 15, SE¼;
Sec. 22, NE¼;
Sec. 23, NW¼.

The area described contains 640 acres in Rio Blanco County.

2. At 9 a.m. on March 21, 2002, the land described above will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m. March 21, 2002, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9 a.m. on March 21, 2002, the land described above will be opened to location and entry under the United States mining laws and to the operation of the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1994), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: January 30, 2002.

J. Steven Griles,

Deputy Secretary.

[FR Doc. 02–3962 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–031–1430–ET; UTU 44415]

Public Land Order No. 7512; Extension of Public Land Order No. 6132; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order extends Public Land Order No. 6132 for an additional 20-year period. This extension is necessary to continue the protection of the Escalante Administrative Site.

EFFECTIVE DATE: February 17, 2002.

FOR FURTHER INFORMATION CONTACT: Darrell Olsen, Realty Specialist, Escalante Field Station, P.O. Box 225, Escalante, Utah, 84726, 435–826–5611.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 6132, which withdrew public land from mining to protect the Escalante Administrative Site, is hereby extended for an additional 20-year period following its date of expiration.

2. This withdrawal will expire 20 years from the effective date of this order, unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: January 31, 2002.

J. Steven Griles,

Deputy Secretary.

[FR Doc. 02–3963 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection, Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of an extension of a currently approved information collection (OMB Control Number 1010–0073).

SUMMARY: To comply with the Paperwork Reduction Act (PRA) of 1995, we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled ''30 CFR part 220, Accounting Procedures for Determining Net Profit Share Payment for Outer Continental Shelf Oil and Gas Leases.''

DATES: Submit written comments on or before April 22, 2002.

ADDRESSES: Submit written comments to Carol P. Shelby, Regulatory Specialist, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 320B2, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A–614, Denver Federal Center, Denver, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Carol P. Shelby, telephone (303) 231–3151 or FAX (303) 231–3385.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR part 220, Accounting Procedures for Determining Net Profit Share Payment for Outer Continental Shelf Oil and Gas Leases.

OMB Control Number: 1010–0073.

Bureau Form Number: None.

Abstract: The Department of the Interior (DOI) is responsible for the management of all mineral leasing activities on Federal and Indian lands. The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*) requires the Secretary of the Interior to establish a comprehensive fiscal accounting, auditing, and collection system to accurately determine oil and gas royalties and other payments, and to collect and account for those monies in a timely manner. The Secretary delegated the authority for royalty management to MMS to develop a net profit share bidding system to encourage exploration and development of oil and gas leases on submerged lands of the Outer Continental Shelf (OCS). Section 8(a) of the OCS Lands Act, as amended (43 U.S.C. 1331 *et seq.*), authorizes DOI

to implement alternative bidding systems for the award of Federal oil and gas leases on the OCS. The net profit share lease (NPSL) system endeavors to balance the securing of a fair market return to the Federal Government for the lease of its lands with a fair profit to companies risking their investment capital. The system provides an incentive for early and expeditious exploration and development and provides for a sharing of the risks by the lessee and the Government. The bidding system incorporates a fixed capital recovery system as the means through which the lessee recovers costs of exploration and development from production revenues, along with a reasonable return on investment.

NPSL lessees are required to maintain an NPSL capital account and to provide either annual or monthly reports using data maintained in the capital account. In addition, NPSL lessees must file a report after each inventory of controllable material and following the cessation of production. Further, when nonoperators of an NPSL lease call for an audit, they must notify MMS, and when DOI calls for an audit, the lessee must notify all nonoperators on the lease. These requirements can be found in 30 CFR 220.010, 220.031, and 220.033.

MMS is requesting an extension of OMB's approval to continue to collect this information. Submission of this information is required in order for MMS to determine when NPSL royalty payments are due and to determine the proper amount of payment. Proprietary information that is submitted is protected, and there are no questions of a sensitive nature included in this information collection.

Frequency: Annually before production; monthly after production.

Estimated Number and Description of Respondents: 12 OCS oil and gas lessees.

Estimated Annual Reporting and Recordkeeping ''Hour'' Burden: 3,674 hours. The following chart shows the breakdown of the burden hours by CFR section and paragraph:

Section	Reporting or record keeping requirement	Burden hours per response	Annual number of responses	Annual burden hours
220.010(a)	For each NPSL tract, an NPSL capital account shall be established and maintained by the lessee for NPSL operations.	See § 220.030(a)		
220.030(a)	Each lessee * * * shall establish and maintain such records as are necessary * * *.	1	22	22
220.031(a)	Each lessee * * * shall file an annual report during the period from issuance of the NPSL until the first month in which production revenues are credited to the NPSL capital account.	16	5	80
220.031(b)	Beginning with the first month in which production revenues are credited to the NPSL capital account, each lessee * * * shall file a report for each NPSL, not later than 60 days following the end of each month.	16	*204	3,264
220.031(d)	Each lessee subject to this part 220 shall file a report not later than 90 days after each inventory is taken * * *..	8	22	176
220.031(e)	Each lessee * * * shall file a final report, not later than 60 days following the cessation of production * * *.	2	22	44
220.033(b)(1)	When non-operators of an NPSL lease call an audit in accordance with the terms of their operating agreement, the Director shall be notified of the audit call * * *.	2	22	44
220.033(b)(2)	If DOI determines to call for an audit, DOI shall notify the lessee of its audit call and set a time and place for the audit. * * * The lessee shall send copies of the now operators on the lease.	2	22	44
Total			319	3,674

*(17 leases × 12 mo.)

Estimated Annual Reporting and Recordkeeping ''Non-hour Cost'' Burden: We have identified no ''non-hour'' cost burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that 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. Before submitting an ICR to OMB, PRA Section 3506(c)(2)(A) requires each agency ''* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *.'' Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

The PRA also requires agencies to estimate the total annual reporting ''non-hour cost'' burden to respondents or recordkeepers resulting from the collection of information. We have not identified non-hour cost burdens for this information collection. If you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; monitoring, sampling, testing equipment; and record storage facilities. Generally, your estimates should not include equipment

or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

We will summarize written responses to this notice and address them in our ICR submission for OMB approval, including appropriate adjustments to the estimated burden. We will provide a copy of the ICR to you without charge upon request.

Public Comment Policy. We will make copies of the comments available for public review, including names and addresses of respondents, during regular business hours at our offices in Lakewood, Colorado. Individual respondents may request that we withhold their home address from the public record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

MMS Information Collection Clearance Officer: Jo Ann Lauterbach, (202) 208–7744.

Dated: January 31, 2002.

Cathy J. Hamilton,

Acting Associate Director for Minerals Revenue Management.

[FR Doc. 02–3878 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

California Bay-Delta Public Advisory Committee Public Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the California Bay-Delta Public Advisory Committee will meet on March 12, 2002. The agenda for the Committee meeting will include discussions on future governance, funding update, regional reports, and implementation of the CALFED Bay-Delta Program with State and Federal officials.

DATES: The meeting will be held Tuesday, March 12, 2002 from 9 a.m. to 4 p.m. If reasonable accommodation is needed due to a disability, please contact Pauline Nevins at (916) 657–2666 or TDD (800) 735–2929 at least 1 week prior to the meeting.

ADDRESSES: The meeting will be held at the Sacramento Convention Center located at 1400 J Street, Room 306, Sacramento, CA.

FOR FURTHER INFORMATION CONTACT: Eugenia Laychak, CALFED Bay-Delta Program, at (916) 654–4214. Nan Yoder or Diane Buzzard, U.S. Bureau of Reclamation, at (916) 978–5022.

SUPPLEMENTARY INFORMATION: The Committee was established to provide assistance and recommendations to Secretary of the Interior Gale Norton and California Governor Gray Davis on implementation of the CALFED Bay-Delta Program. The Committee will advise on annual priorities, integration of the eleven Program elements, and overall balancing of the four Program objectives of ecosystem restoration, water quality, levee system integrity, and water supply reliability. The Program is a consortium of 23 State and Federal agencies with the mission to develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the San Francisco/Sacramento and San Joaquin Bay Delta.

Committee and meeting materials will be available on the CALFED Bay-Delta web site: *http://calfed.ca.gov* and at the meeting. This meeting is open to the public. Oral comments will be accepted from members of the public at the meeting and will be limited to 3–5 minutes.

(Authority: The Committee was established pursuant to the Department of the Interior's authority to implement the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et. seq., the Endangered Species Act, 16 U.S.C. 1531 et seq., and the Reclamation Act of 1902, 43 U.S.C. 371 et seq., and the acts amendatory thereof or supplementary thereto, all collectively referred to as the Federal Reclamation laws, and in particular, the Central Valley Project Improvement Act, Title 34 of Pub. L. 102–575.)

Dated: February 5, 2002.

Elizabeth Ann Rieke,

Acting Deputy Regional Director Mid-Pacific Region.

[FR Doc. 02–3875 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–MN–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Glen Canyon Dam Adaptive Management Work Group (AMWG), and Glen Canyon Technical Work Group (TWG); Notice of Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: The Adaptive Management Program (AMP) was implemented as a result of the Record of Decision on the Operation of Glen Canyon Dam Final Environmental Impact Statement to comply with consultation requirements of the Grand Canyon Protection Act (Pub. L. 102–575) of 1992. The AMP provides an organization and process to ensure the use of scientific information in decision making concerning Glen Canyon Dam operations and protection of the affected resources consistent with the Grand Canyon Protection Act. The AMP has been organized and includes a federal advisory committee (the AMWG), a technical work group (the TWG), a monitoring and research center, and independent review panels. The TWG is a subcommittee of the AMWG and provides technical advice and information for the AMWG to act upon.

DATES AND LOCATION: The Glen Canyon Dam Technical Work Group will conduct the following public meeting:

Phoenix, Arizona—February 26–27, 2002. The meeting will begin at 9:30 a.m. and conclude at 5 p.m. on the first day and begin at 8 a.m. and conclude at 3 p.m. on the second day. The meeting will be held at the Embassy Suites Phoenix Airport Hotel (Turquoise Room) at 1515 N. 44th Street, in Phoenix, Arizona.

Agenda: The purpose of the meeting will be to discuss the following: experimental flow proposal, 2004 work plans, non-native fish control, aerial photography, basin hydrology, environmental compliance, and other administrative and resource issues pertaining to the AMP.

Agenda items may be revised prior to any of the meetings. Time will be allowed on each agenda for any individual or organization wishing to make formal oral comments (limited to 10 minutes) at the meetings.

ADDRESSES: To allow full consideration of information by the AMWG and TWG members, written notice must be provided to Randall Peterson, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1147; telephone (801) 524–3758; faxogram

(801) 524–3858; at least FIVE (5) days prior to the meeting. Any written comments received will be provided to the AMWG and TWG members at the meetings.

FOR FURTHER INFORMATION CONTACT: Randall Peterson, telephone (801) 524–3758; faxogram (801) 524–3858.

Dated: February 6, 2002.

Arlo H. Allen,

Acting Regional Director.

[FR Doc. 02–3876 Filed 2–15–02; 8:45 am]

BILLING CODE 4310–MN–M

DEPARTMENT OF JUSTICE

Civil Division; Agency Information Collection Activities: Proposed Collection, Comments Requested

ACTION: 60-Day Emergency Notice of Information Collection Under Review, New Collection, Victim Compensation Fund Objection Form.

The Department of Justice (DOJ), Civil Division has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by February 25th. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

During the first 60 days of this same review period, a regular review of this information collection will be undertaken. All comments and suggestions, or questions regarding additional information, including obtaining a copy of the proposed information collection instrument with instructions, should be directed to Office of the Special Master, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530. We request written comments and suggestions from the public and affected agencies concerning the proposed emergency collection of information.

Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* New Collection.

(2) *Title of the Form/Collection:* Victim Compensation Fund Objection Form.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: SM–002, Office of the Special Master, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Anyone expressing a potential objection to the filing of a claim by a purported personal representative of a deceased victim. Abstract: This form is to be submitted in connection with potential objections made to claims filed with the September 11th Victim Compensation Fund of 2001. The form asks that the objection be characterized and explained or be withdrawn.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 250 objectors with an average of 2.0 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 500 hours annually.

If additional information is required contact: Robert B. Briggs, Department Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, 601 D Street NW., Suite 1600, Washington, DC 20004.

February 13, 2002.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 02–3936 Filed 2–15–02; 8:45 am]

BILLING CODE 4410–12–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection, Comments Requested

ACTION: Notice of Information Collection Under Review; Reinstatement, with change, of a previously approved collection for which approval has expired—Police Public Contact Survey.

The Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (BJS), has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for ''sixty days'' until April 22, 2002.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Patrick Langan, (202) 616–3490, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW., Washington, DC 20531.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

(1) *Type of information collection:* Reinstatement, with change, of previously approved collection for which approval has expired.

(2) *The title of the form/collection:* Police Public Contact Survey.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* PPCS–1. Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Eligible respondents to the survey must be age 16 or older. The Police Public Contact Supplement fulfills the mandate set forth by the Violent Crime Control and Law Enforcement Act of 1994 to collect, evaluate, and publish data on the use of excessive force by law enforcement personnel. The survey will be conducted as a supplement to the National Crime Victimization Survey in all sample households for six (6) month period.

Other: None

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* Of the 84,700 eligible persons, we expect approximately 80 percent of the eligible persons or 67,760 persons to complete only the first four (lead-in or screening questions) questions on the questionnaire. We expect the screeners to take approximately .033 hours (2 minutes) per person to administer. We expect that approximately 20 percent of the eligible persons or 16,940 persons will report contact with the police. We estimate an average of .167 hours (10 minutes) to ask the detailed questions regarding the nature of the contact.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The Total respondent burden is approximately 5,065 hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: February 12, 2002.

Brenda E. Dyer,

Department Deputy Clearance Office, United States Department of Justice.

[FR Doc. 02–3870 Filed 2–15–02; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Office of Justice Program

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 30-Day Notice of Information Collection Under Review: Reinstatement, with change, of a previously approved collection for which approval has expired—National Youth Gang Survey.

The Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 66, Number 147, pages 39537 on July 31, 2001, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until March 21, 2002. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202)–395–7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of information collection:* Reinstatement, with change, of a previously approved collection for which approval has expired.

(2) *The title of the form/collection:* National Youth Gang Survey.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Office of Juvenile Justice, and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal law enforcement agencies: None. This collection will gather information related to youth and their activities for research and assessment purposes.

(5) An *estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that there will be 2,565 respondents. It is estimated that each survey will take 15 minutes to complete.

(6) *An estimate of the total public burden (in hours) associates with the collection:* An estimate of the total hour burden to conduct this survey is 641 hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street NW., Washington, DC 20530.

Dated: February 12, 2002.

Brenda E. Dyer,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 02–3871 Filed 2–15–02; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP(BJS)–1347]

Bureau of Justice Statistics; 2002 Census of Law Enforcement Training Academies

AGENCY: Bureau of Justice Statistics, Office of Justice Programs, Justice.

ACTION: Notice of Solicitation.

SUMMARY: The purpose of this notice is to announce a public solicitation to obtain a data collection agent for the 2002 Census of Law Enforcement Training Academies.

DATES: Proposals must be received at the Bureau of Justice Statistics (BJS) on or before 5:00 p.m. EST, March 29, 2002 or be postmarked on or before March 29, 2002.

ADDRESSES: Proposals should be sent to Application Coordinator, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531; T: (202) 616–3497 or fax (202) 307–5846 or e-mail *stanford@ojp.usdoj*. Due to recent interruptions in mail service, it is recommended that applicants fax, e-mail, use a professional delivery service (*e.g.*, FedEx, UPS, etc.), or personally deliver applications to ensure timely receipt. For parcel delivery service, please use the following address: Application Coordinator, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Matthew Hickman, Statistician, Bureau of Justice Statistics, 810 Seventh Street, NW, Washington, DC 20531; Phone (202) 353–1631 [This is not a toll free number]; E-mail: *hickmanm@ojp.usdoj.gov.*

SUPPLEMENTARY INFORMATION:

Statutory Authority

The awards made pursuant to this solicitation will be funded by the Bureau of Justice Statistics consistent with the provisions of 42 U.S.C. 3732.

Program Goals

The purpose of this award is to provide funding to administer the 2002 Census of Law Enforcement Training Academies. The survey will obtain baseline information about national law enforcement training practices, and will be used to examine variation in the characteristics of training staff, recruits/trainees, training curricula, training facilities, and policies. The initial survey instrument and respondent list (approximately 800 respondents) will be provided by BJS.

BJS anticipates making one award for a 12-month period under this solicitation. A total of up to $250,000 will be made available to complete the project pending OMB clearance.

Background

The implementation of the 2002 Census of Law Enforcement Training Academies is part of an effort by BJS to expand statistical activities related to American law enforcement generally, and law enforcement training in particular. To date, there is no comprehensive data collection targeted at individual training academies, their training practices, staff, recruits, curricula, facilities, or policies. The survey will include special topic areas, such as instruction in community policing, use of force, and racial profiling. Findings from the Census are designed to provide a systematic understanding of the nature and extent of law enforcement training in America. The survey will provide important information for the development and expansion of law enforcement training, and the information may be useful for policy makers engaged in research, planning, and budgeting.

Performance Measurement

Timeliness—The data collection will begin within three months of the award date. The project will be completed within twelve months of the start date.

Response Time—The data collection agent should achieve a 100% survey response rate and a 100% survey item response rate.

Eligibility Requirements

Both profit making and nonprofit organizations may apply for funds. Consistent with OJP fiscal requirements, however, no fees may be charged against the project by profit-making organizations.

Scope of Work

The objective of this project is to complete data collection for the 2002 Census of Law Enforcement Training Academies. This includes extensive follow up, data verification, coding and data entry, and delivery of a final data set and documentation. The initial survey instrument and respondent list will be provided by BJS. Specifically, the recipient of funds will:

1. Develop a detailed timetable for each task in the project. Data collection should begin within three months of the project start and be completed within twelve months. After the BJS project manager has agreed to the timetable, all work must be completed as scheduled.
2. Provide a final review of the survey instrument drafted by BJS for form and content.
3. Verify the names, addresses, and appropriate contact from the respondent list provided by BJS.
4. Conduct a pre-test of the survey instrument in a minimum of two sites to assure that survey items are perceived by respondents as intended and can be provided in a timely manner.
5. Mail surveys to respondents and provide extensive follow up to respondents that require help, clarification, or encouragement to complete the survey. This may involve multiple follow up telephone calls, re-mailing or re-faxing surveys, e-mail correspondence, and site visits where necessary.
6. Implement and maintain an automated system to provide ongoing status of each survey respondent, complete documentation, and an inventory of follow up communication and procedures for each case. This automated tracking system should remain current and accessible to the BJS project monitor at all times.
7. Identify techniques necessary to achieve a 100% survey response rate. This data collection is a comprehensive census of training academies.
8. Identify techniques necessary to achieve a 100% survey item response rate. The data collection agent will have routine contact with the training academies and must be knowledgeable about the content of the instrument.
9. Deliver to BJS electronic versions of the survey data, and documentation on diskette and in ASCII file format. Survey documentation should include, but is not limited to, a comprehensive codebook detailing variable positions, data coding, variable and value labels, any recoding implemented during the data cleaning process, methods used for dealing with missing data, any data allocations, imputation, or non-response adjustment, and copies of all program code used to generate data or published statistics. All data and documentation from this survey may be posted on the BJS Web site, and data archived at the Inter-University Consortium for Political and Social Research (ICPSR).

Award Procedures and Evaluation Criteria

Proposals should describe the plan and implementation strategies outlined in the Scope of Work. Information on staffing levels and qualifications should be included for each task and descriptions of experience relevant to the project. Resumes of the proposed project director and key staff should be enclosed with the proposal.

Applications will be reviewed competitively with the final award decision made by the Director of BJS. The applicant will be evaluated on the basis of:

1. Demonstrated knowledge of applied survey research, including survey construction, interview techniques, data collection, data coding, entry and verification, and the production of public use data files. This

includes availability of an adequate computing environment, knowledge of standard social science data processing software, and demonstrated ability to produce SPSS readable data files for analysis and report production.

2. Demonstrated ability and experience in collecting data from law enforcement agencies or similar entities.

3. Demonstrated fiscal, management, staff, and organizational capacity to provide sound management for this project. Applicant should include detailed staff resources and other costs by project tasks.

Application and Award Process

- An original and two (2) copies of the full proposal must be submitted including:
- Standard Form 424, Application for Federal Assistance
- OJP Form 7150/1, Budget Detail Worksheet
- OJP Form 4000/3, Program Narrative and Assurances
- OJP Form 4061/6, Certification regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; Drug Free Workplace requirements
- OJP Form 7120–1, Accounting System and Financial Capability Questionnaire (to be submitted by applicants who have not previously received Federal Funds from the Office of Justice Programs).

These forms can be obtained online from *www.ojp.usdoj.gov/forms.htm.*

In addition, fund recipients are required to comply with regulations designed to protect human subjects and ensure confidentiality of data. In accordance with 28 CFR part 22, a Privacy Certificate must be submitted to BJS. Furthermore, a Screening Sheet for Protection of Human Subjects must be completed prior to the award being issued. Questions regarding Protection of Human Subjects and/or Privacy Certificate requirements can be directed to the Human Subjects Protection Officer (HSPO) at (202) 616–3282 [This is not a toll free number].

Proposals must include a project description and detailed budget. The project narrative should describe activities as discussed in the Scope of Work and address the evaluation criteria. The project narrative should contain a detailed time line for project activities, a description of the survey methodology to be used including defined geographic boundaries, data collection method, data entry, and data documentation procedures. The detailed budget must provide detailed cost including salaries of staff involved in the project and the portion of those salaries to be paid from the award, fringe benefits paid to each staff person, travel costs, supplies required for the project, sub-contractual agreements, and other allowable costs. The grant will be made for a period of 12 months.

Dated: February 12, 2002.

Lawrence A. Greenfeld,

Director, Bureau of Justice Statistics.

[FR Doc. 02–3872 Filed 2–15–02; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the following information collections: (1) Application for Authority to Employ Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture (WH–200 and WH–202); (2) Rehabilitation Plan and Award (OWCP–16); and (3) Notice of Recurrence of Disability and Claim for Continuance of Pay/Compensation (CA–2A).

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below within April 22, 2002.

ADDRESSES: Ms. Patricia A. Forkel, U. S. Department of Labor, 200 Constitution Ave., N.W., Room S–3201, Washington, DC 20210, telephone (202) 693–0339 (this is not a toll-free number), fax (202) 693–1451, e-mail *pforkel@fenix2.dol-esa.gov*.

SUPPLEMENTARY INFORMATION:

Applications for Authority To Employ Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture

I. Background

The Fair Labor Standards Act Sections 14(b)(1) and 14(b)(2) require the Secretary of Labor to provide certificates authorizing the employment of full-time students at 85% of the applicable minimum wage in retail or service establishments and in agriculture, to the extent necessary in order to prevent curtailment of opportunities for employment. Sections 519.3, 519.4, and 519.6 of Regulations 29 CFR part 519, set forth the application requirements and terms and conditions for employment of full-time students at subminimum wages. The WH–200 and WH–202 are voluntary use forms which are prepared and signed by an authorized representative of the employer to employ full-time students at subminimum wages.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks approval for this information collection in order to grant employer requests to employ students at subminimum wages. The WH–200 is currently approved for use through July 31, 2002. This form has been revised for this information collection request, and it to be used by employers requesting to employ more than six full-time students at subminimum wages. The WH–202 is a new form which provides a simplified application for employers applying for

authorization to employ up to six full-time students at subminimum wages throughout the employer's enterprise on any given day. This application requests less information than currently required on the WH–200.

Type of Review: Revision.

Agency: Employment Standards Administration.

*Titles:*Application for Authority to Employ Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture Under Regulations 29 CFR part 519 (WH–200); Application for Authority to Employ Six or More Full-Time Students at Subminimum Wages in Retail or Service Establishments or Agriculture Under Regulations 29 CFR part 519 (WH–202).

OMB Number: 1215–0032.

Agency Number: WH–200; WH–202.

Affected Public: Individuals or households; Businesses or other for-profit; Not for-profit institutions; Farms.

Frequency: Annually.

Total Respondents/Responses: 350.

Time per Response: 10–30 minutes.

Estimated Total Burden Hours: 69.

Total Burden Cost (capital/startup): $129.50.

Total Burden Cost (operating/maintenance): $0.

Rehabilitation Plan and Award (OWCP–16).

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Longshore and Harbor Workers' Compensation Act (LHWCA) and the Federal Employees' Compensation Act (FECA). Section 8104(a) of the FECA and Section 39 (c)(2) of the LHWCA provide that eligible injured workers are to be furnished vocational rehabilitation services. The form OWCP–16 serves as a plan for rehabilitation services, submitted by the injured worker and the vocational rehabilitation counselor, and OWCP's award of payment. The signatures of the interested parties document their collective approval of the plan. The form summarizes the nature and costs of the vocational rehabilitation program for a prompt decision on funding by OWCP.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

I. Current Actions

The Department of Labor seeks the extension of approval of this information collection request in order to carry out its responsibility to provide vocational rehabilitation services to eligible workers currently unemployed because of disability.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Rehabilitation Plan and Award.

OMB Number: 1215–0067.

Agency Number: OWCP–16.

Affected Public: Individuals or households; Business or other for-profit.

Frequency: On occasion.

Total Respondents/Responses: 7,000.

Average Time per Response: 30 minutes.

Total Annual Burden Hours: 3,500.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operation/maintenance): 0.

Notice of Recurrence of Disability and Claim for Continuance of Pay/Compensation (CA–2A)

I. Background

The Office of Federal Workers' Compensation Programs administers the Federal Employees' Compensation Act (5 USC 8101, *et. seq.*), which provides for the continuation of pay or compensation for work-related injury or disease resulting from Federal employment. Information on the CA–2A is obtained from claimants with previously accepted injuries who claim a recurrence of disability, and from their supervisors.

II. Review Focus

The Department of Labor is particularly interested in comments which

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the extension for approval of this information collection in order to determine if a claimant has suffered a recurrence of a disability related to an accepted injury, and if, so, appropriate benefits payable.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Notice of Recurrence of Disability and Claim for Continuance of Pay/Compensation.

OMB Number: 1215–0167.

Agency Number: CA–2A.

Affected Public: Individuals or households.

Frequency: Once per recurrence.

Total Respondents/Responses: 550.

Time per Response: 30 minutes.

Estimated Total Burden Hours: 275.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $203.00.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: February 12, 2002.

Margaret J. Sherrill,

Chief, Branch of Management, Review, and Internal Control, Chief, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 02–3926 Filed 2–15–02; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (02–027)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration, (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel (ASAP).

DATES: Friday, March 1, 2002, 12:00 p.m. to 1:00 p.m. Eastern Standard Time.

ADDRESSES: National Aeronautics and Space Administration Headquarters, 300 E Street, SW, Room 5W63, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Lengyel, Aerospace Safety Advisory Panel Executive Director, Code Q–1, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0391.

SUPPLEMENTARY INFORMATION: This meeting will be conducted via telecon with Panel members and consultants and NASA's Acting Associate Administrator for Safety and Mission Assurance. It will be open to the public up to the seating capacity of the room (12). The agenda for the meeting is as follows: On July 16, 2001, the Aerospace Safety Advisory Panel was tasked by NASA's Associate Administrator for Safety and Mission Assurance to review the Agency's organizations responsible for research and development of aerospace technology due to an unusually high incidence of costly mishaps. As a result, the ASAP's Aerospace Technology Team visited NASA's aerospace technology Centers including Ames Research Center, Dryden Flight Research Center, Glenn Research Center, and Langley Research Center. Their findings and recommendations will be presented at this telecon.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register. Members of the public should contact Ms. Vickie Smith on 202/358–1650 if you plan to attend. Pursuant to standard security procedures, you will be required to sign-in with Security upon arrival where you will be issued a temporary visitor's badge. While you are in the building, you must be escorted by a NASA employee at all times.

Sylvia K. Kraemer,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 02–3925 Filed 2–15–02; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before April 5, 2002. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to (301) 713–6852 or by e-mail to *records.mgt@nara.gov.* Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301) 713–7110. E-mail: *records.mgt@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit

level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of the Army, Agency-wide (N1–AU–02–8, 2 items, 2 temporary items). Records relating to actions designed to obtain bilateral approval for granting status accreditation to Defense Department contractor employees in Germany. Included are such records as application packages, contract notification actions, approvals and disapprovals, and related documents. Also included are electronic copies of documents created using electronic mail and word processing. The schedule also authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

2. Department of Defense, Defense Threat Reduction Agency (N1–374–02–1, 22 items, 22 temporary items). Records relating to acquisition and procurement management. Included are correspondence, memorandums, reports, and instructions relating to such matters as Federal and Department of Defense acquisition regulations, administration of the agency's International Merchant Purchase Authorization Card program, and development of the agency's technical report policy. Also included are electronic copies of documents created using electronic mail and word processing.

3. Department of Housing and Urban Development, Office of Public and Indian Housing (N1–207–02–1, 6 items, 5 temporary items). Records of the Office of Troubled Agency Recovery including program subject files, case files relating to troubled public housing authorities, and electronic copies of records created using electronic mail and word processing. Recordkeeping copies of annual reports and publications are proposed for permanent retention.

4. Department of Housing and Urban Development, Office of Federal Housing Enterprise Oversight (N1–543–02–2, 2 items, 2 temporary items). Quarterly Performance Reports relating to the Government Performance and Results Act (GPRA). Recordkeeping copies of Annual Performance Reports were previously approved for permanent retention.

5. Department of State, Bureau of Verification and Compliance (N1–59–01–10, 46 items, 26 temporary items). Records proposed for disposal include activity reports, chronological files, and other records maintained at lower levels, subject files dealing with administrative/housekeeping matters, files relating to interagency committees for which the bureau is not the chair, and agreement, message, and chronological files of the Nuclear Risk Reduction Center. Also included are electronic copies of documents created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of such files as activity reports accumulated by the Assistant Secretary and Deputy Assistant Secretaries, subject files relating to substantive matters, treaty negotiation files, files relating to committees chaired by the bureau, and data files and documentation for electronic information systems that pertain to research projects, arms control negotiations, and international military expenditures.

6. Department of the Treasury, Bureau of the Public Debt (N1–53–02–3, 5 items, 5 temporary items). Electronic information system used for tracking and accounting for undeliverable or stale-dated checks for the proceeds or interest payments of savings instruments. Included are master files, outputs, and system documentation, including electronic copies of documentation created using electronic mail and word processing.

7. Department of the Treasury, Bureau of the Public Debt (N1–53–02–4, 4 items, 4 temporary items). Electronic information system used for tracking and accounting for bonds that have been surrendered or confiscated by law enforcement agencies. Included are master files and system documentation, including electronic copies of documentation created using electronic mail and word processing.

8. Department of the Treasury, Bureau of the Public Debt (N1–53–02–5, 4 items, 4 temporary items). Electronic information system containing reissue information for savings notes. Included are master files, outputs, and system documentation, including electronic copies of documentation created using electronic mail and word processing.

9. Department of the Treasury, Bureau of the Public Debt (N1–53–02–6, 4 items, 4 temporary items). Electronic system containing tracking and accounting information for unissued bond stock. Included are master files, outputs, and system documentation, including electronic copies of documentation created using electronic mail and word processing.

10. Department of the Treasury, U. S. Secret Service (N1–87–02–1, 5 items, 5 temporary items). Inputs, master files, outputs, and system documentation pertaining to the Manhour Reporting System, an electronic system used to account for the time and activities of Secret Service law enforcement personnel.

11. Federal Emergency Management Agency, External Affairs Directorate (N1–311–02–3, 6 items, 1 temporary item). Electronic copies of documents created using electronic mail and word processing that relate to international agreements. Recordkeeping copies of these files are proposed for permanent retention.

12. National Archives and Records Administration, Agency-wide (N1–64–00–8, 46 items, 39 temporary items). Records relating to planning and administration. Included are such records as strategic planning files that do not pertain to major changes in agency policy or organization, case files pertaining to the development of performance plans, committee management files, non-substantive documents accumulated in the preparation of customer service plans, customer surveys, forms and electronic records that document the allocation of vacancies among agency components, staffing plans in paper and electronic form, and documents that relate to commercial activity inventories prepared in accordance with Office of Management and Budget Circular A–76. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of such files as strategic planning records that document major changes in agency policy or organization, annual performance plans and reports, customer service plans, and reports that analyze customer surveys.

13. National Archives and Records Administration, Office of the Federal Register (N1–64–02–4, 1 item, 1 temporary item). Reduction in the retention period of proposed rules. These files were previously approved for disposal.

14. Pension Benefit Guaranty Corporation, Corporate Policy and Research Department (N1–465–02–1, 18 items, 11 temporary items). Records pertaining to such matters as legislation not related to Title IV of the Employee Retirement Income Security Act, requests for Office of Management and Budget approval of information collection from the public, and the preparation of regulations, policies, and research studies. Also included are electronic databases pertaining to

pension insurance modeling and research projects as well as electronic copies of documents created using electronic mail and work processing. Proposed for permanent retention are recordkeeping copies of such records as files pertaining to significant legislation, background papers and other records pertaining to selected regulations and policies, published and unpublished research reports and studies, and electronic databases consisting of longitudinal and transactional data, with the related system documentation.

15. Tennessee Valley Authority, Education, Training and Diversity (N1–142–00–1, 26 items, 24 temporary items). Records relating to employee and outreach training programs including such records as applications, lists of attendees, correspondence, forms, meeting notes, and brochures. Also included are electronic copies of documents created using electronic mail and word processing and an electronic information system containing data on training taken by agency employees. Proposed for permanent retention are recordkeeping copies of newsletters and files documenting the agency's overall strategic training needs.

Dated: February 11, 2002.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 02–3943 Filed 2–15–02; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Exercise of Discretion for an Operating Facility, NRC Enforcement Policy (NUREG–1600)—(Notice of Enforcement Discretion (NOEDs)).

2. *Current OMB approval number:* 3150–0136.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* Nuclear power reactor licensees and gaseous diffusion plant certificate holders.

5. *The number of annual respondents:* 17.

6. *The number of hours needed annually to complete the requirement or request:* 2,550.

7. *Abstract:* The NRC's Enforcement Policy addresses circumstances in which the NRC may exercise enforcement discretion. This enforcement discretion is designated as a Notice of Enforcement Discretion (NOED) and relates to circumstances which may arise where a nuclear power plant licensee's compliance with a Technical Specification Limiting Condition for Operation or with other license conditions would involve an unnecessary plant transient or performance of testing, inspection, or system realignment that is inappropriate for the specific plant conditions, or unnecessary delays in plant startup without a corresponding health and safety benefit. Similarly, for a gaseous diffusion plant, circumstances may arise where compliance with a Technical Safety Requirement or other condition would unnecessarily call for a total plant shutdown, or, notwithstanding that a safety, safeguards or security feature was degraded or inoperable, compliance would unnecessarily place the plant in a transient or condition where those features could be required. A licensee or certificate holder seeking the issuance of an NOED must provide a written justification, in accordance with guidance provided in NRC Inspection Manual, Part 9900, which documents the safety basis for the request and provides whatever other information the NRC staff deems necessary to decide whether or not to exercise discretion.

Submit, by April 22, 2002, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: *http://www.nrc.gov/NRC/PUBLIC/OMB/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E6, Washington, DC 20555–0001, by telephone at 301–415–7233, or by Internet electronic mail at *INFOCOLLECTS@NRC.GOV.*

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 12th day of February, 2002.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 02–3899 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–400]

Carolina Power & Light Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Carolina Power & Light Company (the licensee) to withdraw its February 15, 2001, application for proposed amendment to Facility Operating License No. NPF–63 for the Shearon Harris Nuclear Power Plant, Unit No. 1, located in Wake and Chatham Counties, North Carolina.

The proposed amendment would have revised the Technical Specifications to clarify and relocate the requirements for containment isolation valve testing.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on March 21, 2001 (66 FR 15917). However, by letter dated January 29, 2002, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated February 15, 2001, and the licensee's letter dated January 29, 2002, which withdrew the application for license amendment. 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 Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams/html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 11th day of February, 2002.

For the Nuclear Regulatory Commission.

John M. Goshen,

Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–3900 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–334]

Pennsylvania Power Company, Ohio Edison Company, FirstEnergy Nuclear Operating Company, Beaver Valley Power Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from the requirements of Title 10 of the Code of Federal Regulations (10 CFR), Section 50.60(a), and 10 CFR part 50, Appendix G, for Facility Operating License No. DPR–66, issued to FirstEnergy Nuclear Operating Company (the licensee), for operation of the Beaver Valley Power Station, Unit No. 1 (BVPS–1), located in Beaver County, Pennsylvania. 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

Appendix G to 10 CFR part 50 requires that pressure/temperature (P/T) limits be established for reactor pressure vessels during normal operating and hydrostatic or leak rate testing conditions. Specifically, this regulation states, ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' Additionally, it specifies that the requirements for these limits are contained in the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code), Section XI, Appendix G.

To address provisions of an amendment to the Technical Specification P/T limits, the licensee requested in its application dated June 29, 2001, as supplemented by letters of October 4 and December 1, 2001, that the NRC staff exempt BVPS–1 from the requirements of 10 CFR, Section 50.60(a), and 10 CFR Part 50, Appendix G, to allow application of ASME Code Case N–640 in establishing the reactor vessel pressure limits at low temperatures.

ASME Code Case N–640 permits the use of an alternate reference fracture toughness (K_c fracture toughness curve instead of the K_a fracture toughness curve) for reactor vessel materials in determining the P/T limits. Since the K_c fracture toughness curve shown in ASME Code, Section XI, Appendix A, Figure A–2200–1 (the K_c fracture toughness curve), provides greater allowable fracture toughness than the corresponding K_a fracture toughness curve of ASME Code, Section XI, Appendix G, Figure G–2210–1 (the K_a fracture toughness curve), using Code Case N–640 for establishing the P/T limits would be less conservative than the methodology currently endorsed by 10 CFR part 50, Appendix G. Therefore, an exemption is required in order to apply ASME Code Case N–640.

The proposed action is in accordance with the licensee's application for exemption dated June 29, 2001, and supplements dated October 4 and December 1, 2001.

The Need for the Proposed Action

ASME Code Case N–640 is needed to revise the method used to determine the reactor coolant system (RCS) P/T limits.

The purpose of 10 CFR 50.60(a), and 10 CFR part 50, Appendix G, is to protect the integrity of the reactor coolant pressure boundary in nuclear power plants. This protection is accomplished through these regulations that, in part, specify fracture toughness requirements for ferritic materials of the reactor coolant pressure boundary. Pursuant to 10 CFR part 50, Appendix G, it is required that P/T limits for the RCS be at least as conservative as those obtained by applying the methodology of the ASME Code, Section XI, Appendix G.

Current overpressure protection system (OPPS) setpoints produce operational constraints by limiting the P/T range available to the operator to heat up or cool down the plant. The operating window through which the operator heats up and cools down the RCS becomes more restrictive with continued reactor vessel service. Reducing this operating window could potentially have an adverse safety impact by increasing the possibility of inadvertent OPPS actuation due to pressure surges associated with normal plant evolutions such as reactor coolant pump start and swapping operating charging pumps with the RCS in a water-solid condition. The impact on the P/T limits and OPPS setpoints has been evaluated for an increased service period to 22 effective full power years based on ASME Code, Section XI, Appendix G, requirements. The results indicate that the OPPS would significantly restrict the ability to perform plant heatup and cooldown, create an unnecessary burden to plant operations, and challenge control of plant evolutions required with OPPS enabled. Continued operation of BVPS–1 with P/T curves developed to satisfy ASME Code, Section XI, Appendix G, requirements without the relief provided by ASME Code Case N–640 would unnecessarily restrict the P/T operating window, especially at low-temperature conditions.

Application of ASME Code Case N–640 will provide results which are sufficiently conservative to ensure the integrity of the reactor coolant pressure boundary while providing P/T curves which are not overly restrictive.

In the associated exemption, the NRC staff would determine that, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served by the implementation of ASME Code Case N–640.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that there are no significant environmental impacts associated with the use of ASME Code Case N–640 to develop the new P–T limits and OPPS setpoints.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any 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 involve 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

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for BVPS–1 dated July 1973.

Agencies and Persons Consulted

On January 24, 2002, the staff consulted with the Pennsylvania State official, Mr. L. Ryan, of the Pennsylvania Department of Environmental Protection Bureau, Division of Nuclear Safety, 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 June 29, 2001, as supplemented by letters dated October 4 and December 1, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams/html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland this 11th day of February 2002.

For the Nuclear Regulatory Commission.

Daniel Collins,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–3897 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–361 and 50–362]

Southern California Edison Company, San Diego Gas and Electric Company, The City of Riverside, California, The City of Anaheim, California, San Onofre Nuclear Generating Station, Units 2 and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Facility Operating License Nos. NPF–10 and NPF–15, issued to Southern California Edison Company, et al. (the licensee), for operation of the San Onofre Nuclear Generating Station (SONGS), Units 2 and 3, located in San Diego County, California. 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 Proposed Action

The proposed action would amend the Facility Operating Licenses (FOLs) for SONGS, Units 2 and 3, to delete license conditions that have been fulfilled and to make other administrative and editorial changes.

The proposed action is in accordance with the licensee's application dated March 21, 2001, as supplemented by letter dated January 11, 2002.

The Need for the Proposed Action

When the FOLs, NPF–10 and NPF–15, were issued to the licensee, the NRC staff deemed certain issues essential to safety and/or essential to meeting certain regulatory interests. These issues were imposed as license conditions in the FOLs upon their issuance and during subsequent operation of the plant, with deadlines for their implementation. Since the units were licensed to operate in the 1980s, most of these license conditions have been fulfilled. For the license conditions that have been fulfilled, the licensee proposed to have them deleted from the FOLs. The licensee also proposed to make changes to the license to reflect the deletion of the completed license conditions.

The proposed amendments involve administrative changes to the FOLs only. No actual plant equipment, regulatory requirements, operating practices, or analyses are affected by these proposed amendments.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that there will be no significant environmental impact if the amendments are granted. No changes will be made to the design and licensing bases, and applicable procedures at SONGS, Units 2 and 3 will remain the same. Other than the administrative changes, no other changes will be made to the FOLs, including the Technical Specifications.

The proposed actions will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, 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 affect nonradiological plant effluents and has no other environmental impacts. Accordingly, the NRC concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

Since the NRC has concluded that there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the NRC staff considered denial of the proposed action. 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

This action does did not involve the use of any resources different than those

resources previously considered in the Final Environmental Statement related to the SONGS Nuclear Generating Station.

Agencies and Persons Contacted

In accordance with its stated policy, on January 25, 2002, the NRC staff consulted with the California State official, Mr. Steve Hsu, of the Radiologic Health Branch of the State Department of Health Services, regarding the environmental impact of the proposed actions. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed actions 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 actions.

For further details with respect to the proposed action, see the licensee's letter dated March 21, 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/adams/html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 11th day of February 2002.

For the Nuclear Regulatory Commission.

John B. Hickman,

Acting Chief, Section 2, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–3896 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Applications for Licenses To Import/Export Class A Radioactive Mixed Waste

Pursuant to 10 CFR 110.70(b)(4) and (c) ''Public notice of receipt of an application'', please take notice that the U.S. Nuclear Regulatory Commission has received the following applications for licenses to import and export Class A radioactive mixed waste. Copies of the applications are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link, *http://www.nrc.gov/NRC/ADAMS/index.html,* at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

The information concerning the applications follows.

NRC IMPORT LICENSE APPLICATION AND NRC EXPORT LICENSE APPLICATION

Name of applicant, date of applicant, date received, application number	Description of material			Country of origin
	Material type	Total qty	End use	
Diversified Scientific Services January 18, 2002 January 22, 2002 IW012	Class A radioactive mixed waste in various forms including semi-solids, solids, and liquids..	15,000,000 kg containing 2000 curies tritium, carbon-14, & mixed fission product radionuclides and other contaminants..	For thermal destruction & return to Canada..	Canada.
Diversified Scientific Services January 18, 2002 January 22, 2002 XW008	Class A radioactive mixed waste in the form of baghouse salts and ash; and, if necessary, return of any non-conforming Class A radioactive mixed waste..	15,000 liters containing 30 curies tritium, carbon-14, & mixed fission product radionuclides and other contaminants. Quantity includes non-conforming waste, to be returned as required..	Return of waste after processing. Return of non-conforming waste..	Canada.

For the U.S. Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 12th day of February 2002.

Janice Dunn Lee,

Director, Office of International Programs.

[FR Doc. 02–3901 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Call for Identification of Proposed Anticipatory Research Projects

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comments.

SUMMARY: The Nuclear Regulatory Commission's Office of Nuclear Regulatory Research is seeking recommendations for anticipatory research from all stakeholders that will help the agency prepare for the challenges and regulatory issues it may face in the future. A Call for Identification of Proposed Anticipatory Research Projects is presented below. Please provide comments to Dr. James W. Johnson, Special Assistant to the Director, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by e-mail to *jwj@nrc.gov* by June 1, 2002.

Call for Identification of Proposed Anticipatory Research Projects

NRC research is performed in order to meet a known or anticipated regulatory need. There are two subcategories of research that require separate consideration: confirmatory research and anticipatory research. Confirmatory research assists the agency in responding to license applications that are now before the agency or that are anticipated to come before the agency in the future-usually in the near future. This type of research supports the NRC's regulatory activities and is usually conducted at the request of the offices that are directly responsible for regulatory oversight—the Offices of Nuclear Reactor Regulation and Nuclear Materials Safety and Safeguards.

The NRC also conducts research programs that are more forward looking, research related to evolving technologies or issues that may become important regulatory concerns in the future. Some of this work may also be confirmatory in nature, providing independent assessment of information developed by the nuclear industry, but much of it is what we refer to as ''anticipatory'' research. These types of programs may not have been requested by our regulatory offices. Rather, this work arises from the examination of industry trends and an effort to try to foresee where the NRC may need information to respond to future regulatory issues. If we wait until these potential issues become actual regulatory concerns, it may be too late to develop the technical information to respond to them in a timely fashion. Examples of anticipatory research that have been highly valuable to the agency include probabilistic risk analysis methods and applications, severe accident source term research, and the evaluation of the effects of aging on plant components.

The Office of Nuclear Regulatory Research is seeking recommendations or proposals for anticipatory research both within NRC and from external stakeholders that will help NRC prepare for current challenges and regulatory issues anticipated in the future. The submittal should describe the proposed research and focus on the potential use of the research results in current or future regulatory activities.

The NRC is facing many profound challenges. They were discussed in a presentation by Chairman Meserve at the 2001 Working conference of the American Nuclear Society in August (available on the web at *http://www.nrc.gov/reading-rm/doc-collections/commission/speeches/2001/s01–020.html*) and are summarized below:

- Establish the infrastructure for future licensing and new construction, possibly involving new designs.
- The technical basis needed to support the NRC's regulatory activities in dealing with new reactor technologies and new policy issues must be developed. (This could include fuel performance, behavior of materials at high temperature, and graphite technology, for example)
- Evaluation of new technological approaches to instrumentation and control and to the human-machine interface
- Reform the regulatory structure, moving to a risk-informed and performance-based paradigm.
- Continue to reform the reactor oversight process
- Develop the bases for additional regulatory improvement
- Develop a risk-informed regulatory approach, with associated acceptance criteria, for new reactor concepts being considered by the industry
- Re-licensing of existing plants.
- Consideration of aging issues to determine if further research is needed
- Considerations arising from the Sept. 11 tragedy
- Disposition of spent nuclear fuel.
- Spent fuel pool
- Independent storage on-site
- Long-term storage
- Maintaining NRC's core competence.
- Staff training and education

At the Nuclear Safety Research Conference, Chairman Meserve spoke on enhancing the NRC's capacity to meet new regulatory challenges and focused on the need to maintain the research infrastructure—the need for technical personnel, experimental facilities, and analytical tools to help provide the technical foundation for regulation. The speech is available on the web at *http://www.nrc.gov/reading-rm/doc-collections/commission/speeches/2001/s01–026.html.*

We also solicit your comments on the factors that should be considered when anticipatory research topics are prioritized, both among themselves, and in competition with confirmatory research responding to a stated need of one or the other program offices.

To permit these new topics to be considered in developing future plans, your recommendations should be submitted to Dr. James W. Johnson, Special Assistant to the Director, Office of Nuclear Regulatory Research, MS T–10–F–12, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, no later than June 1, 2002. Comments also may be submitted by e-mail to *jwj@nrc.gov.*

ADDRESSES: Written comments may be sent to: Dr. James W. Johnson, Special Assistant to the Director, Office of Nuclear Regulatory Research, MS T–10 F–12, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Comments may be hand delivered to 11545 Rockville Pike, Rockville, Maryland, 20852.

FOR FURTHER INFORMATION CONTACT: Dr. James W. Johnson, Special Assistant to the Director, Office of Nuclear Regulatory Research, MS T–10 F–12, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6802.

Dated at Rockville, Maryland, this 7th day of February, 2002.

For the Nuclear Regulatory Commission.

Ashok C. Thadani,

Director, Office of Nuclear Regulatory Research.

[FR Doc. 02–3898 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on March 6, 2002, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire 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 ACRS, 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, March 6, 2002—9:00 a.m.–12:00 Noon

The Subcommittee will discuss proposed ACRS activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the

concurrence of the Subcommittee 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 Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Official 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 Designated Federal Official, Sam Duraiswamy (telephone: 301/415–7364) 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 11, 2002.

Sher Bahadur,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 02–3902 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Thermal-Hydraulic Phenomena; Notice of Meeting

The ACRS Subcommittee on Thermal-Hydraulic Phenomena will hold a meeting on March 6, 2002, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

Portions of the meeting may be closed to public attendance to discuss General Electric proprietary information per 5 U.S.C. 552b(c)(4).

The agenda for the subject meeting shall be as follows:

Wednesday, March 6, 2002—1:00 p.m. Until the Conclusion of Business

The Subcommittee will continue its review of the GE Nuclear Energy Topical Report, NEDC–33004P, Revision 1, ''Constant Pressure Power Uprate'' and the associated NRC staff's safety evaluation. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee 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 Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the Designated Federal Official named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, General Electric Nuclear Energy, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the Designated Federal Official, Mr. Paul A. Boehnert (telephone 301–415–8065) between 7:30 a.m. and 5 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 potential changes to the agenda that may have occurred.

Dated: February 11, 2002.

Sher Bahadur,

Associate Director for Technical Support.

[FR Doc. 02–3903 Filed 2–15–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Acting Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of February 18, 25, March 4, 11, 18, 25, 2002.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of February 18, 2002

Tuesday, February 19, 2002

1:55 p.m.
Affirmation Session (Public Meeting) (If needed)

2:00 p.m.
Meeting with the Advisory Committee on the Medical Uses of Isotopes (ACMUI) (Public Meeting) (Contact: Angela Williamson, 301–415–5030)

This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of February 25, 2002—Tentative

Friday, March 1, 2002

9:30 a.m.
Briefing on Status of Office of the Chief Financial Officer (OCFO) Programs, Performance, and Plans (Public Meeting) (Contact: Lars Solander, 301–415–6080)

This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of March 4, 2002—Tentative

Monday, March 4, 2002

2:00 p.m.
Briefing on Status of Nuclear Waste Safety (Public Meeting) (Contact: Claudia Seelig, 301–415–7243)

This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of March 11, 2002—Tentative

There are no meetings scheduled for the Week of March 11, 2002.

Week of March 18, 2002—Tentative

Tuesday, March 19, 2002

9:30 a.m.
Briefing on Office of Nuclear Regulatory Research (RES) Programs, Performance, and Plans (Public Meeting) (Contact: James Johnson, 301–415–6802)

This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of March 20, 2002—Tentative

Wednesday, March 20, 2002

9:25 a.m.
Affirmation Session (Public Meeting) (If needed)

9:30 a.m.
Meeting with Advisory Committee on Nuclear Waste (ACNW) (Public Meeting) (Contact: John Larkins, 301–415–7360)

This meeting will be webcast live at the Web address—*www.nrc.gov*

Week of March 25, 2002—Tentative

There are no meetings scheduled for the Week of March 25, 2002.

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

The NRC Commission Meeting Schedule can be found on the Internet at: *www.nrc.gov*

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this commission meeting schedule electronically, please send a electronic message to *dkw@nrc.gov.*

Dated: February 14, 2002.

Sandra M. Joosten,

Executive Assistant, Office of the Secretary.

[FR Doc. 02–4027 Filed 2–14–02; 10:23 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Pub. L. 97–415, the U.S. Nuclear Regulatory Commission (the Commission or NRC staff) is publishing this regular biweekly notice. Public Law 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from January 25, 2002 through February 7, 2002. The last biweekly notice was published on February 5, 2002 (67 FR 5323).

Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The filing of requests for a hearing and petitions for leave to intervene is discussed below.

By March 21, 2002, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714, which is available at the NRC's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first

prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff, or may be delivered to the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for a hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's PDR, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC PDR Reference staff at 1–800–397–4209, 304–415–4737 or by e-mail to *pdr@nrc.gov.*

AmerGen Energy Company, LLC, Docket No. 50–461, Clinton Power Station, Unit 1, DeWitt County, Illinois

Date of amendment request: November 30, 2001.

Description of amendment request: A change is proposed to Surveillance Requirement (SR) 3.0.3 to allow a longer period of time to perform a missed surveillance. The time is extended from the current limit of "* * * up to 24 hours or up to the limit of the specified Frequency, whichever is less" to "* * * up to 24 hours or up to the limit of the specified Frequency, whichever is greater." In addition, the following requirement would be added to SR 3.0.3: "A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed."

The Nuclear Regulatory Commission (NRC) staff issued a notice of opportunity for comment in the **Federal Register** on June 14, 2001, (66 FR 32400), on possible amendments concerning missed surveillances, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on September 28, 2001, (66 FR 49714). The licensees affirmed the applicability of the following NSHC determination in its application dated November 30, 2001.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change relaxes the time allowed to perform a missed surveillance. The time between surveillances is not an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased. The equipment being tested is still required to be operable and capable of performing the accident mitigation functions assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly affected. Any reduction in confidence that a standby system might fail to perform its safety function due to a missed surveillance is small and would not, in the absence of other unrelated failures, lead to an increase in consequences beyond those estimated by existing analyses. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. A missed surveillance will not, in and of itself, introduce new failure modes or effects and any increased chance that a standby system might fail to perform its safety function due to a missed surveillance would not, in the absence of other unrelated failures, lead to an accident beyond those previously evaluated. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of

accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The extended time allowed to perform a missed surveillance does not result in a significant reduction in the margin of safety. As supported by the historical data, the likely outcome of any surveillance is verification that the LCO [Limiting Condition for Operation] is met. Failure to perform a surveillance within the prescribed frequency does not cause equipment to become inoperable. The only effect of the additional time allowed to perform a missed surveillance on the margin of safety is the extension of the time until inoperable equipment is discovered to be inoperable by the missed surveillance. However, given the rare occurrence of inoperable equipment, and the rare occurrence of a missed surveillance, a missed surveillance on inoperable equipment would be very unlikely. This must be balanced against the real risk of manipulating the plant equipment or condition to perform the missed surveillance. In addition, parallel trains and alternate equipment are typically available to perform the safety function of the equipment not tested. Thus, there is confidence that the equipment can perform its assumed safety function. Therefore, this change does not involve a significant reduction in a margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff has reviewed the licensees' analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Mr. Edward J. Cullen, Vice President, General Counsel, Exelon Generation Company, LLC, 300 Exelon Way, Kennett Square, PA 19348.

NRC Section Chief: Anthony J. Mendiola.

Arizona Public Service Company, et al., Docket No. STN 50–529, Palo Verde Nuclear Generating Station, Unit 2, Maricopa County, Arizona

Date of amendment request: December 21, 2001.

Description of amendment request: The amendment would revise the operating license and the Technical Specifications (TSs) to support replacement of the steam generators and the subsequent increased power to a level of 3990 MWt, a 2.94 percent increase.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

a. Evaluation of the Probability of Previously Evaluated Accidents

Plant Structures, Systems and Components (SSCs) have been verified to be capable of performing their intended design functions at uprated power conditions. Where necessary, a small number of minor modifications will be made prior to implementation of uprated power operations so that surveillance test acceptance criteria continues to be met. The analysis has concluded that operation at uprated power conditions will not adversely affect the capability or reliability of plant equipment. Current technical specification surveillance requirements ensure frequent and adequate monitoring of system and component operability. All systems will continue to be operated within current operating requirements at uprated conditions. Therefore, no new structure, system or component interactions have been identified that could lead to an increase in the probability of any accident previously evaluated in the Updated Final Safety Analysis Report (UFSAR).

b. Evaluation of the Consequences of Previously Evaluated Accidents

The radiological consequences were reviewed for all design basis accidents (DBAs) (*i.e.,* both LOCA [loss-of-coolant accident] and non-LOCA accidents) previously analyzed in the UFSAR. The analyses showed that the resultant radiological consequences for both LOCA and non-LOCA accidents remained within regulatory and Standard Review Plan (SRP) limits at uprated power conditions.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The configuration, operation and accident response of the PVNGS [Palo Verde Nuclear Generating Station] Unit 2 SSCs are unchanged by operation at uprated power conditions or by the associated proposed TS changes. Analyses of transient events have confirmed that no transient event results in a new sequence of events that could lead to a new accident or different scenario.

The effect of operation at uprated power conditions on plant equipment has been evaluated. No new operating mode, safety-related equipment lineup, accident scenario, or equipment failure mode was identified as a result of operating at uprated conditions. In addition, operation at uprated power conditions does not create any new failure modes that could lead to a different kind of accident. Minor plant modifications, to support implementation of uprated power conditions, will be made as required to existing SSCs. The basic design function of all SSCs remains unchanged and no new equipment or systems have been installed that could potentially introduce new failure modes or accident sequences.

Based on these analyses, it is concluded that no new accident scenarios, failure mechanisms or limiting single failures are introduced as a result of the proposed changes. The proposed changes do not have an adverse effect on any safety-related system or design basis function. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

A comprehensive analysis was performed to evaluate the effects of power uprate on PVNGS Unit 2. This analysis identified and defined the major input parameters to the NSSS [nuclear steam supply system], reviewed NSSS design transients, and reviewed the capabilities of the NSSS and BOP [balance-of-plant] fluid systems, NSSS/BOP interfaces, NSSS and BOP control systems, and NSSS and BOP SSCs. NSSS accident analyses were re-performed or reviewed to confirm that acceptable results were maintained and that the radiological consequences remained within regulatory and SRP limits. The nuclear and thermal hydraulic performance of nuclear fuel was also reviewed to confirm acceptable results. The analyses confirmed that all NSSS and BOP SSCs are capable, some with minor modifications, to safely support operations at uprated power conditions.

The margin of safety of the reactor coolant pressure boundary is maintained under uprated power conditions. The design pressure of the reactor pressure vessel and reactor coolant system will not be challenged as the pressure mitigating systems were confirmed to be sufficiently sized to adequately control pressure under uprated power conditions.

Reanalysis of containment structural integrity under DBA conditions indicates that the calculated peak containment pressure (Pa) increases from 52.0 psig to 58.0 psig, but remains less than the containment internal design pressure of 60 psig. The proposed value for Pa has been rounded up from the actual calculated value of 57.85 psig.

Radiological consequences of the following accidents were reviewed: Main Steam Line Break, Locked Reactor Coolant Pump (RCP) Rotor, CEA Ejection, Small Steam Line Break Outside Containment, Steam Generator Tube Rupture, LBLOCA [large break loss of coolant accident], SBLOCA [small break loss of coolant accident], Waste Gas Decay Tank Rupture, Liquid Waste Tank Failure, and Fuel Handling Accident. The resultant radiological consequences for each of these accidents remained within regulatory and SRP limits at uprated power conditions.

The analyses supporting operation at power uprate conditions have demonstrated that all systems and components are capable of safely operating at uprated power conditions. All DBA acceptance criteria will continue to be met. Therefore, it is concluded that the proposed changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on that review, it appears that the three

standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request for an amendment involves no significant hazards consideration.

Attorney for licensee: Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999.

NRC Section Chief: Stephen Dembek.

Calvert Cliffs Nuclear Power Plant, Inc., Docket No. 50–317, Calvert Cliffs Nuclear Power Plant, Unit No. 1, Calvert County, Maryland

Date of amendment request: January 31, 2002.

Description of amendment request: The proposed amendment would allow a one-time five-year extension, for a total of 15 years, for the performance of the next Unit 1 integrated leak rate test (ILRT). The proposed amendment would also exempt Unit 1 from the requirement to perform a post-modification containment ILRT associated with the steam generator replacement.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated:

[Extension of Type A integrated leakage rate testing:]

This proposed one-time extension of the Type A test interval does not increase the probability of an accident since there are no design or operating changes involved and the test is not an accident initiator. The proposed extension of the test interval does not involve a significant increase in the consequences of an accident since research documented in NUREG–1493 has found that, generically, fewer than three percent of the potential containment leak paths are not identified by Type B and C testing. Calvert Cliffs, through testing and containment inspections, also provides a high degree of assurance that the Containment will not degrade in a manner detectable only by a Type A test. Inspections required by the Maintenance Rule (10 CFR 50.65) and by the American Society of Mechanical Engineers Boiler and Pressure Vessel Code are performed to identify containment degradation that could affect leak tightness.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

[Exemption from post-modification testing:]

The steam generator replacement activities do not affect the containment structure or the actual containment liner. Access for the replacement steam generators as well as removal of the old steam generators will be through the equipment hatch. However, the outer shell of the steam generators, the inside containment portions of the main steam line, the feedwater lines, the auxiliary feedwater lines, and the steam generator blowdown lines are all part of the primary reactor containment boundary that will be impacted by the replacement activities.

Calvert Cliffs Nuclear Power Plant Technical Specification 5.5.16 states, ''A program shall be established to implement the leakage testing of the Containment as required by 10 CFR 50.54(o) and 10 CFR part 50, Appendix J, Option B. This program shall be in accordance with the guidelines contained in Regulatory Guide 1.163, 'Performance-Based Containment Leak-Test Program' dated September 1995, including errata.'' Regulatory Guide 1.163, ''Performance-Based Containment Leak-Test Program,'' endorses NEI [Nuclear Energy Institute] 94–01, Revision 0 for methods acceptable to comply with the requirements of Option B. Prior to returning the Containment to operation, NEI 94–01 requires leakage rate testing (Type A testing or local leakage rate testing), following repairs and modification that affect the containment leakage integrity.

The affected area of the primary containment boundary is also part of the pressure boundary of an American Society of Mechanical Engineers (ASME) Class 2 component/piping system and, as such, the planned replacement of the steam generators are subject to the repair and replacement requirements of ASME Section XI. The ASME Section XI surface examination, volumetric examination, and system pressure test requirements are more stringent than the Appendix J, Option B testing requirements. The acceptance criteria for ASME Section XI system pressure testing of welded joints is ''zero leakage.'' In addition, the test pressure for the system pressure test will be approximately 17 times that of Appendix J, Option B test.

The objective of the Type A test is to assure the leak-tight integrity of the area affected by the modification. Although the leak test is in a direction reverse to that of the design basis accident environment, the ASME Section XI inspection and testing requirements more than fulfill the intent of the requirements of Appendix J, Option B with the exception of secondary side access manways. Section 9.2.1, NEI 94–01, Revision 0 allows reverse testing if justified. Section XI pressure test applies a sealing pressure to the secondary manway due to the inward door swing configuration. Hence, a Type B local leak rate test will be performed for the secondary manways. For all other affected components, reverse testing is justified since the acceptance criteria for ASME Section XI system pressure testing of welded joints is ''zero leakage,'' and the test pressure of the system pressure test will be approximately 17 times that of a Type A test. Hence, the probability or consequences of design bases accidents previously evaluated are unchanged.

Therefore, the proposed revision to Technical Specification 5.5.16 to eliminate the requirement to perform post-modification containment integrated leakage rate testing following replacement of Unit 1 steam generators will not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different type of accident from any accident previously evaluated.

[Extension of Type A integrated leakage rate test interval:]

This proposed one-time extension to the interval for the Type A test does not involve any design or operational changes that could lead to a new or different kind of accident from any accident previously evaluated. The test itself is not changing and will be performed after a longer interval. The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation.

Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

[Exemption from post-modification testing:]

The proposed revision does not involve a physical change to the plant and there are no changes to the operation of the plant that could introduce a new failure mode. As described above in Item 1, the objective of the Appendix J, Option B test is to assure that leak-tight integrity of the area affected by the modification. The ASME Section XI inspection and testing requirements are more stringent than the Appendix J, Option B testing requirements.

Therefore, the proposed revision to Technical Specification 5.5.16 to eliminate the requirement to perform post-modification containment integrated leakage rate testing following replacement of Unit 1 steam generators will not create the possibility of a new or different [kind] of accident from any previously evaluated.

3. Would not involve a significant reduction in the margin of safety.

[Extension of Type A integrated leakage rate test interval:]

The generic study of the increase in the Type A test interval, NUREG–1493, concluded there is an imperceptible increase in the plant risk associated with extending the test interval out to 20 years. Further, the extended test interval would have a minimal effect on this risk since Type B and C testing detect 97 percent of potential leakage paths. For the requested change in the Calvert Cliffs Integrated Leakage Rate Test interval, it was determined that the risk contribution of leakage will increase 0.07 percent (based on change in offsite dose). This change is considered very small and does not represent a significant reduction in the margin of safety.

Therefore, this change does not involve a significant reduction in the margin of safety.

[Exemption from post-modification testing:]

As described above in Item 1, the ASME Section XI surface examination, volumetric examination, and system pressure test requirements are more stringent than the Appendix J, Option B testing requirements. The acceptance criteria for ASME Section XI

system pressure testing of welded joints is ''zero leakage.'' In addition, the test pressure for the system pressure test will be approximately 17 times that of Appendix J, Option B test.

Therefore, the proposed revision to Technical Specification 5.5.16 to eliminate the requirement to perform post-modification containment integrated leakage rate testing following replacement of Unit 1 steam generators does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposed to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Section Chief: Joel Munday (Acting).

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of amendment request: November 6, 2001, as supplemented December 27, 2001.

Description of amendment request: The proposed amendment would: 1) Increase the allowable nominal average fuel assembly enrichment from 4.5 w/o U–235 to 4.85 w/o U–235 for all regions of the spent fuel pool, the new fuel storage racks (dry), and the reactor core; 2) Allow fuel to be located under the cell blockers in 40 empty Region B storage cells; and, 3) Credit spent fuel pool soluble boron for reactivity control during normal conditions to maintain spent fuel pool $K_{eff} \leq 0.95$.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

Previously evaluated Final Safety Analysis Report (FSAR) Chapter 14 accidents are a fuel handling accident either in the spent fuel pool (SFP) or in containment, and a spent fuel cask drop accident. Since there are no changes to plant equipment, nor any changes in how fuel is moved, there are no changes to the probability of a fuel handling accident in the spent fuel pool or containment.

Since there are no changes to plant equipment, nor any changes in how a shielded cask would be moved, there are no changes to the probability of a spent fuel cask drop accident.

The consequences of a fuel drop accident in either containment or the spent fuel pool are not affected, since none of the inputs to these fuel drop accidents is affected. There are no physical hardware changes made to the plant. The limiting fuel burnup is not changed, nor is there any change in the source term of radioactivity present in the fuel. Allowing fuel to be stored in the 40 Region B locations currently empty, does not alter the existing FSAR conclusion that a dropped fuel assembly or consolidated storage box could not strike more than one fuel assembly in the storage rack. This is still true since the fuel stored in these 40 locations is stored at the same elevation as fuel in any other storage locations. The FSAR states that the worst fuel handling incident that could occur in the SFP is the drop of a fuel assembly to the pool floor, with resultant failure of 14 fuel rods when the assembly rotates and impacts a protruding structure. Radiological consequences for both the failure of 14 rods and the entire fuel assembly are presented in the FSAR. The storage of fuel in the 40 currently blocked locations does not affect this FSAR sequence of events for the dropped fuel assembly in the SFP accident. The amount of soluble boron concentration necessary in the SFP to ensure that K_{eff} is maintained ≤ 0.95 on a 95/95 bases is increased from 800 ppm to 1400 ppm. However, this increase in required SFP soluble boron concentration does not increase any dose consequences from the fuel drop accident in the SFP. The increase in soluble boron concentration from 800 ppm to 1400 ppm is a result of crediting an additional 600 ppm of SFP soluble boron under normal conditions.

The consequences of a spent fuel cask drop accident in the SFP is not affected, since none of the inputs to the spent fuel cask drop accident is affected. There are no physical hardware changes made to the plant. The limiting fuel burnup is not changed, nor is there any change in the source term of radioactivity present in the fuel. The amount of soluble boron concentration necessary in the SFP to ensure that K_{eff} is maintained $\leq$ 0.95 on a 95/95 bases is increased from 800 ppm to 1400 ppm. However, this increase in required SFP soluble boron concentration does not increase any dose consequences from the spent fuel cask drop accident in the SFP. The increase in soluble boron concentration from 800 ppm to 1400 ppm is a result of crediting an additional 600 ppm of SFP soluble boron under normal conditions.

With regard to the proposed change in the design features section of Technical Specifications (TS), which would allow higher enrichments in the new fuel storage (dry) vault, there are no FSAR Chapter 14 accident conditions currently analyzed, therefore there can be no change in probability or consequences of an existing accident.

With regard to the proposed change in the design features section of TS, which would allow higher enrichments in the reactor core, enrichment by itself is not a parameter which will affect the probability or consequences of an accident previously analyzed. The effects of enrichment on other reactor core parameters such as shutdown margin, MTC [moderator temperature coefficient] and power distributions is considered by meeting the exi[s]ting TS requirements for these parameters. Also, the reactor core radioactive source term is not affected since the exiting design basis analysis bounds use of the proposed enrichment. Therefore, a change in the maximum enrichment limit will not impact any safety analyses because the important inputs to these analyses are protected by Technical Specifications. Since there are no changes to these existing reactor core TS parameter limits, there will be no effect on the probability or consequences of an accident previously analyzed.

Therefore, based on the above analysis, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The changes to be made primarily affect nuclear criticality analysis and do not create a new or different kind of accident. Changes in allowed enrichment, boraflex credit, soluble boron credit, and allowing fuel to be stored in 40 additional locations are all impacts to the SFP criticality analysis. The SFP criticality analysis is part of the basic design of the system and is not an accident. The ability to maintain the SFP $K_{eff} \leq 0.95$, as well as within the 10 CFR 50 App. A GDC62 criteria [General Design Criterion (GDC)–62, ''Prevention of criticality in fuel storage and handling,'' of Appendix A, ''General Design Criteria for Nuclear Power Plants,'' to 10 CFR part 50] of sub-critical have been evaluated. Criticality impacts are more appropriately discussed under the margin of safety criterion.

Since there are no changes to the plant equipment, there is no possibility of a new or different kind of accident being initiated or affected by equipment issues. There are no changes in how fuel is moved or qualified for storage, so a new accident cannot be initiated from fuel handling related procedures.

Higher SFP soluble boron concentrations are required than previously required to compensate for the positive reactivity insertions from postulated accident conditions (i.e., dropped cask). However, merely increasing the amount of SFP soluble boron required for compensating for the existing analyzed accident does not create the potential for a new or different kind of accident.

With regard to the proposed change in the design section of TS, which would allow higher enrichments in the new fuel storage (dry) vault, no new or different kind of accident conditions are created. The existing new fuel storage analysis previously submitted to the NRC is not altered, and already bounds enrichments up to 5.0 w/o U–235.

With regard to the proposed change in the design features section of TS, which would allow higher enrichments in the reactor core, the higher enrichment fuel in the reactor core does not require any new or different plant

equipment, and does not change the manner in which currently installed equipment is operated. There are no changes to normal core operation, and the unit will meet all applicable design criteria and will operate within the existing reactor core TS limits. No new failure modes have been created for any system, component or piece of equipment, and no new single failure mechanisms are introduced. Therefore, allowing higher enrichments in the reactor core will not create a new or different kind of accident condition.

Therefore, based on the above analysis, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The margin of safety relevant to the SFP are:

- To ensure that the SFP K_{eff} remains ≤ 0.95 on a 95/95 basis to ensure the criticality safety of the SFP.
- To ensure that the spent fuel in the SFP remains adequately cooled so that the fission product barriers remain intact.

A criticality analysis has been performed to ensure that the spent fuel pool K_{eff} remains ≤ 0.95 on a 95/95 basis under all normal and postulated accident conditions. Thus the margin of criticality safety is not changed. Most of the changes in the criticality analysis are of an input nature, such as a change in allowed enrichment. The only change in methodology is the crediting of soluble boron for normal conditions. The approach used is consistent with WCAP–14416–NP–A. The NRC has previously approved for other plants similar applications for soluble boron credit for normal conditions. The criticality analysis has been performed to ensure that the spent fuel pool K_{eff} remains less than 1.00 on a 95/95 basis even with 0 ppm soluble boron concentration in the SFP. This ensures compliance with GDC62.

The only change that could affect the SFP cooling analysis is allowing 40 additional fuel assemblies to be stored in the SFP. The current design basis heat load analysis already bounds the storage of these fuel assemblies. This ensures that the spent fuel in the SFP remains adequately cooled so that the fission product barriers remain intact. The current design basis heat load analysis bounds the increased fuel storage.

With regard to the proposed change in the design section of TS, which would allow higher enrichments in the new fuel storage (dry) vault, there is no significant reduction in the margin of safety. The existing new fuel storage analysis previously submitted and approved by the NRC is not altered, and already bounds enrichments up to 5.0 w/o U–235, to ensure that K_{eff} of the new fuel storage racks is maintained ≤ 0.95.

With regard to the proposed change in the design features section of TS, which would allow higher enrichments in the reactor core, enrichment by itself is not a parameter which will affect the margin of safety. The margins of safety, such as fuel DNB protection, fuel melt protection and RCS boundary protection, are met by complying with the safety analysis and associated TS limits. The effects of enrichment on other reactor core parameters such as shutdown margin, MTC and power distributions is considered by meeting the existing TS requirements for these parameters. Therefore, a change in the maximum core enrichment limit will not impact any margins of safety because the important inputs to the safety analyses are protected by Technical Specifications. Since there are no change[s] to these existing reactor core TS parameter limits, there will be no effect on the margin of safety.

Therefore, based on the above analysis, the proposed changes do not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Nuclear Counsel, Dominion Nuclear Connecticut, Inc., Rope Ferry Road, Waterford, CT 06385.

NRC Section Chief: James W. Clifford.

Duke Energy Corporation, et al., Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: December 20, 2001.

Description of amendment request: The amendments would revise the Technical Specifications (TS) for Catawba Nuclear Station, Units 1 and 2, based on a revised radiological dose consequence analysis of a postulated fuel handling accident and weir gate drop accident. The licensee has requested these amendments in accordance with the requirements of 10 CFR 50.67 which addresses the use of an alternate source term at operating reactors, and relevant guidance provided in Regulatory Guide (RG) 1.183.

Specifically, the proposed changes would revise TS 3.7.10, Control Room Area Ventilation System (CRAVS), to require immediate suspension of movement of irradiated fuel with less than two trains of the CRAVS operable. This change is being requested to correct a non-conservatism in this TS.

The proposed change to TS 3.7.11, Control Room Area Chilled Water System, would delete the applicability of the specification during core alterations and during movement of irradiated fuel. This system is not credited as a mitigation system for the postulated fuel handling accident or weir gate drop accident.

The proposed change to TS 3.7.13, Fuel Handling Ventilation Exhaust System, would change the Limiting Condition for Operation to require two trains be operable during the movement of recently irradiated fuel in the fuel building, and to require that movement of recently irradiated fuel in the fuel building be suspended if one train becomes inoperable. Recently irradiated fuel is defined as fuel that has occupied part of a critical reactor core within the previous 72 hours. Operability of the Fuel Handling Ventilation Exhaust System would only be required during movement of recently irradiated fuel assemblies. This change is being requested to incorporate the concept of recently irradiated fuel and to correct a non-conservatism in this TS.

The proposed change to TS 3.9.3, Containment Penetrations, would amend the applicability of this specification. Current TS requirements regarding closure of the containment equipment hatch, the personnel airlock and containment penetrations would only apply during movement of recently irradiated fuel assemblies. The applicability of this specification during core alterations would be deleted.

The licensee is requesting these amendments to provide flexibility in scheduling outage tasks and to modify unnecessarily restrictive containment closure and fuel handling building ventilation system requirements. The revised analyses also incorporate updated atmospheric dispersion factors for the Control Room intake pathway.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Does operation of the facility in accordance with the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated? No.

An alternate source term calculation has been performed for Catawba Nuclear Station that demonstrates that offsite dose consequences of a postulated fuel handling accident or weir gate drop accident remain within the limits provided sufficient decay has occurred prior to the movement of irradiated fuel without taking credit for certain mitigation features such as ventilation filter systems and containment closure. Irradiated fuel that has not undergone the required decay period of 72 hours is defined to be recently irradiated fuel and the currently approved Technical Specification requirements are applicable when this recently irradiated fuel is being handled.

The proposed amendment would allow core alterations and movement of sufficiently decayed irradiated fuel within the containment building with the equipment hatch, personnel air locks and containment penetrations open. Operation of the

Containment Purge Exhaust System (CPES) is not required during movement of sufficiently decayed fuel. The amendment also would allow movement of irradiated fuel assemblies within the fuel building without the Fuel Handling Ventilation Exhaust System (FHVES) in operation. Movement of the weir gate is permitted without the FHVES in operation provided the irradiated fuel that could be impacted by a drop of the weir gate has undergone a minimum decay period of 19.5 days.

This amendment does not alter the methodology or equipment used directly in fuel handling operations and weir gate movement. Neither ventilation filter systems, the CPES nor the FHVES, is used to actually handle fuel. Neither of these systems is an ''accident initiator'' either in this sense or any other sense. Similarly, neither the equipment hatch, the personnel air locks, nor any other containment penetration, nor any component thereof is an accident initiator.

Actual fuel handling operations and weir gate movement themselves are not affected by the proposed changes. Therefore, the probability of a Fuel Handling Accident and Weir Gate Drop is not affected with the proposed amendment. No other accident initiator is affected by the proposed changes.

For the reasons above, the proposed amendment does not involve a significant increase in the probability of an accident previously evaluated.

The Fuel Handling Accident in Containment has been analyzed without credit for filtration by the CPES. Likewise, the Fuel Handling Accident in the Fuel Building and the Weir Gate Drop has been analyzed without credit for filtration by the FHVES. The analyses of these design basis events were conducted with the Alternative Source Term Methodology in accordance with 10 CFR 50.67 and Regulatory Guide 1.183. These analyses show that the resultant radiation doses are within the limits specified in 10 CFR 50.67 and R.G. 1.183.

The TEDE [total effective dose equivalent] radiation doses from the analyses supporting this LAR [license amendment request] have been compared to equivalent TEDE radiation doses estimated with the guidelines of R.G. 1.183 Footnote 7. The new values are shown to be comparable to the results of the previous analyses.

For the reasons above, the proposed amendment does not involve a significant increase in the consequences of an accident previously evaluated.

Does operation of the proposed facility in accordance with the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated? No.

The proposed change does not involve addition or modification to any plant system, structure, or component. The proposed amendment would increase the time during which the equipment hatch and personnel air locks could be open during core alterations and movement of irradiated fuel. The proposed amendment does not involve any change in the operation of these containment penetrations. Having these penetrations open does not create the possibility of a new accident.

The proposed amendment also would remove the requirements for operability of the CPES and FHVES during core alterations or movement of sufficiently decayed irradiated fuel. It does not alter the operation of these systems beyond their functional capabilities. Modification of the requirements of operability for these systems from the plant Technical Specifications does not create the possibility of a new accident.

The requirements for CRAVS are being revised to immediately suspend movement of irradiated fuel if one CRAVS train becomes inoperable. This change does not have the potential to cause a new or different type of accident.

The proposed amendment does not create the possibility of a new or different kind of accident than any previously evaluated.

Does operation of the facility in accordance with the proposed amendment involve a significant reduction in the margin of safety? No.

The assumptions and input used in the analysis are conservative as noted below. The design basis Fuel Handling Accidents and Weir Gate Drop have been defined to identify conservative conditions (concerning offsite power and single failure). The source term and radioactivity releases have been calculated pursuant to Regulatory Guide 1.183 and with conservative assumptions concerning prior reactor operation. The control room atmospheric dispersion factors have been calculated with conservative assumptions associated with the release. The conservative assumptions and input noted above ensure that the radiation doses cited in this License Amendment Request are the upper bound to radiological consequences of a Fuel Handling Accident either in Containment or the Fuel Building and the Weir Gate Drop. The analyses show that there is a significant margin between the TEDE radiation doses calculated for the postulated Fuel Handling Accident and the Weir Gate Drop accident using the Alternative Source Term and the acceptance limits of 10 CFR 50.67 and Regulatory Guide 1.183.

The proposed change does not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Ms. Lisa F. Vaughn , Legal Department (PB05E), Duke Energy Corporation, 422 South Church Street, Charlotte, North Carolina 28201–1006.

NRC Section Chief: Richard J. Laufer, Acting.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: January 31, 2002.

Description of amendment request: The proposed amendment revises Technical Specification 5.6.5, ''Core Operating Limits Report (COLR),'' to include an additional reference to Entergy Operations, Inc. (Entergy) Topical Report ENEAD–01–P, ''Qualification of Reactor Physics Methods for Pressurized Water Reactors of the Entergy System.'' This topical report documents a Nuclear Regulatory Commission (NRC)-approved methodology that can be utilized to determine core operating limits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to add the Entergy Topical Report ENEAD–01–P, ''Qualification of Reactor Physics Methods for Pressurized Water Reactors of the Entergy System,'' to the Core Operating Limits Report (COLR) references is administrative in nature. The topical report has been reviewed and approved by the NRC in [a] Safety Evaluation Report dated September 29, 1995 (0CNA099519). The physical design or operation of the plant is not impacted by this proposed change. The proposed change does not adversely impact transient analysis assumptions or results. The COLR-related safety analyses will continue to be performed utilizing NRC-approved methodologies, and specific reload changes will be evaluated under the provisions of 10 CFR 50.59.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Adding a reference in the technical specifications to the NRC-approved methodology in Entergy Topical Report ENEAD–01–P is administrative in nature. No physical alterations of plant configuration, changes to the plant operating procedures, or operating parameters are proposed. No new equipment is being introduced, and no equipment is being operated in a manner inconsistent with its design. The COLR-related safety analyses will continue to be performed utilizing NRC-approved methodologies. A 10 CFR 50.59 review will continue to be performed to evaluate specific reload changes.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change to reference Entergy Topical Report ENEAD–01–P is administrative in nature. Existing technical specification operability and surveillance requirements are not reduced by the proposed change. The cycle-specific COLR limits for future reloads will continue to be developed based on NRC-approved methodologies and their corresponding physics parameter uncertainties. Technical specifications will continue to require that the core be operated within these limits and specify appropriate actions to be taken if the limits are violated. The COLR-related safety analyses will continue to be performed utilizing NRC-approved methodologies, and specific reload changes will be evaluated per 10 CFR 50.59.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Entergy Operations, Inc., Docket No. 50–313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: January 31, 2002.

Description of amendment request: The proposed amendment changes administrative Technical Specification 5.5.16 regarding Containment Integrated Leak Rate Testing (ILRT). The change clarifies the statement that the ILRT Program is in accordance with Regulatory Guide 1.163, ''Performance-Based Containment Leak-Test Program,'' by noting an exception based on Nuclear Energy Institute 94–01, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR 50, Appendix J.'' The effect of this change will be to allow a one-time extension of the interval (to 15 years) for performance of the next ILRT.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

[Appendix J [of] 10 CFR [part] 50] was amended to incorporate provisions for performance-based testing in 1995. The proposed amendment to Technical Specification (TS) 5.5.16 adds a one-time extension to the current interval for Type A testing (i.e., the integrated leak rate test). The current interval of ten years, based on past performance, would be extended on a one-time basis to 15-years from the date of the last test. The proposed extension to the Type A test cannot increase the probability of an accident since there are no design or operating changes involved and the test is not an accident initiator. The proposed extension of the test interval does not involve a significant increase in the consequences since research documented in NUREG–1493, ''Performance Based Containment Leak Rate Test Program,'' has found that, generically, fewer than 3% of the potential containment leak paths are not identified by Type B and C testing. In addition, at ANO–1 [Arkansas Nuclear One, Unit 1,] the testing and containment inspections also provide a high degree of assurance that the containment will not degrade in a manner detectable only by a Type A test. Inspections required by the Maintenance Rule (10 CFR 50.65) and by the American Society of Mechanical Engineers Boiler and Pressure Vessel Code are performed to identify containment degradation that could affect leaktightness.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed extension to the interval for the Type A test does not involve any design or operational changes that could lead to a new or different kind of accident from any accidents previously evaluated. The test itself is not being modified, but is only intended to be performed after a longer interval. The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No. The generic study of the increase in the Type A test interval, NUREG–1493, concluded there is an imperceptible increase in the plant risk associated with extending the test interval out to twenty years. Further, the extended test interval would have a minimal effect on this risk since Type B and C testing detect 97% of potential leakage paths. For the requested change in the ANO–1 ILRT interval, it was determined that the risk contribution of leakage will increase 0.19%. This change is considered very small and does not represent a significant reduction in the margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, NW., Washington, DC 20005–3502.

NRC Section Chief: Robert A. Gramm.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Docket Nos. STN 50–454 and STN 50–455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois

Docket Nos. 50–237 and 50–249, Dresden Nuclear Power Station, Units 2 and 3, Grundy County, Illinois

Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Docket Nos. 50–277 and 50–278, Peach Bottom Atomic Power Station, Units 2 and 3, York County, Pennsylvania

Docket Nos. 50–254 and 50–265, Quad Cities Nuclear Power Station, Units 1 and 2, Rock Island County, Illinois

Date of amendment request: November 30, 2001.

Description of amendment request: A change is proposed to Surveillance Requirement (SR) 3.0.3 to allow a longer period of time to perform a missed surveillance. The time is extended from the current limit of ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is less'' to ''. . . up to 24 hours or up to the limit of the specified Frequency, whichever is greater.'' In addition, the following requirement would be added to SR 3.0.3: ''A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.''

The Nuclear Regulatory Commission (NRC) staff issued a notice of opportunity for comment in the **Federal Register** on June 14, 2001, (66 FR 32400), on possible amendments concerning missed surveillances, including a model safety evaluation and model no significant hazards consideration (NSHC) determination, using the consolidated line item improvement process. The NRC staff subsequently issued a notice of availability of the models for referencing in license amendment applications in the **Federal Register** on September 28, 2001, (66 FR 49714). The licensees

affirmed the applicability of the following NSHC determination in its application dated November 30, 2001.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), an analysis of the issue of no significant hazards consideration is presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change relaxes the time allowed to perform a missed surveillance. The time between surveillances is not an initiator of any accident previously evaluated. Consequently, the probability of an accident previously evaluated is not significantly increased. The equipment being tested is still required to be operable and capable of performing the accident mitigation functions assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly affected. Any reduction in confidence that a standby system might fail to perform its safety function due to a missed surveillance is small and would not, in the absence of other unrelated failures, lead to an increase in consequences beyond those estimated by existing analyses. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From Any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. A missed surveillance will not, in and of itself, introduce new failure modes or effects and any increased chance that a standby system might fail to perform its safety function due to a missed surveillance would not, in the absence of other unrelated failures, lead to an accident beyond those previously evaluated. The addition of a requirement to assess and manage the risk introduced by the missed surveillance will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in the Margin of Safety

The extended time allowed to perform a missed surveillance does not result in a significant reduction in the margin of safety. As supported by the historical data, the likely outcome of any surveillance is verification that the LCO [Limiting Condition for Operation] is met. Failure to perform a surveillance within the prescribed frequency does not cause equipment to become inoperable. The only effect of the additional time allowed to perform a missed surveillance on the margin of safety is the extension of the time until inoperable equipment is discovered to be inoperable by the missed surveillance. However, given the rare occurrence of inoperable equipment, and the rare occurrence of a missed surveillance, a missed surveillance on inoperable equipment would be very unlikely. This must be balanced against the real risk of manipulating the plant equipment or condition to perform the missed surveillance. In addition, parallel trains and alternate equipment are typically available to perform the safety function of the equipment not tested. Thus, there is confidence that the equipment can perform its assumed safety function. Therefore, this change does not involve a significant reduction in a margin of safety.

Based upon the reasoning presented above and the previous discussion of the amendment request, the requested change does not involve a significant hazards consideration.

The NRC staff has reviewed the licensees' analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the requested amendments involve no significant hazards consideration.

Attorney for licensee: Mr. Edward J. Cullen, Vice President, General Counsel, Exelon Generation Company, LLC, 300 Exelon Way, Kennett Square, PA 19348.

NRC Section Chiefs: Anthony J. Mendiola and James W. Clifford.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: January 18, 2002.

Description of amendment request: The proposed amendment would revise the Technical Specifications (TS) for St. Lucie Units 1 and 2 to remove the numerical working hour limits stated in the TS. Site personnel working hours currently are and will continue to be controlled by administrative procedures. The change is consistent with Technical Specifications Task Force (TSTF) Item TSTF–258, Rev. 4.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendments are administrative in nature and they do not affect assumptions contained in plant safety analyses, the physical design and/or operation of the plant, nor do they affect Technical Specifications that preserve safety analysis assumptions. These proposed changes do not change the existing administrative controls on plant staff working hours. Any future changes to these procedures will be controlled under established procedure control processes that will ensure the administrative controls on work hours remain effective. Further, the proposed changes do not alter the design, function, or operation of any plant component. Therefore, operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The changes being proposed are administrative in nature and do not introduce a new mode of plant operation or surveillance requirement, nor involve a physical modification to the plant. Therefore, the design, function, or operation of any plant component is not altered. The changes propose to relocate specific controls for plant staff working hours from the TS to existing administrative procedures. The specific controls for plant staff working hours are described in these procedures and require a deliberate decision-making process to manage the potential for impaired personnel performance. Therefore, operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

The proposed changes conform closely to the industry and NRC approved TSTF–258 Rev. 4 and relate to the relocation of TS specific working hour limits and controls to administrative procedures that control working hours. The specific controls for working hours of reactor plant staff are described in procedures that require a deliberate decision-making process to manage the potential for impaired personnel performance. Furthermore, any future changes to these procedures will be controlled under established procedure control processes that will ensure the administrative controls on work hours remain effective. Therefore, operation of the facility in accordance with the proposed amendments would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Richard P. Correia.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: January 25, 2002.

Description of amendment request: The proposed amendments would revise the St. Lucie Plant, Units 1 and 2, Technical Specifications, Appendix B, ''Environmental Protection Plan (Non-Radiological)'' to incorporate the revised terms and conditions of the Incidental Take Statement included in the Biological Opinion issued by the National Marine Fisheries Service on May 4, 2001, as clarified by NMFS letter dated October 8, 2001. These amendments also incorporate administrative revisions necessary to change references to the National Pollutant Discharge Elimination System Permit to the Wastewater Permit, based on a change in administrative authority over these permits.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes are administrative in nature and would in no way affect the initial conditions, assumptions, or conclusions of the St. Lucie Unit 1 or Unit 2 accident analyses. In addition, the proposed changes would not affect the operation or performance of any equipment assumed in the accident analyses. Based on the above information, we conclude that the proposed changes would not significantly increase the probability or consequences of an accident previously evaluated.

(2) Use of the modified specification would not create the possibility of a new or different kind of accident from any previously evaluated.

The changes are administrative in nature and would in no way impact or alter the configuration or operation of the facilities and would create no new modes of operation. We conclude that the proposed changes would not create the possibility of a new or different kind of accident.

(3) Use of the modified specification would not involve a significant reduction in a margin of safety.

The changes are administrative in nature and would in no way affect plant or equipment operation or the accident analysis. We conclude that the proposed changes would not result in a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Richard P. Correia.

Florida Power and Light Company, et al., Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: January 25, 2002.

Description of amendment request: The proposed amendment would revise Section 4.8.1.1.2.g.2 of the St. Lucie Units 1 and 2 Technical Specifications (TS), which currently requires a test of the diesel fuel oil system piping at elevated pressure once every 10 years. In lieu of hydrostatic testing, the diesel fuel oil systems will be included in the population of systems subjected to periodic system pressure testing at normal operating conditions required by the American Society of Mechanical Engineers Code for Class 3 systems in accordance with the inservice inspection program.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Operation of the facility in accordance with the proposed amendments would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendments do not involve a significant increase in the probability or consequences of an accident previously evaluated because industry experience has shown that an inservice leak test conducted at normal operating temperature and pressure is just as effective at finding leakage as a hydrostatic test conducted at 110 percent of the design pressure. Therefore, there is no increase in the probability or consequences of previously evaluated accidents. Also, note that the diesel generator fuel oil system is not specifically modeled in the St. Lucie probability safety assessment (PSA). Based on the St. Lucie PSA, the diesel generator failure probability is dominated by failure modes other than fuel oil pipe rupture. The total diesel generator failure probability is on the order of 1E–2, with the contribution from fuel oil pipe rupture on the order of 1E–5 (i.e., three orders of magnitude below the EDG [emergency diesel generator] failure probability).

(2) Operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any previously evaluated.

The use of the modified specifications can not create the possibility of a new or different kind of accident from any previously evaluated since the proposed amendments provide an alternative method of leak detection for the required 10-year inservice inspection. They do not result in an operational condition different from that which has already been considered by TS. Therefore, the changes do not create the possibility of a new or different kind of accident or malfunction.

(3) Operation of the facility in accordance with the proposed amendments would not involve a significant reduction in a margin of safety.

The alternative method of leak detection has no impact on the consequences of any analyzed accident and does not significantly change the failure probability of equipment that provides protection for the health and safety of the public. Therefore, there is no significant decrease in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: M.S. Ross, Attorney, Florida Power & Light, P.O. Box 14000, Juno Beach, Florida 33408–0420.

NRC Section Chief: Richard P. Correia.

Nuclear Management Company, LLC, Docket No. 50–305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: January 14, 2002.

Description of amendment request: The proposed amendment would revise the Kewaunee Nuclear Power Plant Technical Specifications (TS) 3.10.f, ''Inoperable Rod Position Indicator Channels,'' to provide an allowed outage time (AOT) for the Individual Rod Position Indicator (IRPI) system of 24 hours with more than one IRPI per group inoperable. The TS did not previously have an explicit AOT for this condition. In addition, the proposed amendment would reformat TS 3.10.f using MicroSoft Word to more closely resemble the format of Improved Standard Technical Specification (ISTS) to improve clarity.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The format changes are administrative in nature and therefore have no effect on the probability or consequences of an accident. The Individual Rod Position Indicator (IRPI) System is not an accident initiator. Therefore, any change to the system would not effect the probability of an accident previously evaluated. The risk of core damage/release of radioactivity would not increase with the other reactor condition monitors still functional along with the plant mode remaining the same.

The proposed changes provide more time to troubleshoot and restore the system, which would keep the reactor in a steady state condition, rather than to challenge the plant with a reduction in power. The addition of hourly reactor temperature checks as well as placing the rod controls to manual are added to temporarily increase the surveillance on the reactor due to loss of the IRPI system during the IRPI AOT. Since IRPI's are not an accident initiator and compensatory measures have been added to ensure rod position is known incase one or more IRPIs are inoperable, this amendment does not involve an increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The format changes are administrative in nature and therefore have no effect on the probability or consequences of a new or different kind of accident from any accident previously evaluated. The primary function of the IRPI system is to monitor the position of each rod and send that information to the control room. A failure of this system will not result in an accident.

The proposed changes do not involve a change to the physical plant or operations. Operations currently monitors power tilt, excore detectors, thermocouples, and rod movement when IRPIs become inoperable. The extra surveillance requirements added by the ISTS for the AOT are there to cover the loss of information when the IRPIs are OOS. The change to 24 hours for troubleshooting when more than one IRPI channel per group is inoperable would therefore not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in the margin of safety.

The format changes are administrative in nature and therefore are not involved in a significant reduction in the margin of safety. Margin of safety relates to actual rod position in relation to each other. This margin is controlled by rod misalignment requirements. The IRPIs provide indication of that position which the operators have other means of determining should the need arise. The implementation of this proposed amendment ensures continued close monitoring of rod position but also adds hourly documentation of the reactor coolant temperature requirement as well. The proposed change provides more time to troubleshoot and restore the system, which would keep the reactor in a steady state condition, rather than to challenge the plant with a reduction in power. Therefore, NMC concludes that there is not a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Bradley D. Jackson, Esq., Foley and Lardner, P.O. Box 1497, Madison, WI 53701–1497.

NRC Section Chief: William D. Reckley, Acting Section Chief.

Nuclear Management Company, LLC, Docket No. 50–255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: January 28, 2002.

Description of amendment request: The proposed amendment would revise the Core Operating Limits Report (COLR) analytical methods referenced in Technical Specification (TS) 5.6.5.b. Specifically, the changes would add references to two NRC-approved Framatome ANP, Inc., reports: (1) EMF–2310(P)(A), Revision 0, ''SRP [Standard Review Plan] Chapter 15 Non-LOCA [loss-of-coolant accident] Methodology for Pressurized Water Reactors [PWRs],'' dated May 2001, and (2) EMF–2328(P)(A), Revision 0, ''PWR Small Break LOCA Evaluation Model, S–RELAP5 Based,'' dated March 2001. Existing references in TS 5.6.5.b describing Exxon Nuclear Company's large-break LOCA evaluation model would be deleted.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Nuclear Management Company has evaluated whether or not a significant hazards consideration is involved with the proposed amendment by focusing on the three standards set forth in 10 CFR 50.92, ''Issuance of Amendment.'' The following evaluation supports the finding that operation of the facility in accordance with the proposed change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed license amendment removes a safety analysis methodology and adds two new safety analysis methodologies in TS 5.6.5.b. Accidents previously evaluated will be unaffected because they will continue to be analyzed using applicable methodologies approved by the Nuclear Regulatory Commission to ensure all required safety limits are met. The proposed amendment does not affect the acceptance criteria for loss-of-coolant accidents (LOCA) or non loss-of-coolant accidents. As such, the proposed amendment does not increase the probability or consequences of an accident. The proposed amendment does not involve operation of the required structures, systems or components (SSCs) in a manner or configuration different from those previously recognized or evaluated.

Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed amendment does not involve a physical alteration of any SSC or a change in the way any SSC is operated. The proposed amendment does not involve operation of any required SSCs in a manner or configuration different from those previously recognized or evaluated. No new failure mechanisms will be introduced by changes being requested.

Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Involve a significant reduction in a margin of safety.

The proposed amendment does not, by itself, introduce a failure mechanism. The proposed amendment does not involve any physical changes to the plant or manner in which the plant was operated. The proposed changes do not affect the acceptance criteria for loss-of-coolant or non-loss-of-coolant accidents. All required safety limits will continue to be analyzed using methodologies approved by the Nuclear Regulatory Commission.

Therefore, the proposed amendment would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Arunas T. Udrys, Esquire, Consumers Energy Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Section Chief: William D. Reckley (Acting).

PSEG Nuclear LLC, Docket No. 50–354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: January 4, 2002.

Description of amendment request: The proposed amendment would add Technical Specification (TS) 3/4.3.10, ''Mechanical Vacuum Pump Trip Instrumentation.''

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The NRC staff's review is presented below:

(1) Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed amendment would add a new TS section for the instrumentation that provides the automatic tripping of the mechanical vacuum pumps when high radiation is detected in the main steamlines. The proposed change has no effect on any structures, systems, or components (SSCs) since the mechanical vacuum pump automatic trip function is already part of the existing plant design. The new TS requirements are being added because automatic tripping of the mechanical vacuum pumps is credited for mitigating the radiological consequences of a control rod drop accident (CRDA), and, as such, a TS LCO must be established to meet the requirements stated in 10 CFR 50.36(c)(2)(ii), Criterion 3. Since the proposed change only establishes TS requirements for an existing function, and there are no effects to any SSCs, there is no impact on the CRDA analysis. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed amendment does not change the design function or operation of any SSCs. Plant operation will not be affected by the proposed change and no new failure mechanisms, malfunctions, or accident initiators will be created. Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

(3) Does the proposed change involve a significant reduction in a margin of safety?

No. The proposed amendment only establishes TS requirements for an existing function and will not change any plant operating parameters. The licensee's submittal stated that the proposed change does not affect the radiological consequences for a CRDA. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jeffrie J. Keenan, Esquire, Nuclear Business Unit—N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

NRC Section Chief: James W. Clifford.

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment requests: March 21, 2001 as superseded by letter dated October 24, 2001.

Description of amendment requests: The proposed amendments would revise Technical Specification (TS) 5.5.2.12 pertaining to ventilation filter testing program (VFTP). Specifically, the proposed amendments would: (a) in TS 5.5.2.12 lead paragraph, and TS 5.5.2.12d, delete reference to Regulatory Guide (RG) 1.52 and American Society of Mechanical Engineers (ASME) N510–1989; the testing frequency will continue to be in accordance with RG 1.52, Revision 2; (b) in TS 5.5.2.12a and TS 5.5.2.12b, refer to American National Standards Institute (ANSI) Code N510–1975 instead of ASME N510–1989, and add a note to provide clarification regarding high energy particulate air (HEPA) filter qualification and testing methodology; and (c) in TS 5.5.2.12c, include specific temperature and relative humidity for laboratory testing of charcoal adsorber samples.

The October 24, 2001, submittal supercedes in its entirety the licensee's March 21, 2001, submittal which was previously noticed in the **Federal Register** on April 18, 2001.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change is to change the reference to ASME Code in subsection 5.5.2.12.a and 5.5.2.12.b from ASME N510–1989 to ANSI N510–1975. Technical Specification (TS) 3.7.11, ''Control Room Emergency Air Cleanup System'' (CREACUS), Surveillance Requirement (SR) 3.7.11.2 and TS 3.7.14, ''Fuel Handling Building Post-Accident Cleanup Filter System'' (PACU), SR 3.7.14.2 requires CREACUS and PACU filter testing in accordance with the Ventilation Filter Testing Program (VFTP).

SONGS [San Onofre Nuclear Generating Station] TS 5.5.12.a, ''Ventilation Filter Testing Program,'' states that the in-place HEPA filter testing is performed in accordance with RG 1.52, Revision 2 and ASME N510–1989. The discrepancy arises because the HEPA filter testing method used at SONGS does not entirely meet the methodology which are delineated in ASME N510–1989. In particular, the CREACUS in-place HEPA filter testing uses a method (Alternate Shroud Test) which is no longer specified in ASME N510–1989. But this method is specified in ANSI N510–1975 and was used when the plant was licensed. In addition, the PACU in-place HEPA filter testing methodology which is employed at SONGS, has a downstream point location which differs from the location suggested in ASME N510–1989.

ANSI N510–1975, while providing a suggestion where downstream sample could be located, nevertheless does not provide a specific location. The test acceptance criteria are the same for methods cited in ANSI N510–1975 and ASME N510–1989. The method which is employed at SONGS provides more conservative results because the test is performed on individual HEPA filters, which ensures that each of the HEPA filters in the tested bank meets the acceptance criteria, as compared to the method suggested in ASME N510–1989.

The locations of the PACU HEPA downstream sample points are different from the locations suggested in ASME N510–1989, though they meet the requirements delineated in ANSI N510–1975. ANSI N510–1975 requires that a single representative downstream sample point be established, if possible, at the location where adequate mixing may be achieved, or at a point downstream of a fan, or multiple downstream sampling points may be used (such as in the Alternate Shroud Technique used in the CREACUS system) if a single downstream sample point is not feasible.

Since the HEPA filters are tested to the same acceptance criteria, and the testing methodology is permitted by ANSI N510–1975, to which the plant was licensed, it is concluded, that the proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated.

Section 5.5.2.12.c will be modified by specifying the temperature and relative humidity for laboratory testing of charcoal adsorber samples. This modification clarifies that samples shall be obtained in accordance with RG 1.52, Revision 2, and tested per methodology of ASTM D3803–1989, at 30'C and relative humidity of 70%. This clarification eliminates possible misinterpretation of the current wording.

The proposed change will also include Note 1 which clarifies the inplace testing of charcoal adsorbers and HEPA filters. Based on the provisions of section 10.4 of ASME N510–1989, this Note allows replacement of DOP [dioctyl phthalate] with a suitable alternate.

The proposed change also clarifies the statement of subsection 5.5.2.12.d. Pressure drop testing across combined HEPA filters, the prefilters, and the charcoal adsorbers is

industry-wide practice which is based on good engineering practice and operating experience. This change will not increase the probability or consequences of an accident previously evaluated.

Therefore, the probability or consequences of an accident previously evaluated will not be increased by operating the facility in accordance with this proposed change.

(2) Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not change the design or configuration of the plant. The proposed change is to change the reference to ASME Code in subsection 5.5.2.12.a and 5.5.2.12.b from ASME N510–1989 to ANSI N510–1975 to reflect the standard used. Section 5.5.2.12.c will be modified by specifying the temperature and relative humidity for laboratory testing of charcoal adsorber samples. This is done for clarification purposes. Also, subsection 5.5.2.12.d will be changed by deleting the references to RG 1.52, Revision 2, and ASME N510–1989 regarding pressure drop test across HEPA filters. RG 1.52, Revision 2 and ASME N510–1989 do not require pressure drop test[ing] across HEPA filters.

Therefore, this proposed change will not create the possibility of a new or different kind of accident from any accident that has been previously evaluated.

(3) Will operation of the facility in accordance with this proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed change is to change the reference to ASME Code in subsections 5.5.2.12.a, and 5.5.2.12.b from ASME N510–1989 to ASME N510–1975. The CREACUS units HEPA filters are currently tested to N510–1975. Although the test methodology is slightly different than that in N510–1989, the acceptance criteria are the same and the current methodology is conservative. Thus the current testing satisfies the acceptance criteria of N510–1989, even though the test method is different. Section 5.5.2.12.c will be clarified by specifying the temperature and relative humidity for laboratory testing of charcoal adsorber samples.

The current methodology for HEPA filter testing will not change as a result of the proposed change. Also, deletion of references to RG 1.52, Revision 2 and ASME N510–1989 from subsection 5.5.2.12.d clarifies this section because these standards do not require HEPA filters pressure drop test. Consequently, there is no change to the design or operation of the plant as a result of this change.

Therefore, the operation of the facility in accordance with this proposed change will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Douglas K. Porter, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Section Chief: Stephen Dembek.

Notice of Issuance of Amendments to Facility Operating Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for A Hearing in connection with these actions was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items are available for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to *pdr@nrc.gov.*

AmerGen Energy Company, LLC, et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: April 4, 2001, as supplemented on October 12, November 28, November 30, December 7, and December 20, 2001.

Brief description of amendment: The amendment deletes Technical Specifications (TSs) 5.3.1.B and 5.3.1.C. These TSs restricted the handling of heavy loads over irradiated fuel stored in the spent fuel pool. The basis for deleting these TSs is the upgrade of the reactor building crane and associated handling systems to a single-failure proof system.

Date of Issuance: January 23, 2002.

Effective date: January 23, 2002, and shall be implemented within 60 days of issuance.

Amendment No.: 223.

Facility Operating License No. DPR–16: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 28, 2001 (66 FR 31702).

The supplemental letters dated October 12, November 28, November 30, December 7, and December 20, 2001, provided clarifying information within the scope of the original application and did not change the NRC staff's initial proposed no significant hazards consideration determination.

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated January 23, 2002.

No significant hazards consideration comments received: No.

AmerGen Energy Company, LLC, et al., Docket No. 50–219, Oyster Creek Nuclear Generating Station, Ocean County, New Jersey

Date of application for amendment: July 9, 2001.

Brief description of amendment: The amendment incorporated changes to the Technical Specifications (TSs) to provide consistency with the changes to 10 CFR 50.59, ''Changes tests, and experiments,'' as published in the **Federal Register** (FR) (64 FR 53582), dated October 4, 1999. Specifically, the changes replace the term ''safety evaluation'' with ''10 CFR 50.59 evaluation'' and ''unreviewed safety question'' with ''requires NRC approval pursuant to 10 CFR 50.59.''

Date of Issuance: January 28, 2002.

Effective date: January 28, 2002, and shall be implemented within 60 days of issuance.

Amendment No.: 224.

Facility Operating License No. DPR–16: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** August 22, 2001 (66 FR 44162).

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated January 28, 2002.

No significant hazards consideration comments received: No.

Arizona Public Service Company, et al., Docket Nos. STN 50–528, STN 50–529, and STN 50–530, Palo Verde Nuclear Generating Station, Units Nos. 1, 2, and 3, Maricopa County, Arizona

Date of application for amendments: April 4, 2001.

Brief description of amendments: The amendments revise Technical Specifications (TSs) 3.3.12 and 3.9.2 and associated bases pages to (1) clarify operability requirements for the boron dilution alarm system (BDAS) by adding Mode 6 applicability to TS 3.3.12, (2) ensure appropriate operator action when the BDAS is declared inoperable by adding a note to TS 3.9.2 and (3) delete Action 3.9.2.B.2.

Date of issuance: January 29, 2002.

Effective date: January 29, 2002, and shall be implemented within 45 days of the date of issuance.

Amendment Nos.: Unit 1—138, Unit 2—138, Unit 3—138.

Facility Operating License Nos. NPF–41, NPF–51, and NPF–74: The amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 2, 2001 (66 FR 22024). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 2002.

No significant hazards consideration comments received: No.

Carolina Power & Light Company, et al., Docket No. 50–400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of application for amendment: May 7, 2001, as supplemented June 29, 2001.

Brief description of amendment: The amendment revises Technical Specification (TS) 3.4.3 and the associated Surveillance Requirement (SR) to eliminate the pressurizer water volume value in the specification and change ''volume'' to ''level'' in TS 3.4.3, SR 4.4.3, and the associated Bases.

Date of issuance: February 5, 2002.

Effective date: February 5, 2002.

Amendment No. 109.

Facility Operating License No. NPF–63. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** July 25, 2001 (66 FR 38760).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 2002.

No significant hazards consideration comments received: No.

Detroit Edison Company, Docket No. 50–341, Fermi 2, Monroe County, Michigan

Date of application for amendment: November 11, 2001.

Brief description of amendment: The amendment revises Technical Specification Surveillance Requirement (SR) 3.0.3 to allow a longer period of time before entering a limiting condition for operation in the event of a missed surveillance. The time is extended from the current limit of ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is less'' to ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is greater.'' In addition, the following requirement is added to SR 3.0.3: ''A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.''

Date of issuance: January 25, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment No.: 145.

Facility Operating License No. NPF–43: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** December 12, 2001 (66 FR 64289).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 25, 2002.

No significant hazards consideration comments received: No.

Dominion Nuclear Connecticut, Inc., Docket No. 50–336, Millstone Nuclear Power Station, Unit No. 2, New London County, Connecticut

Date of application for amendment: April 26, 2001.

Brief description of amendment: The amendment approves a change to the Technical Specifications (TSs) and Bases related to reactor coolant pump flywheel inspection requirements and reactor coolant system structural integrity. The changes add Section 6.22, ''Reactor Coolant Pump Flywheel Inspection Program'' to the TSs and relocate the requirements of TS 3/4.4.10, ''Reactor Coolant System, Structural Integrity'' to the Technical Requirements Manual.

Date of issuance: February 1, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 264.

Facility Operating License No. DPR–65: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 30, 2001 (66 FR 29351).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 1, 2002.

No significant hazards consideration comments received: No.

Duke Energy Corporation, Docket Nos. 50–369 and 50–370, McGuire Nuclear Station (MNS), Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: March 22, 2001, as supplemented by letter dated October 11, 2001.

Brief description of amendments: The amendments revised the current MNS Technical Specifications (TS) surveillance requirement (SR) for the methodology and frequency for the chemical analyses of the ice condenser ice bed. Also, these amendments add a new TS SR to address sampling requirements for ice additions to the ice bed. In addition, the amendments revise the current MNS TS acceptance criteria and surveillance frequency for the inspection of ice condenser ice basket flow channel areas.

Date of issuance: February 1, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment Nos.: 201 and 182.

Facility Operating License Nos. NPF–9 and NPF–17: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 11, 2001 (66 FR 36339).

The supplement dated October 11, 2001, provided clarifying information that did not change the scope of the March 22, 2001, application nor the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 1, 2002.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Docket No. 50–247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: September 20, 2001.

Brief description of amendment: The amendment revised Technical Specification Section 6.8.4.a to delete the requirements to have a program to obtain and analyze samples of reactor coolant and containment atmosphere under accident conditions (post accident sampling system).

Date of issuance: January 30, 2002.

Effective date: As of the date of issuance to be implemented within 60 days.

Amendment No.: 222.

Facility Operating License No. DPR–26: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 31, 2001 (66 FR 55013).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 30, 2002.

No significant hazards consideration comments received: No.

Entergy Nuclear Operations, Inc., Docket No. 50–286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of application for amendment: October 23, 2001.

Brief description of amendment: The amendment deletes Technical Specification 5.5.3, ''Post Accident Sampling'' and thereby eliminates the requirements to have and maintain the Post Accident Sampling System.

Date of issuance: February 6, 2002.

Effective date: As of the date of issuance to be implemented within 90 days.

Amendment No.: 210.

Facility Operating License No. DPR–64: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 12, 2001 (66 FR 64293).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 6, 2002.

No significant hazards consideration comments received: No.

Exelon Generation Company, LLC, Docket Nos. 50–373 and 50–374, LaSalle County Station, Units 1 and 2, LaSalle County, Illinois

Date of application for amendments: February 20, 2001, as supplemented by letters dated July 13, 2001, and December 28, 2001.

Brief description of amendments: The amendments change the Technical Specifications (TS) Section 3.8.1, ''A.C. Sources-Operating,'' to extend to 14 days the allowable completion time for the required actions associated with restoration of an inoperable Division 1 or Division 2 Emergency Diesel Generator. In addition, the amendments change the TS completion time period associated with discovery of failure to meet TS limiting condition of operation 3.8.1 from 10 days to 17 days.

Date of issuance: January 30, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 150 and 136.

Facility Operating License Nos. NPF–11 and NPF–18: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 21, 2001 (66 FR 15925).

The supplemental letter contained clarifying information and did not change the initial no significant hazards consideration determination and did not expand the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 30, 2002.

No significant hazards consideration comments received: No.

Exelon Generation Company, Docket No. 50–352, Limerick Generating Station, Unit 1, Montgomery County, Pennsylvania

Date of application for amendment: September 14, 2001.

Brief description of amendment: The amendment revises Technical Specification (TS) Figure 3.4.6.1–1, ''Minimum Reactor Vessel Metal Temperature vs. Reactor Vessel Pressure,'' to extend the use of the reactor pressure vessel (RPV) pressure-temperature limit curves for one additional fuel cycle and approves a modification to the TS Table 4.4.6.1.3–1, ''Reactor Vessel Surveillance Program—Withdrawal Schedule,'' RPV surveillance capsule withdrawal schedule.

Date of issuance: January 30, 2002.

Effective date: As of the date of issuance, and shall be implemented within 30 days.

Amendment No.: 155.

Facility Operating License No. NPF–39: This amendment revised the TS.

Date of initial notice in ***Federal Register:*** November 28, 2001 (66 FR 59506).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 30, 2002.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Beaver County, Pennsylvania

Date of application for amendments: March 28, 2001, as supplemented May 1, 2001, and June 13, 2001.

Brief description of amendments: These amendments relocate certain Beaver Valley technical specifications (TSs) to the Licensing Requirements Manual and the Offsite Dosage Calculation Manual. The major change proposed in this request involves the application of the TS screening criteria of 10 CFR 50.36.

Date of issuance: January 24, 2002.

Effective date: As of date of issuance and shall be implemented within 120 days.

Amendment Nos.: 246 and 124.

Facility Operating License Nos. DPR–66 and NPF–73: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** June 20, 2001 (66 FR 33111).

The May 1 and June 13, 2001, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the scope of the initial **Federal Register** notice. The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 24, 2002.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Beaver County, Pennsylvania

Date of application for amendments: October 29, 2001, as supplemented December 17, 2001.

Brief description of amendments: These amendments revised Technical Specification Section 3.9.3 to reduce the minimum decay time required prior to fuel movement from 150 hours to 100 hours.

Date of issuance: January 29, 2002.

Effective date: Upon issuance and shall be implemented within 60 days.

Amendment Nos.: 247 and 126.

Facility Operating License Nos. DPR–66 and NPF–73: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** December 26, 2001 (66 FR 66465). The December 17, 2001, letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the application beyond the scope of the original **Federal Register** notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 2002.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket Nos. 50–334 and 50–412, Beaver Valley Power Station, Unit Nos. 1 and 2, Beaver County, Pennsylvania

Date of application for amendments: January 18, 2001, as supplemented by letters dated February 20, June 9, June 26, June 29, October 31, and December 19, 2001.

Brief description of amendments: The amendments changed the technical specifications associated with modifying the maximum power levels permissible with inoperable main steam safety valves.

Date of issuance: January 29, 2002.

Effective date: Effective as of the date of issuance and shall be implemented within 60 days.

Amendment Nos.: 248 and 127.

Facility Operating License Nos. DPR–66 and NPF–73: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** July 27, 2001 (66 FR 39211).

The February 20, June 9, June 26, June 29, October 31, and December 19, 2001, letters provided clarifying information that did not change the initial proposed no significant hazards consideration determination or expand the amendment beyond the scope of the original notice.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 2002.

No significant hazards consideration comments received: No.

FirstEnergy Nuclear Operating Company, et al., Docket No. 50–412, Beaver Valley Power Station, Unit No. 2 (BVPS–2), Beaver County, Pennsylvania

Date of application for amendment: July 25, 2001.

Brief description of amendment: The amendment approved increases to the BVPS–2 Technical Specification boron concentration limits for the refueling water storage tank, accumulators, and the reactor coolant system/refueling canal during Mode 6.

Date of issuance: January 28, 2002.

Effective date: As of date of issuance and shall be implemented within 60 days.

Amendment No: 125.

Facility Operating License No. NPF–73. Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** October 3, 2001 (66 FR 50468).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 28, 2002.

No significant hazards consideration comments received: No.

Florida Power Corporation, et al., Docket No. 50–302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: February 21, 2001, as supplemented April 26, 2001.

Brief description of amendment: The amendment revised the Improved Technical Specification 3.3.8, to clarify actions to be taken in the event that one or more channels of the loss of voltage or degraded voltage Emergency Diesel Generator start functions become inoperable.

Date of issuance: January 29, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 202.

Facility Operating License No. DPR–72: Amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** March 21, 2001 (66 FR 15925). The supplemental letter provided clarifying information that did not change the initial proposed no significant hazards consideration determination.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 2002.

No significant hazards consideration comments received: No.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Plant, Units 3 and 4, Miami-Dade County, Florida

Date of application for amendments: October 17, 2001.

Brief description of amendments: The amendments revised Technical Specification 6.8.4.h, to allow a one-time change in the containment integrated leakage rate test interval from the required 10 years to a test interval of 15 years.

Date of issuance: January 29, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment Nos: 218 and 212.

Facility Operating License Nos.DPR–31 and DPR–41: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 28, 2001 (66 FR 59507).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 2002.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of application for amendments: July 17, 2001.

Brief description of amendments: The amendments revise Technical Specification 4.0.3 and its associated Bases to provide for a delay period in which to perform a surveillance which has been discovered not to have been performed within its specified frequency.

Date of issuance: January 28, 2002.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 263 and 245.

Facility Operating License Nos. DPR–58 and DPR–74: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** August 22, 2001 (66 FR 44175).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 28, 2002.

No significant hazards consideration comments received: No.

Indiana Michigan Power Company, Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of application for amendments: August 7, 2001.

Brief description of amendments: The amendments would create Technical Specification (TS) 3.0.6 and associated bases to allow equipment that was removed from service or declared inoperable to be returned to service under administrative controls solely to perform the testing required to demonstrate its operability or the operability of other equipment.

Date of issuance: February 1, 2002.

Effective date: As of the date of issuance and shall be implemented within 30 days.

Amendment Nos.: 264 and 246.

Facility Operating License Nos. DPR–58 and DPR–74: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 28, 2001 (66 FR 59508).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 1, 2002.

No significant hazards consideration comments received: No.

Maine Yankee Atomic Power Company, Docket No. 50–309, Maine Yankee Atomic Power Station, Lincoln County, Maine

Date of application for amendment: April 11, 2001.

Brief description of amendment: The proposed change would revise Technical Specifications 4.2, Fuel Storage, and 5.6.5, Spent Fuel Pool Water Chemistry Program, by adding applicability statements that specify that these specifications apply only when irradiated fuel is stored in the spent fuel storage pool. These changes are being made to facilitate dismantlement of the spent fuel storage pool upon removal of the last irradiated fuel assembly from the spent fuel storage pool to the onsite independent spent fuel storage installation (ISFSI).

Date of issuance: February 6, 2002.

Effective date: As of the date of issuance to be implemented within 30 days from the date of issuance.

Amendment No.: 166.

Facility Operating License No. DPR–36: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** August 8, 2001 (66 FR 41623).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 6, 2002.

No significant hazards consideration comments received: No.

Nuclear Management Company, LLC, Docket Nos. 50–266 and 50–301, Point Beach Nuclear Plant, Units 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendments: November 19, 2001.

Brief description of amendments: The amendment changes Surveillance Requirement (SR) 3.0.3 to allow a longer period of time before entering a Limiting Condition of Operations in the event of a missed surveillance. The time is extended from the current limit of ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is less'' to '' * * * up to 24 hours or up to the limit of the specified Frequency, whichever is greater.'' In addition, the following requirement is added to SR 3.0.3: ''A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.''

Date of issuance: January 28, 2002.

Effective date: As of the date of issuance and shall be implemented within 45 days.

Amendment Nos.: 202 and 207.

Facility Operating License Nos. DPR–24 and DPR–27: Amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** November 28, 2001 (66 FR 59510).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 28, 2002.

No significant hazards consideration comments received: No.

PPL Susquehanna, LLC, Docket No. 50–387, Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: May 31, 2001, as supplemented December 5, 2001.

Brief description of amendment: The amendment revised the minimum critical power ratio safety limits.

Date of issuance: January 31, 2002.

Effective date: As of date of issuance and shall be implemented upon startup following the Unit 1 twelfth refueling and inspection outage.

Amendment No.: 199.

Facility Operating License No. NPF–14: This amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** September 5, 2001 (66 FR 46480). The supplemental letter provided additional information but did not change the initial no significant hazards consideration determination or expand the amendment beyond the scope of the initial notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 31, 2002.

No significant hazards consideration comments received: No.

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: November 28, 2000.

Brief description of amendments: The amendments expanded the allowable suppression chamber-to-drywell vacuum breaker setpoint range.

Date of issuance: January 29, 2002.

Effective date: As of date of issuance and shall be implemented within 30 days.

Amendment Nos.: 198 and 173.

Facility Operating License Nos. NPF–14 and NPF–22: The amendments revised the Technical Specifications.

Date of initial notice in ***Federal Register:*** January 10, 2001 (66 FR 2023).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 29, 2002.

No significant hazards consideration comments received: No.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: May 21, 2001.

Brief description of amendment: The amendment deletes the Definitions, Limiting Conditions for Operation and Surveillance Requirements, and several sections from the Administrative Controls portion of the technical specifications once the spent nuclear fuel has been transferred from the 10 CFR part 50 licensed site to the 10 CFR part 72 licensed Independent Spent Fuel Storage Installation.

Date of issuance: February 5, 2002.

Effective date: February 5, 2002, to be implemented within 30 days after the transfer of the last cask of spent nuclear fuel from the spent fuel pool to the Independent Spent Fuel Storage Installation is complete.

Amendment No.: 129.

Facility Operating License No. DPR–54: The amendment revised the Technical Specifications.

Date of initial notice in ***Federal Register****:* July 11, 2001 (66 FR 36343).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 2002.

No significant hazards consideration comments received: No.

Sacramento Municipal Utility District, Docket No. 50–312, Rancho Seco Nuclear Generating Station, Sacramento County, California

Date of application for amendment: June 7, 2001.

Brief description of amendment: The amendment deletes administrative requirements which are no longer applicable once the spent nuclear fuel has been transferred from the 10 CFR part 50 licensed site to the 10 CFR part 72 licensed Independent Spent Fuel Storage Installation. Other requirements are transferred to the Rancho Seco Quality Manual.

Date of issuance: February 5, 2002.

Effective date: February 5, 2002, to be implemented within 30 days after the transfer of the last cask of spent nuclear fuel from the spent fuel pool to the Independent Spent Fuel Storage Installation is complete.

Amendment No.: 130.

Facility Operating License No. DPR–54: The amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** July 11, 2001 (66 FR 36344).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 2002.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: November 7, 2001.

Brief description of amendment: The amendment revises Surveillance Requirement (SR) 3.0.3 to extend the delay period before entering a limiting condition for operation upon a missed SR from the current limit of ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is less'' to ''* * * up to 24 hours or up to the limit of the specified Frequency, whichever is greater.'' In addition, the following requirement is added to SR 3.0.3: ''A risk evaluation shall be performed for any Surveillance delayed greater than 24 hours and the risk impact shall be managed.''

Date of issuance: February 5, 2002.

Effective date: February 5, 2002, and shall be implemented within 60 days of the date of issuance.

Amendment No.: 147.

Facility Operating License No. NPF–30: The amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** December 12, 2001 (66 FR 64307).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 2002.

No significant hazards consideration comments received: No.

Union Electric Company, Docket No. 50–483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: November 7, 2001 (ULNRC–04557).

Brief description of amendment: The amendment revised Surveillance Requirements (SRs) 3.3.1.2 and 3.3.1.3 in the Technical Specifications (TSs) on reactor trip system (RTS) instrumentation. The change to SR 3.3.1.2 replaces the reference to the nuclear instrumentation system (NIS) channel output by a reference to the power range channel output and deletes Note 1 to the SR. The change to SR 3.3.1.3 is editorial.

Date of issuance: February 5, 2002.

Effective date: February 5, 2002, and shall be implemented, including adding the changes to the Bases of the Technical Specifications as described in the licensee's application of November 7, 2001, before the startup from refueling outage 12, which is scheduled for the Fall of 2002.

Amendment No.: 148.

Facility Operating License No. NPF–30: The amendment revised the Technical Specifications.

*Date of initial notice in **Federal Register:*** December 12, 2001 (66 FR 64308).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 5, 2002.

No significant hazards consideration comments received: No.

Virginia Electric and Power Company, Docket No. 50–338, North Anna Power Station, Unit 1, Louisa County, Virginia Date of application for amendment: January 9, 2001.

Brief description of amendment: This amendment revises the Facility Operating License (FOL) and Technical Specifications (TS) to remove obsolete license conditions, make editorial changes in the FOL, relocate license conditions, and remove redundant license conditions covered elsewhere in the license.

Date of issuance: January 31, 2002.

Effective date: As of the date of issuance and shall be implemented within 60 days from the date of issuance.

Amendment No.: 230.

Facility Operating License No. NPF–4: Amendment changes the FOL and TS.

*Date of initial notice in **Federal Register:*** February 21, 2001 (66 FR 11064).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated January 31, 2002.

No significant hazards consideration comments received: No.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 11th day of February 2002.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–3750 Filed 2–18–02; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed under Schedule A, B, and C in the excepted service, as required by Civil Service Rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: Pam Shivery, Director, Washington Service Center, Employment Service (202) 606–1015.

SUPPLEMENTARY INFORMATION: Appearing in the listing below are 1 Schedule A authority and the individual authorities established under Schedule C between January 1, 2002, and January 31, 2002. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all Excepted Service authorities as of June 30 is published each year.

Schedule A

Social Security Administration

Temporary and time-limited positions in the Ticket to Work and Work Incentives Advisor Panel. No Employees may be appointed after November 17, 2007. Effective November 19, 2001.

Schedule C

The following Schedule C authorities were established during January 2002:

Council on Environmental Quality

Special Assistant to the Chair, Council on Economic Quality. Effective January 11, 2002.

Department of Agriculture

Confidential Assistant to the Administrator, Farm Service Agency. Effective January 14, 2002.

Director, Intergovernmental Affairs to the Assistant Secretary for Congressional Relations. Effective January 17, 2002.

Staff Assistant to the Under Secretary for Marketing and Regulatory Programs. Effective January 24, 2002.

Confidential Assistant to the Administrator, Food and Nutrition Service. Effective January 25, 2002.

Confidential Assistant to the Assistant Secretary for Congressional Relations. Effective January 30, 2002.

Special Assistant to the Chief, Natural Resource Manager. Effective January 30, 2002.

Department of the Air Force (DOD)

Confidential Assistant to the General Counsel. Effective January 8, 2002.

Department of Commerce

Confidential Assistant to the Assistant Secretary for Export Administration. Effective January 2, 2002.

Legislative Affairs Specialist to the Director, Office of Legislative Affairs. Effective January 2, 2002.

Special Assistant to the Director, Executive Secretariat Staff. Effective January 2, 2002.

Special Assistant to the Deputy Assistant Secretary for Transportation and Machinery. Effective January 4, 2002.

Confidential Assistant to the Deputy Assistant Secretary for Export Promotion Services. Effective January 7, 2002.

Executive Assistant to the Under Secretary for Economic Affairs. Effective January 8, 2002.

Executive Assistant to the Under Secretary, International Trade Administration. Effective January 8, 2002.

Special Assistant to the Deputy Assistant Secretary for Energy, Environment and Materials. Effective January 9, 2002.

Director of External Affairs to the Director of Public and Constituent Affairs. Effective January 11, 2002.

Chief of Staff to the Under Secretary for Oceans and Atmospheres. Effective January 14, 2002.

Chief, Congressional Affairs to the Under Secretary for Economic Affairs. Effective January 14, 2002.

Special Advisor to the Under Secretary for Export Administration. Effective January 16, 2002.

Confidential Assistant to the Director of Legislative Affairs. Effective January 22, 2002.

Special Assistant to the Chief of Staff, Office of the Under Secretary for Oceans and Atmosphere. Effective January 25, 2002.

Senior Analyst to the Under Secretary for Economic Affairs. Effective January 25, 2002.

Department of Defense

Special Assistant (Joint Chiefs of Staff) to the Special Assistant to the Secretary of Defense (White House Liaison). Effective January 8, 2002.

Personal and Confidential Assistant to the Under Secretary of Defense (Comptroller). Effective January 8, 2002.

Special Assistant to the Principal Deputy Assistant Secretary of Defense (Legislative Affairs). Effective January 11, 2002.

Staff Assistant to the Under Secretary of Defense (Comptroller). Effective January 14, 2002.

Director, Management Initiatives to the Under Secretary of Defense (Personnel and Readiness). Effective January 15, 2002.

Writer-Editor to the Assistant Secretary of Defense (Public Affairs). Effective January 22, 2002.

Defense Fellow to the Special Assistant to the Secretary of Defense (White House Liaison). Effective January 25, 2002.

Public Affairs Specialist to the Assistant Secretary of Defense (Public Affairs). Effective January 29, 2002.

Defense Fellow to the Special Assistant to the Secretary of Defense (White House Liaison). Effective January 30, 2002.

Public Affairs Specialist to the Deputy Assistant Secretary of Defense (Public Affairs). Effective January 30, 2002.

Confidential Assistant to the Assistant Secretary of Defense (Health Affairs). Effective January 30, 2002.

Defense Fellow to the Special Assistant to the Secretary of Defense (White House Liaison). Effective January 30, 2002.

Defense Fellow to the Special Assistant to the Secretary of Defense (White House Liaison). Effective January 30, 2002.

Staff Assistant to the Special Assistant to the Secretary of Defense (White House Liaison). Effective January 30, 2002.

Department of Education

Special Assistant to the Assistant Secretary for Elementary and Secondary Education. Effective January 2, 2002.

Special Assistant to the Assistant Secretary for Elementary and Secondary Education. Effective January 2, 2002.

Special Assistant to the Assistant Secretary for Postsecondary Education. Effective January 9, 2002.

Secretary's Regional Representative, Region V to the Deputy Assistant Secretary for Regional Services. Effective January 9, 2002.

Special Assistant to the Deputy Assistant Secretary for Regional Services. Effective January 9, 2002.

Special Assistant to the Deputy Assistant Secretary for Intergovernmental, Constituent Relations and Corporate Liaison. Effective January 10, 2002.

Confidential Assistant to the Chief of Staff to the Under Secretary. Effective January 11, 2002.

Special Assistant to the Assistant Secretary for Vocational and Adult Education. Effective January 17, 2002.

Special Assistant to the Assistant Secretary for Management. Effective January 22, 2002.

Special Assistant to the Senior Advisor to the Secretary. Effective January 30, 2002.

Department of Energy

Special Projects Officer to the Director, Office of Public Affairs. Effective January 8, 2002.

Special Assistant to the Principal Deputy Assistant Secretary (Special Assistant for Congressional and Intergovernmental Affairs). Effective January 25, 2002.

Senior Policy Advisor for North American Affairs to the Assistant Secretary for Policy and International Affairs. Effective January 25, 2002.

Staff Assistant to the Assistant Secretary for Congressional and Intergovernmental Affairs. Effective January 30, 2002.

Department of Health and Human Services

Speechwriter to the Director of Speechwriting. Effective January 4, 2002.

Special Assistant to the Deputy Assistant Secretary for Legislation (Human Services). Effective January 4, 2002.

Special Assistant to the Principal Deputy Assistant Secretary for Children and Families. Effective January 8, 2002.

Secretary's Regional Representative for Intergovernmental Affairs to the Director of Intergovernmental Affairs. Effective January 11, 2002.

Special Assistant to the Administrator, Substance Abuse and Mental Health Services Administration. Effective January 11, 2002.

Secretary's Regional Representative, Philadelphia, PA to the Director of Intergovernmental Affairs. Effective January 15, 2002.

Secretary's Regional Representative to the Director of Intergovernmental Affairs. Effective January 25, 2002.

Senior Advisor to the Director, Indian Health Service. Effective January 25, 2002.

Congressional Liaison Specialist to the Deputy Assistant Secretary for Legislation (Congressional Liaison). Effective January 28, 2002.

Secretary's Regional Representative, Atlanta GA, Region IV to the Director of Intergovernmental Affairs. Effective January 30, 2002.

Secretary's Regional Representative, Chicago, IL-Region V to the Director of Intergovernmental Affairs. Effective January 30, 2002.

Department of Housing and Urban Development

Staff Assistant to the Assistant Secretary for Community Planning and Development. Effective January 2, 2002.

Staff Assistant to the Deputy Assistant Secretary for Congressional and Intergovernmental Relations. Effective January 3, 2002.

Special Assistant to the Director, Center for Faith Based and Community Initiatives. Effective January 29, 2002.

Advance Coordinator to the Director of Executive Scheduling. Effective January 30, 2002.

Special Assistant to the Assistant Secretary for Public and Indian Housing. Effective January 30, 2002.

Department of the Interior

White House Liaison to the Chief of Staff. Effective January 8, 2002.

Deputy Director to the Director, External and Intergovernmental Affairs. Effective January 14, 2002.

Hispanic Media Outreach Coordinator to the Director, Office of Communications. Effective January 25, 2002.

Special Assistant to the Secretary of Interior. Effective January 29, 2002.

Department of Justice

Staff Assistant to the Assistant Attorney General, Office of Justice Programs, Bureau of Justice Statistics. Effective January 8, 2002.

Attorney Advisor to the Assistant Attorney General, Civil Division. Effective January 8, 2002.

Special Counsel to the Assistant Attorney General, Antitrust Division. Effective January 8, 2002.

Attorney Advisor to the Assistant Attorney General, Environment and Natural Resources Division. Effective January 8, 2002.

Special Assistant to the Assistant Attorney General, Office of Legal Development. Effective January 8, 2002.

Deputy Administrator to the Administrator, Office of Juvenile Justice and Delinquency Prevention. Effective January 8, 2002.

Deputy Director to the Director, National Institute of Justice. Effective January 8, 2002.

Special Assistant to the Assistant Attorney General, Criminal Division. Effective January 25, 2002.

Special Assistant to the Assistant Attorney General, Criminal Division. Effective January 31, 2002.

Department of Labor

Special Assistant to the Assistant Secretary for Veterans' Employment and Training. Effective January 8, 2002.

Special Assistant to the Secretary of Labor. Effective January 8, 2002.

Special Assistant to the Director of 21st Century Office. Effective January 11, 2002.

Speech Writer to the Assistant Secretary for Public Affairs. Effective January 25, 2002.

Special Assistant to the Assistant Secretary for Veterans's Employment and Training. Effective January 25, 2002.

Special Assistant to the Deputy Assistant Secretary, Office of Labor Management Standards. Effective January 31, 2002.

Department of State

Staff Assistant to the Assistant Secretary for Equal Employment and Civil Rights. Effective January 8, 2002.

Staff Assistant to the Assistant Secretary, Equal Employment and Civil Rights. Effective January 9, 2002.

Special Assistant to the Assistant Secretary for African Affairs Bureau. Effective January 11, 2002.

Special Assistant to the Under Secretary for Public Diplomacy and Public Affairs. Effective January 11, 2002.

Staff Assistant to the Chief of Protocol. Effective January 14, 2002.

Special Assistant to the Chief of Protocol. Effective January 22, 2002.

Protocol Officer (Visits) to the Chief of Protocol. Effective January 22, 2002.

Department of Transportation

Special Assistant to the Chief of Staff. Effective January 31, 2002.

Department of the Treasury

Senior Advisor to the Assistant Secretary for Financial Institutions. Effective January 8, 2002.

Department of Veterans Affairs

Special Assistant (Deputy White House Liaison) to the Deputy Assistant Secretary for Public Affairs. Effective January 15, 2002.

Environmental Protection Agency

Special Assistant (Advance Person) to the Administrator. Effective January 17, 2002.

Federal Emergency Management Agency

Staff Assistant (Scheduling) to the Director of Federal Emergency Management Agency. Effective January 4, 2002.

Speech Writer to the Director, Public Affairs. Effective January 28, 2002.

National Endowment for the Arts

Director of Communications to the Chairman, National Endowment for the Arts. Effective January 8, 2002.

Office of Management and Budget

Special Assistant and Assistant General Counsel to the General Counsel. Effective January 11, 2002.

Special Assistant to the Associate Director for Information Technology and E-Government. Effective January 11, 2002.

Confidential Assistant to the Assistant Director for Administration. Effective January 31, 2002.

Office of Science and Technology Policy

Confidential Assistant (Director's Office) to the Chief of Staff and General Counsel. Effective January 8, 2002.

Executive Assistant for Policy and Intergovernmental Affairs to the General Counsel. Effective January 14, 2002.

Confidential Assistant to the Associate Director, Technology Division. Effective January 14, 2002.

Confidential Assistant to the Associate Director for Science. Effective January 14, 2002.

Small Business Administration

Deputy Director to the Director of Intergovernmental Affairs. Effective January 7, 2002.

Policy Advisor to the Administrator. Effective January 25, 2002.

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

Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 02–3874 Filed 2–15–02; 8:45 am]

BILLING CODE 6325–38–U

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Global Technovations, Inc. (Common Stock, par value $.001 per share) File No. 1–11046

February 12, 2001.[1]

Global Technovations, Inc., a Delaware corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'')[2] and rule 12d2–2(d) thereunder,[3] to withdraw its Common Stock, $.001 par value (''Security''), from listing and registration on the

[1] This notice was originally issued January 25, 2002 but not published in the **Federal Register.**

[2] 15 U.S.C. 78*l*(d).

[3] 17 CFR 240.12d2–2(d).

American Stock Exchange LLC (''Amex'').

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the State of Delaware, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

The Issuer's decision to withdraw the Security from listing on the Exchange was caused by the Issuer's filing of a petition for Chapter 11 relief under the United States Bankruptcy Code and its concern that following Court approval of a reorganization plan that the Issuer would not meet the Amex's listing requirements.

The Issuer represents that it will seek to facilitate quotation of its Security on the OTC Bulletin Board. The Issuer's application relates solely to the Security's withdrawal from listing on the Amex and from registration under section 12(b) of the Act [4] and shall not affect its obligation to be registered under section 12(g) of the Act.[5]

Any interested person may, on or before March 2, 2002 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Jonathan G. Katz,

Secretary.

[FR Doc. 02–3866 Filed 2–15–02; 8:45 am]

BILLING CODE 8010–01–M

[4] 15 U.S.C. 78*l*(b).

[5] 15 U.S.C. 78*l*(g).

[6] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application to Withdraw from Listing and Registration on the American Stock Exchange LLC (Landauer, Inc., Common Stock, par value $.10 per share) File No. 1–9788

February 12, 2002.[1]

Landauer, Inc., a Delaware corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to section 12(d) of the Securities Exchange Act of 1934 (''Act'') [2] and rule 12d2–2(d) thereunder,[3] to withdraw its Common Stock, par value $.10 per share (''Security''), from listing and registration on the American Stock Exchange LLC (''Amex'' or ''Exchange'')

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in effect in the State of Delaware, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration. The Amex has in turn informed the Issuer that its does not object to the proposed withdrawal of the Issuer's Security from listing and registration on the Exchange.

The Board of Trustees (''Board'') approved a resolution on November 8, 2001 to withdraw the Issuer's Security from listing on the Amex and to list such Security on the New York Stock Exchange, Inc. (''NYSE''), effective January 15, 2002. The Issuer stated that the Board took such action in order to avoid the direct and indirect cost and the division of the market resulting from dual listing on the Amex and NYSE.

The Issuer's application relates solely to the withdrawal of the Security from listing and registration on the Amex and shall have no effect upon the Security's continued listing and registration on the NYSE under section 12(b) of the Act.[4]

Any interested person may, on or before March 2, 2001, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary

[FR Doc. 02–3865 Filed 2–15–02; 8:45 am]

BILLING CODE

[1] This notice was originally issued January 18, 2002 but not published in the **Federal Register.**

[2] 15 U.S.C. 78*l*(d).

[3] 17 CFR 240.12d2–2(d).

[4] 15 U.S.C. 78*l*(b).

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 25414; 812–12536]

John Hancock Equity Trust and John Hancock Advisers, Inc.; Notice of Application

February 11, 2002.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application for an order under sections 6(c) and 17(b) of the Investment Company Act of 1940 (''Act'') for an exemption from section 17(a) of the Act, under section 6(c) for an exemption from section 17(e) of the Act and rule 17e–1 under the Act, and under section 10(f) of the Act for an exemption from section 10(f).

Summary of the Application: Applicants request an order to permit certain registered open-end management investment companies advised by two or more investment advisers to engage in principal and brokerage transactions with a broker-dealer affiliated with one of the investment advisers and to purchase securities in offerings underwritten by a principal underwriter of which one of the investment advisers is an affiliated person. The transactions would be between a broker-dealer or principal underwriter and a portion of the investment company's portfolio not advised by the adviser affiliated with the broker-dealer or principal underwriter. Applicants also request relief to permit a portion of the portfolio to purchase securities in offerings underwritten by a principal underwriter of which the investment adviser to that portion is affiliated if the purchase is in accordance with all of the conditions to rule 10f–3 under the Act, except for the provision that would require aggregation of certain purchases.

Applicants: John Hancock Equity Trust (''Trust'') and John Hancock Advisers, Inc. (''Adviser'').

Filing Dates: The application was filed on May 29, 2001 and amended on February 5, 2002. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 7, 2002, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants: c/o Pamela J. Wilson, Esq., Hale and Dorr LLP, 60 State Street, Boston, MA 02109; Susan S. Newton, Esq., John Hancock Advisers, Inc., 101 Huntington Avenue, Boston, MA 02199–7603.

FOR FURTHER INFORMATION CONTACT: Laura J. Riegel, Senior Counsel, at (202) 942–0567, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564 (Office of Investment Company Regulation, Division of Investment Management).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. The Trust is a Massachusetts business trust registered under the Act as an open-end management investment company. The Trust offers two series, one of which is John Hancock Large Cap Spectrum Fund (''Fund'').

2. The Adviser is registered under the Investment Advisers Act of 1940 (''Advisers Act'') and is an indirect wholly owned subsidiary of John Hancock Life Insurance Company. The Adviser has overall supervisory responsibility for the general management and investment of the Fund's assets, subject to the Fund's investment objective and policies and direction of the Fund's trustees.

3. The Fund's assets are divided into three discrete portions (each, a ''Portion''), and the assets of each Portion are invested pursuant to a particular investment strategy. The Adviser has allocated management of two Portions to Alliance Capital Management, L.P. (''Alliance''), an investment adviser registered under the Advisers Act. Alliance has complete discretion to purchase and sell securities for its Portions in accordance with the Fund's objectives, policies, and restrictions, and the more specific strategies provided by the Adviser.[1] Alliance is paid a fee by the Adviser out of the proceeds of the management fee received by the Adviser from the Trust. The Adviser directly manages the remaining Portion. In managing this Portion, the Adviser acts independently of Alliance and does not control or influence Alliance's decisions to trade particular securities for Alliance's Portions.

4. Sanford C. Bernstein & Co., LLC (''Sanford Bernstein''), a broker-dealer registered under the Securities Exchange Act of 1934 (the ''Exchange Act''), is a wholly owned subsidiary of Alliance. AXA Advisors (''AXA''), a broker-dealer registered under the Exchange Act, is an indirect wholly owned subsidiary of The Equitable Life Insurance Society of the United States (''The Equitable''). The parent company of The Equitable, Alliance Capital Management Corp., owns directly all of the shares of the general partner of Alliance. Accordingly, both Sanford Bernstein and AXA are affiliated persons of Alliance within the meaning of section 2(a)(3)(C) of the Act.

5. Applicants request relief to permit: (i) a broker-dealer registered under the Exchange Act that serves as a subadviser (''Subadviser'') or is an affiliated person of a Subadviser (the broker-dealer, an ''Affiliated Broker-Dealer''; the Subadviser, an ''Affiliated Subadviser''), to one or more Multi-Managed Fund (as defined below) to engage in principal transactions with a Portion that is advised by a Subadviser that is not an affiliated person of the Affiliated Broker-Dealer or Affiliated Subadviser (the Portion, an ''Unaffiliated Portion''; the Subadviser, an ''Unaffiliated Subadviser''[2]); (ii) an Affiliated Broker-Dealer to provide brokerage services to an Unaffiliated Portion, and the Unaffiliated Portion to utilize such brokerage services, without complying with rule 17e–1(b) and (d) under the Act; (iii) an Unaffiliated Portion to purchase securities during the existence of an underwriting syndicate, a principal underwriter of which is an Affiliated Subadviser or a person of which an Affiliated Subadviser is an affiliated person (''Affiliated Underwriter''); and (iv) a Portion advised by an Affiliated Subadviser (''Affiliated Portion'') to purchase securities during the existence of an underwriting syndicate, a principal underwriter of which is an Affiliated Underwriter, in accordance with the conditions of rule 10f–3 under the Act, except that paragraph (b)(7) of the rule would not require the aggregation of purchases by the Affiliated Portion with purchases by an Unaffiliated Portion.

6. Applicants request that the exemptive relief apply to the Trust, its series, and any existing or future registered open-end management investment company or series thereof advised by (i) the Adviser or a person controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with the Adviser and (ii) at least one other investment adviser registered under the Advisers Act or exempt from such registration (the Trust, its series, such investment companies, or series thereof, each, a ''Multi-Managed Fund''). Any investment company that currently intends to rely on the order is named as an applicant. The Adviser will take steps designed to ensure that any other existing or future entity that relies on the order will comply with the terms and conditions of the application.

Applicants' Legal Analysis

A. Principal Transactions Between an Unaffiliated Portion and Affiliated Broker-Dealers

1. Section 17(a) of the Act generally prohibits sales or purchases of securities between a registered investment company and an affiliated person of, promoter of, or principal underwriter for such company, or any affiliated person of an affiliated person, promoter, or principal underwriter (''second-tier affiliate''). Section 2(a)(3)(E) of the Act defines an affiliated person to be any investment adviser of an investment company, and section 2(a)(3)(C) of the Act defines an affiliated person of

[1] The specific strategies are limited to general guidelines that do not restrict Alliance's discretion to purchase or sell particular securities for its Portions.

[2] The terms ''Subadviser,'' ''Unaffiliated Portion,'' and ''Unaffiliated Subadviser'' include the Adviser and the Portion directly advised by the Adviser, respectively, provided that the Adviser manages its Portion independently of the Portions managed by the Subadviser to the Multi-Managed Fund (as defined below), and the Adviser does not control or influence any other Subadviser's investment decisions as to specific securities for the other Subadviser's Portions.

another person to include any person directly or indirectly controlling, controlled by, or under common control with such person. Applicants state that an Affiliated Subadviser would be an affiliated person of a Multi-Managed Fund, and an Affiliated Broker-Dealer would be either an Affiliated Subadviser or an affiliated person of the Affiliated Subadviser, and thus a second-tier affiliate of a Multi-Managed Fund, including the Unaffiliated Portion. Accordingly, applicants state that any principal transactions to be effected by an Unaffiliated Subadviser on behalf of an Unaffiliated Portion with an Affiliated Broker-Dealer are subject to the prohibitions of section 17(a).

2. Applicants seek relief under sections 6(c) and 17(b) to exempt principal transactions prohibited by section 17(a) because an Affiliated Broker-Dealer is deemed to be an affiliated person or a second-tier affiliate of an Unaffiliated Portion solely because an Affiliated Subadviser is the Subadviser to another Portion of the same Multi-Managed Fund. The requested relief would not be available if the Affiliated Broker-Dealer (except by virtue of serving as a Subadviser) is an affiliated person or a second-tier affiliate of the Adviser, principal underwriter or promoter of the Multi-Managed Fund, the Unaffiliated Subadviser making the investment decision with respect to the Unaffiliated Portion, or any officer, trustee or employee of the Multi-Managed Fund.

3. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company and the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt any person or transaction from any provision of the Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

4. Applicants contend that section 17(a) is intended to prevent persons who have the power to control an investment company from using that power to the person's own pecuniary advantage. Applicants assert that when the person acting on behalf of an investment company has no direct or indirect pecuniary interest in a party to a principal transaction, the abuses that section 17(a) is designed to prevent are not present. Applicants state that if an Unaffiliated Subadviser purchases securities on behalf of an Unaffiliated Portion in a principal transaction with an Affiliated Broker-Dealer, any benefit that might inure to the Affiliated Broker-Dealer would not be shared by the Unaffiliated Subadviser. In addition, applicants state that a Subadviser is paid on the basis of a percentage of the value of the assets allocated to its management. The execution of a transaction to the disadvantage of the Unaffiliated Portion would disadvantage the Unaffiliated Subadviser to the extent that it diminishes the value of the Unaffiliated Portion. Applicants further submit that the Adviser's power to dismiss Subadvisers or to change the Portion allocated to each Subadviser reinforces a Subadviser's incentive to maximize the investment performance of its Portion. In the case where the Adviser directly manages a Portion, the board of trustees or directors of the Multi-Managed Fund oversees the performance of the Adviser and can terminate the Adviser.

5. Applicants state that each Subadviser's contract assigns it responsibility to manage a Portion. Each Subadviser is responsible for making independent investment and brokerage allocation decisions based on its own research and credit evaluations. Applicants represent that the Adviser does not dictate brokerage allocation or investment decisions to any Multi-Managed Fund advised by a Subadviser, or have the contractual right to do so, except with respect to a Portion advised directly by the Adviser. Applicants contend that, in managing a Portion, each Subadviser acts for all practical purposes as though it is managing a separate investment company.

6. Applicants state that the proposed transactions will be consistent with the policies of the Multi-Managed Fund, since each Unaffiliated Subadviser is required to manage the Unaffiliated Portion in accordance with the investment objectives and related investment policies of the Portfolio as described in its registration statement. Applicants also assert that permitting the transactions will be consistent with the general purposes of the Act and in the public interest because the ability to engage in the transactions increases the likelihood of a Multi-Managed Fund achieving best price and execution on its principal transactions, while giving rise to none of the abuses that section 17(a) was designed to prevent.

B. Payment of Brokerage Compensation by an Unaffiliated Portion to Affiliated Broker-Dealers

1. Section 17(e)(2) of the Act prohibits an affiliated person or a second-tier affiliate of a registered investment company from receiving compensation for acting as a broker in connection with the sale of securities to or by the investment company if the compensation exceeds the limits prescribed by the section unless otherwise permitted by rule 17e–1 under the Act. Rule 17e–1 sets forth the conditions under which an affiliated person or a second-tier affiliate of an investment company may receive a commission which would not exceed the ''usual and customary broker's commission'' for purposes of section 17(e)(2). Rule 17e–1(b) requires the investment company's board of directors, including a majority of the directors who are not interested persons under section 2(a)(19) of the Act, to adopt certain procedures and to determine at least quarterly that all transactions effected in reliance on the rule complied with the procedures. Rule 17e–1(d) specifies the records that must be maintained by each investment company with respect to any transaction effected pursuant to rule 17e–1.

2. As discussed above, applicants state that an Affiliated Broker-Dealer is either an affiliated person (as Subadviser to another Portion) or a second-tier affiliate of an Unaffiliated Portion and thus subject to section 17(e). Applicants request an exemption under section 6(c) from section 17(e) and rule 17e–1 to the extent necessary to permit an Unaffiliated Portion to pay brokerage compensation to an Affiliated Broker-Dealer acting as broker in the ordinary course of business in connection with the sale of securities to or by such Unaffiliated Portion, without complying with the requirements of rule 17e–1(b) and (d). The requested exemption would apply only where an Affiliated Broker-Dealer is deemed to be an affiliated person or a second-tier affiliate of an Unaffiliated Portion solely because an Affiliated Subadviser is the Subadviser to another Portion of the same Multi-Managed Fund. The relief would not apply if the Affiliated Broker-Dealer (except by virtue of serving as a Subadviser) is an affiliated person or a second-tier affiliate of the Adviser, principal underwriter or promoter of the Multi-Managed Fund, the Unaffiliated Subadviser making the investment decision with respect to the Unaffiliated Portion of the Multi-Managed Fund, or any officer, trustee or employee of the Multi-Managed Fund.

3. Applicants believe that the proposed brokerage transactions involve no conflicts of interest or possibility of self-dealing and will meet the standards of section 6(c). Applicants assert that the interests of an Unaffiliated Subadviser are directly aligned with the interests of the Unaffiliated Portion it advises, and an Unaffiliated Subadviser will enter into brokerage transactions with Affiliated Broker-Dealers only if the fees charged are reasonable and fair as required by rule 17e–1(a). Applicants also note that an Unaffiliated Subadviser has a fiduciary duty to obtain best price and execution for the Unaffiliated Portion.

C. Purchases of Securities From Offerings With Affiliated Underwriters

1. Section 10(f) of the Act, in relevant part, prohibits a registered investment company from knowingly purchasing or otherwise acquiring, during the existence of any underwriting or selling syndicate, any security (except a security of which the company is the issuer) a principal underwriter of which is an officer, director, member of an advisory board, investment adviser, or employee of the company, or an affiliated person of any of those persons. Section 10(f) also provides that the Commission may exempt by order any transaction or classes of transactions from any of the provisions of section 10(f), if and to the extent that such exemption is consistent with the protection of investors. Rule 10f–3 under the Act exempts certain transactions from the prohibitions of section 10(f) if specified conditions are met. Paragraph (b)(7) of rule 10f–3 limits the securities purchased by the investment company, or by two or more investment companies having the same investment adviser, to 25% of the principal amount of the offering of the class of securities.

2. Applicants state that each Subadviser, although under contract to manage only a Portion of a Multi-Managed Fund, is considered an investment adviser to the entire Multi-Managed Fund. As a result, applicants believe that all purchases of securities by an Unaffiliated Portion from an underwriting syndicate, a principal underwriter of which is an Affiliated Underwriter, would be subject to section 10(f).

3. Applicants request relief under section 10(f) from that section to permit an Unaffiliated Portion to purchase securities during the existence of an underwriting or selling syndicate, a principal underwriter of which is an Affiliated Underwriter. Applicants request relief from section 10(f) only to the extent those provisions apply solely because an Affiliated Subadviser is an investment adviser to the Multi-Managed Fund. The requested relief would not be available if the Affiliated Underwriter (except by virtue of serving as a Subadviser) is an affiliated person or a second-tier affiliate of the Adviser, principal underwriter or promoter of the Multi-Managed Fund, the Unaffiliated Subadviser making the investment decision with respect to the Unaffiliated Portion of the Multi-Managed Fund, or any officer, trustee or employee of the Multi-Managed Fund. Applicants also seek relief from section 10(f) to permit an Affiliated Portion to purchase securities during the existence of an underwriting syndicate, a principal underwriter of which is an Affiliated Underwriter, provided that the purchase will be in accordance with the conditions of rule 10f–3, except that paragraph (b)(7) of the rule will not require the aggregation of purchases by the Affiliated Portion with purchases by an Unaffiliated Portion.

4. Applicants state that section 10(f) was adopted in response to concerns about the ''dumping'' of otherwise unmarketable securities on investment companies, either by forcing the investment company to purchase unmarketable securities from its underwriting affiliate, or by forcing or encouraging the investment company to purchase the securities from another member of the syndicate. Applicants submit that these abuses are not present in the context of the Multi-Managed Fund because a decision by an Unaffiliated Subadviser to purchase securities from an underwriting syndicate, a principal underwriter of which is an Affiliated Underwriter, involves no potential for ''dumping.'' In addition, applicants assert that aggregating purchases would serve no purpose because there is no collaboration among Subadvisers, and any common purchases by an Affiliated Subadviser and an Unaffiliated Subadviser would be coincidence.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Each Multi-Managed Fund relying on the requested order will be advised by an Affiliated Subadviser and at least one Unaffiliated Subadviser and will be operated in the manner described in the application.

2. No Affiliated Subadviser, Affiliated Broker-Dealer, or Affiliated Underwriter (except by virtue of serving as Subadviser to a Portion) will be an affiliated person or a second-tier affiliate of the Adviser, any Unaffiliated Subadviser, principal underwriter or promoter of the Multi-Managed Fund, or any officer, trustee, or employee of a Multi-Managed Fund.

3. No Affiliated Subadviser will directly or indirectly consult with any Unaffiliated Subadviser concerning allocation of principal or brokerage transactions.

4. No Affiliated Subadviser will participate in any arrangement whereby the amount of its subadvisory fees will be affected by the investment performance of an Unaffiliated Subadviser.

5. With respect to purchases of securities by an Affiliated Portion during the existence of any underwriting or selling syndicate, a principal underwriter of which is an Affiliated Underwriter, the conditions of rule 10f–3 under the Act will be satisfied except that paragraph (b)(7) will not require the aggregation of purchases by the Affiliated Portion with purchases by an Unaffiliated Portion.

For the Commission, by the Division of Investment Management, under delegated authority.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 02–3863 Filed 2–15–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–25416; 812–12476]

Frank Russell Investment Company, et al.; Notice of Application

February 12, 2002.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (''Act'') for an exemption from sections 12(d)(1)(A) and (B) of the Act, under section 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and (2) of the Act, and under section 17(d) of the Act and rule 17d-1 under the Act to permit certain joint transactions.

Summary of Application: The requested order would permit (a) certain registered open-end investment companies to use uninvested cash and cash collateral to purchase, in kind or for cash, shares of one or more affiliated money market funds, and the money market funds to sell shares to, and redeem shares from, the investment companies, and (b) the investment companies and the money market funds

to continue to engage in transactions involving portfolio securities in reliance on rule 17a-7 under the Act. The requested order would supersede a prior order.[1]

Applicants: Frank Russell Investment Company (''FRIC''); Russell Insurance Funds (''RIF''); the currently existing series of FRIC and RIF, and all future registered open-end management investment companies and any series thereof that are part of the same ''group of investment companies,'' as defined in section 12(d)(1)(G)(ii) of the Act, as FRIC and RIF and for which Frank Russell Investment Management Company (''Russell'') or a person controlling, controlled by, or under common control with Russell (a ''Russell Adviser'') serves as investment adviser (FRIC, RIF, all currently existing series of FRIC and RIF, and all such future registered open-end management investment companies and series thereof together, the ''Funds''); Russell; and Russell Fund Distributors, Inc. (''Distributor'').

Filing Dates: The application was filed on March 9, 2001 and amended on September 19, 2001 and January 31, 2002.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 11, 2002, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants, Frank Russell Company, 909 A Street, Tacoma, WA 98402.

FOR FURTHER INFORMATION CONTACT: Stacy L. Fuller, Senior Counsel, at (202) 942–0553, or Nadya B. Roytblat, Assistant Director, at (202) 942–0564, Office of Investment Company Regulation, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 5th Street, NW., Washington, DC 20549–0102, at (202) 942–8090.

Applicants' Representations

1. FRIC and RIF are Massachusetts business trusts registered under the Act as open-end management investment companies. RIF consists of five separate series. RIF shares are offered exclusively to insurance companies and to their separate accounts to fund variable insurance products. FRIC consists of 31 separate series, three of which are money market Funds that comply with rule 2a-7 under the Act (each a ''Money Market Fund'' and together with any future FRIC or RIF series that is a money market Fund complying with rule 2a-7 under the Act, the ''Money Market Funds'').[2] Russell, an investment adviser registered under the Investment Advisers Act of 1940, is the investment adviser to each series of FRIC and RIF pursuant to an investment advisory agreement (''Advisory Agreement'').[3] Distributor, a wholly-owned subsidiary of Russell, serves as distributor for each series of FRIC and RIF.

2. Funds that are not Money Market Funds (the ''Investing Funds'') have, or may be expected to have, uninvested cash. Such cash may result from a variety of sources, including dividends or interest received on portfolio securities, unsettled securities transactions, reserves held for investment strategy purposes, scheduled maturity of investments, liquidation of investment securities to meet anticipated redemptions, dividend payments or new monies received from investors (''Uninvested Cash''). Certain of the Funds also may participate in a securities lending program under which they loan their portfolio securities to certain member banks of the Federal Reserve System and certain primary dealers in U.S. government securities (such program, a ''Securities Lending Program''). The loans are secured by collateral, equal at all times to at least the market value of the securities loaned (such collateral, when in the form of cash, ''Cash Collateral'' and together, with Uninvested Cash, ''Cash Balances''). Applicants request an order to permit the Investing Funds to use their Cash Balances to purchase shares of one or more of the Money Market Funds, the Money Market Funds to sell their shares to and redeem their shares from the Investing Funds, and Russell to effect these transactions.

3. Applicants state that certain Funds currently engage in purchase and sale transactions with other Funds in reliance on rule 17a–7 under the Act (''Interfund Transactions''). Applicants seek relief to permit these Interfund Transactions to continue in the event that the Investing Funds, pursuant to the requested order, use Cash Balances to purchase shares of the Money Market Funds and become affiliated persons, or affiliated persons of affiliated persons, of other Funds by virtue of owning more than 5% of a Money Market Fund. Applicants also seek relief to permit in-kind Interfund Transactions in which an Investing Fund, solely in instances where the Investing Fund holds portfolio securities that would be appropriate investments for a Money Market Fund, invests in a Money Market Fund by transferring such portfolio securities to the Money Market Fund, in exchange for shares of such Money Market Fund.

Applicants' Legal Analysis

I. Investment of Cash Balances in Money Market Funds

A. Section 12(d)(1) of the Act

1. Section 12(d)(1)(A) of the Act provides that no registered investment company may acquire securities of another investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of other acquired investment companies, represent more than 10% of the acquiring company's outstanding total assets. Section 12(d)(1)(B) of the Act provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies.

2. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction from any provision of section 12(d)(1) if and to the extent that

[1] *Frank Russell Investment Company, et al.,* Investment Company Act Release Nos. 22819 (Sept. 12, 1997) (notice) and 22845 (Oct. 8, 1997) (order) (''Prior Order'').

[2] All existing Funds that currently intend to rely on the requested order are named as applicants. Applicants also request that the order extend to Russell's successor(s) in interest, which are entities that result from a reorganization of the entity into another jurisdiction or a change in the type of business organization of the entity.

[3] Under the Advisory Agreement, in addition to the advisory fee, Russell may collect an annual fee (the ''Collateral Investment Fee'') for supervising the investment of the Cash Collateral, as defined below, of the Funds that are series of FRIC, based on such assets not being treated as net assets of a Fund for purposes of determining the net asset value per share of such Fund.

such exemption is consistent with the public interest and the protection of investors.

3. Applicants request relief under section 12(d)(1)(J) to permit the Investing Funds to use their Cash Balances to acquire shares of the Money Market Funds in excess of the percentage limitations in section 12(d)(1)(A), provided however, that in all cases an Investing Fund's aggregate investment of Uninvested Cash in shares of the Money Market Funds will not exceed 25% of the Investing Fund's total assets at any time. Applicants also request relief to permit the Money Market Funds to sell their shares to the Investing Funds in excess of the percentage limitations in section 12(d)(1)(B).

4. Applicants state that the proposed arrangement will not result in the abuses that sections 12(d)(1)(A) and (B) were intended to prevent. Applicants state that there is no threat of redemption to gain undue influence over the Money Market Funds due to the highly liquid nature of each Money Market Fund's portfolio. Applicants also note that Russell or a Russell Adviser will serve as investment adviser to all of the Funds. Applicants state that the proposed arrangement will not result in inappropriate layering of either sales charges or investment advisory fees. Shares of the Money Market Funds sold to the Investing Funds will not be subject to a sales load, redemption fee, asset-based distribution fee or service fee. If a Money Market Fund offers more than one class of shares in which an Investing Fund may invest, the Investing Fund will invest its Cash Balances only in the class with the lowest expense ratio at the time of the investment. In connection with approving any advisory contract for an Investing Fund, its board of trustees (''Board''), including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (''Independent Trustees''), will consider to what extent, if any, the advisory fees and any Collateral Investment Fee charged to the Investing Fund by Russell or the Russell Adviser to the Investing Fund should be reduced to account for reduced services provided to the Investing Fund by Russell or the Russell Adviser to the Investing Fund as a result of Cash Balances being invested in the Money Market Funds. Applicants represent that no Money Market Fund will acquire securities of any other investment company in excess of the limitations contained in section 12(d)(1)(A) of the Act.

B. Section 17(a) of the Act

5. Section 17(a) of the Act makes it unlawful for any affiliated person of a registered investment company, acting as principal, to sell or purchase any security to or from the investment company. Section 2(a)(3) of the Act defines an affiliated person of an investment company to include any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person, any person 5% or more of whose outstanding securities are directly or indirectly owned, controlled, or held with power to vote by the other person, any person directly or indirectly controlling, controlled by, or under common control with the other person, and any investment adviser to an investment company. Because the Investing Funds and the Money Market Funds have Russell as an investment adviser, and because all of the Funds have a Russell Adviser, they may be deemed to be under common control and thus affiliated persons of each of the other Funds. In addition, if an Investing Fund purchases more than 5% of the voting securities of a Money Market Fund, the Investing Fund and Money Market Fund may be affiliated persons of each other. As a result of these affiliations, section 17(a) would prohibit the sale of shares of Money Market Funds to the Investing Funds, and the redemption of such shares by Money Market Funds.

6. Section 17(b) of the Act authorizes the Commission to exempt a transaction from section 17(a) of the Act if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Section 6(c) of the Act permits the Commission to exempt persons or transactions from any provision of the Act, if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

7. Applicants submit that their request for relief to permit the purchase of shares of the Money Market Funds by the Investing Funds, and the redemption of the shares of the Money Market Funds, satisfies the standards in sections 6(c) and 17(b). Applicants state that the Investing Funds will retain their ability to invest their Cash Balances directly in money market instruments as authorized by their respective investment objectives and policies. Similarly, a Money Market Fund has the right to discontinue selling shares to any of the Investing Funds if the Money Market Fund's board of trustees or investment adviser determines that such sale would adversely affect its portfolio management and operations. In addition, applicants note that shares of the Money Market Funds will be purchased and redeemed at their net asset value, the same consideration paid and received for these shares by any other shareholder.

C. Section 17(d) of the Act and Rule 17d–1 Under the Act

8. Section 17(d) of the Act and rule 17d–1 under the Act prohibit an affiliated person of a registered investment company, acting as principal, from participating in or effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates, unless the Commission has approved the joint arrangement. Applicants state that the Investing Funds and the Money Market Funds, by participating in the proposed transactions, and Russell, by effecting the proposed transactions, could be deemed to be participating in a joint arrangement within the meaning of section 17(d) and rule 17d–1.

9. In considering whether to approve a joint transaction under rule 17d–1, the Commission considers whether the investment company's participation in the joint enterprise is consistent with the provisions, policies and purposes of the Act and the extent to which participation in the joint enterprise is on a basis different from or less advantageous than that of other participants. Applicants state that, for the reasons discussed above, the proposed transactions meet the standards for an order under rule 17d–1.

II. Interfund Transactions

10. As noted above, section 17(a) of the Act would prohibit the purchase and sale of portfolio securities between the Funds. Rule 17a–7 under the Act provides an exemption from section 17(a) for a purchase and sale transaction between a registered investment company and an affiliated person (or an affiliated person of an affiliated person), provided certain conditions are met, including that the affiliation between the registered investment company and the affiliated person (or an affiliated person of the affiliated person) must exist solely by reason of the entities

having a common investment adviser, common directors and/or common officers and the transaction must be for no consideration other than cash. Applicants state that the Funds may not be able to rely on rule 17a–7 when purchasing or selling portfolio securities to other Funds, and that the Investing Funds may not be able to rely on rule 17a–7 to effect in-kind purchases of shares of the Money Market Funds, because some of the Investing Funds may own more than 5% of the outstanding voting securities of a Money Market Fund and, therefore, an affiliation would not exist solely by reason of the transacting Funds having a common investment adviser, common directors and/or common officers. In addition, in-kind purchases of shares of a Money Market Fund by an Investing Fund would not meet the cash payment requirement of rule 17a–7(a).

11. Applicants request relief under sections 6(c) and 17(b) of the Act to permit the Interfund Transactions. Applicants submit that the requested relief satisfies the standards for relief in sections 6(c) and 17(b). Applicants state that, with respect to the Investing Funds' in-kind purchases of shares of the Money Market Funds, the consideration paid by the Investing Funds for shares of the Money Market Funds will be based on the net asset value of the Money Market Funds. With respect to the purchase and sale of portfolio securities between the Funds, applicants state that the price paid for the securities will be the current market price of the securities. Further, applicants state that the Interfund Transactions will comply with rule 17a–7 under the Act in all respects other than (i) the requirement that the parties to the transactions be affiliated persons (or affiliated persons of affiliated persons) of each other solely by reason of having a common investment adviser or investment advisers that are affiliated persons of each other, common officers and/or common directors, solely because the Investing Funds and the Money Market Funds might become affiliated persons within the meaning of sections 2(a)(3)(A) and (B) of the Act and (ii) the requirement that the transactions be for no consideration other than cash, solely because certain of the Interfund Transactions may be effected in shares of a Money Market Fund.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. Shares of the Money Market Funds sold to and redeemed by the Investing Funds will not be subject to a sales load, redemption fee, distribution fee under a plan adopted in accordance with rule 12b–1 under the Act, or service fee (as defined in rule 2830(b)(9) of the Conduct Rules of the National Association of Securities Dealers).

2. No Money Market Fund will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

3. Each of the Investing Funds will invest Uninvested Cash in, and hold shares of, the Money Market Funds only to the extent that such Investing Fund's aggregate investment of Uninvested Cash in all of the Money Market Funds does not exceed 25% of the Investing Fund's total assets. For purposes of this limitation, each Investing Fund or series thereof will be treated as a separate investment company.

4. Each Investing Fund and each Money Market Fund relying on the order will be advised by Russell or a Russell Adviser.

5. Investment by an Investing Fund in shares of a Money Market Fund will be in accordance with each Investing Fund's respective investment restrictions and will be consistent with each Investing Fund's policies as set forth in its prospectus and statement of additional information.

6. At or before the next meeting of a Board is held for the purpose of voting on an Advisory Agreement under section 15 of the Act, Russell or the Russell Adviser to the Investing Fund will provide the Board with specific information regarding the approximate cost to Russell or the Russell Adviser to the Investing Fund of, or portion of the advisory fee and any Collateral Investment Fee under the existing Advisory Agreement attributable to, managing the Cash Balances of the Investing Fund that can be expected to be invested in the Money Market Funds. In connection with approving any Advisory Agreement for an Investing Fund, the Board, including a majority of the Independent Trustees, shall consider to what extent, if any, the advisory fees and any Collateral Investment Fee charged to the Investing Fund by Russell or the Russell Adviser to the Investing Fund should be reduced to account for any change in the services provided to the Investing Fund by Russell or the Russell Adviser to the Investing Fund as a result of Cash Balances being invested in the Money Market Funds. The minute books of the Investing Fund will record fully the Board's consideration in approving the Advisory Agreement, including the considerations referred to above.

7. Before a Fund may participate in the Securities Lending Program, a majority of the Board (including a majority of the Independent Trustees) will approve the Fund's participation in the Securities Lending Program. No less frequently than annually, the Board also will evaluate, with respect to each Investing Fund, any securities lending arrangement and its results and determine that any investment of Cash Collateral in the Money Market Funds is in the best interests of the shareholders of the Investing Fund.

8. To engage in Interfund Transactions, the Investing Funds and Money Market Funds will comply with rule 17a–7 under the Act in all respects other than (i) the requirement that the parties to the transactions be affiliated persons (or affiliated persons of affiliated persons) of each other solely by reason of having a common investment adviser or investment advisers that are affiliated persons of each other, common officers and/or common directors, solely because the Investing Funds and the Money Market Funds might become affiliated persons within the meaning of sections 2(a)(3)(A) and (B) of the Act and (ii) the requirement that the transactions be for no consideration other than cash, solely because certain Interfund Transactions may be effected in shares of a Money Market Fund.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–3864 Filed 2–15–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45431; File No. SR–NASD–2002–16]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by the National Association of Securities Dealers, Inc. To Clarify the Income-Based Listing Standards of The Nasdaq Stock Market

February 11, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 6, 2002, the National Association of Securities Dealers, Inc. (''NASD''),

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. Nasdaq has designated this proposed rule change as ''non-controversial'' pursuant to Rule 19b–4(f)(6) under the Act,[3] which renders it effective immediately upon filing. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is filing with the Commission a proposed rule change to clarify Nasdaq's income-based listing standards. Text of the proposed rule change appears below. New language is italicized; deletions are bracketed.

* * * * *

4310. Qualification Requirements for Domestic and Canadian Securities

To qualify for inclusion in Nasdaq, a security of a domestic or Canadian issuer shall satisfy all applicable requirements contained in paragraphs (a) or (b), and (c) hereof.

(a)–(b) No change

(c) In addition to the requirements contained in paragraph (a) or (b) above, and unless otherwise indicated, a security shall satisfy the following criteria for inclusion in Nasdaq:

(1) No change

(2)(A) For initial inclusion, the issuer shall have:

(i)–(ii) No change.

(iii) net income *from continuing operations* of $750,000 [(excluding extraordinary or non-recurring items)] in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

(B) For continued inclusion, the issuer shall maintain:

(i)–(ii) No change.

(iii) net income *from continuing operations* of $500,000 [(excluding extraordinary or non-recurring items)] in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

* * * * *

4320. Qualification Requirements for Non-Canadian Foreign Securities and American Depositary Receipts

To qualify for inclusion in Nasdaq, a security of a non-Canadian foreign issuer, an American Depositary Receipt (ADR) or similar security issued in respect of a security of a foreign issuer shall satisfy the requirements of paragraphs (a), (b) or (c), and (d) and (e) of this Rule.

(a)–(d) No change

(e) In addition to the requirements contained in paragraph (a), (b) or (c), and (d), the security shall satisfy the following criteria for inclusion in Nasdaq:

(1) No change

(2)(A) For initial inclusion, the issuer shall have:

(i) stockholders' equity of *U.S.* $5 million;

(ii) No change

(iii) net income *from continuing operations* of U.S. $750,000 [(excluding extraordinary or non-recurring items)] in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

(B) For continued inclusion, the issuer shall maintain:

(i) stockholders' equity of *U.S.* $2.5 million;

(ii) No change

(iii) net income *from continuing operations* of U.S. $500,000 [(excluding extraordinary or non-recurring items)] in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

* * * * *

4420. Quantitative Designation Criteria

In order to be designated for the Nasdaq National Market, an issuer shall be required to substantially meet the criteria set forth in paragraphs (a), (b), (c), (d), (e), (f), or (g) below. Initial Public Offerings substantially meeting such criteria are eligible for immediate inclusion in the Nasdaq National Market upon prior application and with the written consent of the managing underwriter that immediate inclusion is desired. All other qualifying issues, excepting special situations, are included on the next inclusion date established by Nasdaq.

(a) Entry Standard 1

(1) The issuer of the security had annual [pre-tax] income *from continuing operations before income taxes* of at least $1,000,000 [(excluding extraordinary or non-recurring items)] in the most recently completed fiscal year or in two of the last three most recently completed fiscal years.

(2)–(7) No change

* * * * *

I. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to provide greater transparency to Nasdaq's income-based listing standards. Nasdaq rules currently exclude non-recurring items from the income listing standards. These standards, however, lack transparency, as the term ''non-recurring'' is not defined in Generally Accepted Accounting Principles (''GAAP''). Since the intent of the income listing standards is to capture income from continuing operations, Nasdaq proposes to amend these standards to use the term ''income from continuing operations'' rather than to exclude non-recurring items. As defined under GAAP, the term ''income from continuing operations'' excludes discontinued operations, extraordinary items, and the cumulative effect from changes in accounting principles. Nasdaq believes that the proposed amendments to its initial and continued inclusion income listing standards will help to clarify these listing standards for issuers and investors.

The proposed rule change also clarifies that the equity listing standard for non-Canadian foreign securities and American Depositary Receipts is based on U.S. dollars.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act[4] in that it is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest. As previously noted, Nasdaq is proposing to amend the income-based listing standards to

[3] 17 CFR 240.19b–4(f)(6).

[4] 15 U.S.C. 78o–3(b)(6).

provide greater clarity and transparency for issuers, their counsel, and investors.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change would result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Nasdaq asserts that the proposed rule change is effective upon filing pursuant to section 19(b)(3)(A) of the Act [5] and paragraph (f)(6) of Rule 19b–4 thereunder,[6] because the proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest.[7]

Nasdaq has requested that the Commission waive the 30 day pre-operative period, which would make the proposed rule operative immediately. The Commission finds that it is consistent with the protection of investors and the public interest to waive the 30-day pre-operative period in this case.[8] The Commission believes that the new rule will provide greater transparency to Nasdaq's listing standards, thereby reducing uncertainty for issuers and investors.

At any time within 60 days of this filing, the Commission may summarily abrogate this proposal if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–2002–16 and should be submitted by March 12, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–3868 Filed 2–15–02; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6).

[7] In addition, Rule 19b–4(f)(6) requires that the self-regulatory organization give the Commission five days' written notice of its intent to file the proposed rule change. The NASD, through Nasdaq, complied with this requirement. *See* e-mail from John Nachmann, Senior Attorney Nasdaq, to Florence Harmon, Senior Special Counsel, Division of Market Regulation, Commission, dated January 4, 2002.

[8] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45429; File No. SR–NASD–2002–19]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Listing and Trading of Enhanced Return Notes Linked to the Nasdaq 100–Index

February 11, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 7, 2002, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') through its subsidiary, The Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I and II below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to list and trade Enhanced Return Notes Linked to the Nasdaq-100 Index (the ''Notes'') issued by Merrill Lynch & Co., Inc. (''Merrill Lynch'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Under NASD Rule 4420(f), ''Other Securities,'' Nasdaq may approve for listing and trading innovative securities that cannot be categorized readily under traditional listing guidelines.[3] Nasdaq proposes to list for trading the Notes, as described below, under NASD Rule 4420(f).

Description of the Notes

The Notes [4] are a series of senior debt securities that will be issued by Merrill Lynch and will not be secured by collateral. The Notes will be issued in denominations of whole units (''Units''), with each Unit representing a single Note. The original public offering price will be $10 per Unit. The Notes will not pay interest and are not subject to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 32988 (September 29, 1993), 58 FR 52124 (October 6, 1993) (order approving File No. SR–NASD–93–15) (''1993 Order'').

[4] For a detailed description of the Notes, including the risks associated with investing in the Notes, *see* the registration statement Merrill Lynch filed with the Commission (File No. 333–52822).

redemption by Merrill Lynch or at the option of any beneficial owner before maturity in March 2004.[5]

At maturity, if the value of the Nasdaq-100 Index (''Index'')[6] has increased, a beneficial owner will be entitled to receive a payment on the Notes based on twice the amount of that percentage increase, not to exceed a maximum payment of $15.00 per Unit (the ''Capped Value''). Thus, the Notes provide investors with an opportunity to obtain leveraged returns based on the Index. Unlike ordinary debt securities, the Notes do not guarantee any return of principal at maturity. Therefore, if the value of the Index has declined at maturity, a beneficial owner will receive less, and possibly significantly less, than the original public offering price of $10 per Unit.

The payment that a beneficial owner will be entitled to receive (the ''Redemption Amount'') depends entirely on the relation of the average of the values of the Index at the close of the market on five business days shortly before the maturity of the Notes (the ''Ending Value'') and the closing value of the Index on the date the Notes are priced for initial sale to the public (the ''Starting Value'').

If the Ending Value is less than or equal to the Starting Value, the Redemption Amount per Unit will equal:

$$\$10 \times \left(\frac{\text{Ending Value}}{\text{Starting Value}} \right)$$

If the Ending Value is greater than the Starting Value, the Redemption Amount per Unit per Unit will equal:

$$\$10 + \left(\$20 \times \left(\frac{\text{Ending Value} - \text{Starting Value}}{\text{Starting Value}} \right) \right)$$

not to exceed the Capped Value of $15.00 per Unit.

Criteria for Initial and Continued Listing

The Notes will be subject to Nasdaq's initial listing criteria for other securities under NASD Rule 4420(f). Specifically, under NASD Rule 4420(f)(1):

(A) The issuer shall have assets in excess of $100 million and stockholders' equity of at least $10 million. In the case of an issuer which is unable to satisfy the income criteria set forth in paragraph (a)(1), Nasdaq generally will require the issuer to have the following: (i) assets in excess of $200 million and stockholders' equity of at least $10 million; or (ii) assets in excess of $100 million and stockholders' equity of at least $20 million;

(B) There must be a minimum of 400 holders of the security, provided, however, that if the instrument is traded in $1,000 denominations, there must be a minimum of 100 holders;

(C) For equity securities designated pursuant to this paragraph, there must be a minimum public distribution of 1,000,000 trading units; and

(D) The aggregate market value/principal amount of the security will be at least $4 million.

In addition, Nasdaq notes that Merrill Lynch satisfies the listed marketplace requirement set forth in NASD Rule 4420(f)(2).[7] Lastly, pursuant to NASD Rule 4420(f)(3), prior to the commencement of trading of the Notes, Nasdaq will distribute a circular to the membership providing guidance regarding member firm compliance responsibilities and requirements, including suitability recommendations, and highlighting the special risks and characteristics of the Notes. In particular, Nasdaq will advise members and employees thereof recommending a transaction in the Notes to: (1) Determine that such transaction is suitable for the customer; and (2) have a reasonable basis for believing that the customer can evaluate the special characteristics of, and is able to bear the financial risks of, such transaction.

The Notes will be subject to Nasdaq's continued listing criteria for other securities in NASD Rule 4450(c), which requires that the aggregate market value or principal amount of publicly-held units must be at least $1 million. Furthermore, the Notes must have at least two registered and active market makers as required by NASD Rule 4450(e).

The Notes will be registered under section 12 of the Act.

Rules Applicable to the Trading of the Notes

Because the Notes will be deemed equity securities for the purpose of NASD Rule 4420(f), the NASD and Nasdaq's existing equity trading rules will apply to the Notes. First, pursuant to NASD Rule 2310, ''Recommendations to Customers (Suitability),'' and IM–2310–2, ''Fair Dealing with Customers,'' NASD members must have reasonable grounds for believing that a recommendation to a customer regarding the purchase, sale or exchange of any security is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his other security holdings and as to his financial situation and needs.[8] In addition, as previously mentioned, Nasdaq will distribute a circular to advise members and employees thereof recommending a transaction in the Notes to, among other things, have a reasonable basis for believing that the customer can evaluate the special characteristics of, and is able to bear the financial risks of, such transaction. Second, the Notes will be subject to the equity margin rules. Third, the regular

[5] The maturity date will be determined on the day the Notes are priced.

[6] The Index is a modified capitalization-weighted index of 100 of the largest non-financial companies listed on The Nasdaq National Market tier of Nasdaq. The Index constitutes a broadly diversified segment of the largest and most actively traded securities listed on Nasdaq and includes companies across a variety of major industry groups. To limit domination of the Index by a few large stocks, the Index is calculated under a ''modified capitalization-weighted'' methodology. This capitalization weight distribution is evaluated on a quarterly basis and is rebalanced if either one or both of the following two weight distribution requirements are not met: (1) the current weight of the single largest market capitalization Index component security must be less than or equal to 24.0%, and (2) the ''collective weight'' of those Index component securities whose individual current weights are in excess of 4.5%, when added together, must be less than or equal to 48.0%. Index securities are ranked by market value and are evaluated annually to determine which securities will be included in the Index. Moreover, if at any time during the year an Index security is no longer trading on Nasdaq, or is otherwise determined by Nasdaq to become ineligible for continued inclusion in the Index, the security will be replaced with the largest market capitalization security not currently in the Index that meets the Index eligibility criteria. For a detailed description of the Index, *see* the registration statement filed by Merrill Lynch with the Commission (File No. 333–52822).

[7] NASD Rule 4420(f)(2) generally requires that issuers of securities designated pursuant to NASD Rule 4420(e) be listed on Nasdaq or the New York Stock Exchange, Inc. (''NYSE'') or be an affiliate of a company listed on Nasdaq or the NYSE.

[8] NASD Rule 2310(b) requires members to make reasonable efforts to obtain information concerning a customer's financial status, a customer's tax status, a customer's investment objectives, and such other information used or considered to be reasonable by such member or registered representative in making recommendations to the customer.

equity trading hours of 9:30 a.m. to 4 p.m. will apply to transactions in the Notes. Lastly, NASD Regulation's surveillance procedures for the Notes will be the same as the current surveillance procedures governing equity securities, and will include additional monitoring on key pricing dates.

Disclosure and Dissemination of Information

Merrill Lynch will deliver a prospectus in connection with the initial purchase of the Notes. The procedure for the delivery of a prospectus will be the same as Merrill Lynch's current procedure involving primary offerings. In addition, Nasdaq will issue a circular to NASD members explaining the unique characteristics and risks of the Notes.

2. Basis

Nasdaq believes that the proposed rule change is consistent with section 15A of the Act,[9] in general, and furthers the objectives of section 15A(b)(6) of the Act,[10] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–2002–19 and should be submitted by March 12, 2002.

IV. Commission Findings and Order Granting Accelerated Approval of the Proposed Rule Change

Nasdaq has asked the Commission to approve the proposal on an accelerated basis to accommodate the timetable for listing the Notes. The Commission notes that it has previously approved the listing and trading of similar Enhanced Return Notes linked to the Nasdaq-100 Index on November 5, 2001.[11]

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association and, in particular, with the requirements of section 15A(b)(6) of the Act[12] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest.[13] The Commission believes that the Notes will provide investors with a means to participate in any percentage increase in the Index that exists at the maturity of the Notes, subject to the Capped Value. Specifically, as described more fully above, a beneficial owner will be entitled to receive at maturity a payment on the Notes based on twice the amount of any percentage increase in the Index, not to exceed the Capped Value.

The Notes are leveraged debt instruments whose price will be derived from and based upon the value of the Index. In addition, as discussed more fully above, the Notes do not guarantee any return of principal at maturity. Thus, if the Index has declined at maturity, a beneficial owner may receive significantly less than the original public offering price of the Notes. Accordingly, the level of risk involved in the purchase or sale of the Notes is similar to the risk involved in the purchase or sale of traditional common stock. Because the final rate of return on the Notes is derivatively priced and based upon the performance of an index of securities, because the Notes are debt instruments that do not guarantee a return of principal, and because investors' potential return is limited by the Capped Value, there are several issues regarding trading of this type of product. For the reasons discussed below, the Commission believes that Nasdaq's proposal adequately addresses the concerns raised by this type of product.

First, the Commission notes that the protections of NASD Rule 4420(f) were designed to address the concerns attendant to the trading of hybrid securities like the Notes.[14] In particular, by imposing the hybrid listing standards, heightened suitability for recommendations,[15] and compliance requirements, noted above, the Commission believes that Nasdaq has adequately addressed the potential problems that could arise from the hybrid nature of the Notes. The Commission notes that Nasdaq will distribute a circular to its membership that provides guidance regarding member firm compliance responsibilities and requirements, including suitability recommendations, and highlights the special risks and characteristics associated with the Notes. Specifically, among other things, the circular will indicate that the Notes do not guarantee any return of principal at maturity, that the maximum return on the Notes is limited to $15.00 per unit, that the Notes will not pay interest, and that the Notes will provide full exposure to any downside movement in the Index. Distribution of the circular should help to ensure that only customers with an understanding of the risks attendant to the trading of the Notes and who are able to bear the financial risks associated with transactions in the Notes will trade the Notes. In addition, the Commission notes that Merrill Lynch will deliver a prospectus in connection with the initial purchase of the Notes.

Second, the Commission notes that the final rate of return on the Notes

[9] 15 U.S.C. 78*o*–3.

[10] 15 U.S.C. 78*o*–3(b)(6).

[11] Securities Exchange Act Release No. 45024; 66 FR 56872 (November 13, 2001).

[12] 15 U.S.C. 78o–3(b)(6).

[13] In approving the proposed rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[14] *See* 1993 Order, *supra* note 3.

[15] As discussed above, Nasdaq will advise members and employees thereof recommending a transaction in the Notes to: (1) determine that the transaction is suitable for the customer; and (2) have a reasonable basis for believing that the customer can evaluate the special characteristics of, and is able to bear the financial risks of, the transaction.

depends, in part, upon the individual credit of the issuer, Merrill Lynch. To some extent this credit risk is minimized by the NASD's listing standards in NASD Rule 4420(f), which provide that only issuers satisfying substantial asset and equity requirements may issue these types of hybrid securities. In addition, the NASD's hybrid listing standards further require that the Notes have at least $4 million in market value. Financial information regarding Merrill Lynch, in addition to information concerning the issuers of the securities comprising the Index, will be publicly available.[16]

Third, the Notes will be registered under section 12 of the Act. As noted above, the NASD's and Nasdaq's existing equity trading rules will apply to the Notes, which will be subject to equity margin rules and will trade during the regular equity trading hours of 9:30 a.m. to 4:00 p.m. NASD Regulation's surveillance procedures for the Notes will be the same as its current surveillance procedures for equity securities, and will include additional monitoring on key pricing dates.

Fourth, the Commission has a systemic concern that a broker-dealer, such as Merrill Lynch, or a subsidiary providing a hedge for the issuer will incur position exposure. However, as the Commission has concluded in previous approval orders for other hybrid instruments issued by broker-dealers,[17] the Commission believes that this concern is minimal given the size of the Notes issuance in relation to the net worth of Merrill Lynch.

Finally, the Commission believes that the listing and trading of the proposed Notes should not unduly impact the market for the securities underlying the Index or raise manipulative concerns. The Commission notes that the Index is well-established and broad-based. In addition, the Commission continues to believe, as it has concluded previously, that the large capitalizations, liquid markets, and relative weightings of the Index's component stocks significantly minimize the potential for manipulation of the Index.[18] The Commission also believes that the weighting methodology for the Index should ensure that no one stock or group of stocks dominates the Index, and reduces the potential influence of any one stock on the movement of the Index.[19] In addition, Nasdaq's surveillance procedures should serve to deter as well as detect any potential manipulation.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission believes that the Notes will provide investors with an additional investment choice and that accelerated approval of the proposal will allow investors to begin trading the Notes promptly. In addition, the Commission notes that it has previously approved the listing and trading of similar Enhanced Return Notes linked to the Nasdaq-100 Index.[20] Accordingly, the Commission believes that there is good cause, consistent with sections 15A(b)(6) and 19(b)(2) of the Act,[21] to approve the proposal on an accelerated basis.

The Commission is approving Nasdaq's proposed listing standards for the Notes. The Commission specifically notes that, notwithstanding approval of the listing standards for the Notes, other similarly structured products will require review by the Commission prior to being traded on Nasdaq.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR–NASD–2002–19) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[22]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–3869 Filed 2–15–02; 8:45 am]

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[16] The companies comprising the Index are reporting companies under the Act.

[17] *See, e.g.*, Securities Exchange Act Release Nos. 44913 (October 9, 2001), 66 FR 52469 (October 15, 2001) (order approving File No. SR–NASD–2001–73) (approving the listing and trading of notes issued by Morgan Stanley Dean Witter & Co. whose return is based on the performance of the Index); 44483 (June 27, 2001), 66 FR 35677 (July 6, 2001) (order approving File No. SR–Amex–2001–40) (approving the listing and trading of notes issued by Merrill Lynch whose return is based on a portfolio of 20 securities selected from the Amex Institutional Index); and 37744 (September 27, 1996), 61 FR 52480 (October 7, 1996) (order approving File No. SR–Amex–96–27) (approving the listing and trading of notes issued by Merrill Lynch whose return is based on a weighted portfolio of healthcare/biotechnology industry securities).

[18] *See* Securities Exchange Act Release No. 33428 (January 5, 1994), 59 FR 1576 (January 11, 1994) (order approving File No. SR–CBOE–93–42) (approving the listing and trading of Index options on the Chicago Board Options Exchange).

[19] *See* Securities Exchange Act Release No. 40642 (November 5, 1998) 63 FR 63759 (November 16, 1998) (order approving File No. SR–CBOE–98–43).

[20] *See supra* note 11.

[21] 15 U.S.C. 78o–3(b)(6) and 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45433; File No. SR–NYSE–2001–55]

Self-Regulatory Organizations; the New York Stock Exchange, Inc.; Order Granting Approval To Proposed Rule Change To Amend NYSE Rule 51 Relating to Suspension of Trading

February 12, 2002.

On December 31, 2001, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Rule 51, Hours for Business, to make emergency procedures to halt or suspend trading or to close Exchange facilities more flexible and more responsive to the NYSE's current organizational structure and to the kinds of challenges that the Exchange may face. The proposal was published for comment in the **Federal Register** on January 11, 2002.[3] The Commission received no comments on the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange [4] and, in particular, the requirements of Section 6 of the Act [5] and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with Section 6(b)(5) of the Act [6] in that the Rule is designed to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest, by providing the Exchange with more flexibility to respond appropriately and in a timely fashion to extraordinary circumstances that may require the suspension of trading at the NYSE, or the closing of some or all Exchange facilities.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[7] that the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 45249 (January 7, 2002), 67 FR 1529.

[4] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(2).

proposed rule change (SR–NYSE–2001–55) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–3867 Filed 2–15–02; 8:45 am]

BILLING CODE 8010–01–P

SMALL BUSINESS ADMINISTRATION

Public Federal Regulatory Enforcement Fairness Hearing; Region VI Regulatory Fairness Board

The Small Business Administration Region VI Regulatory Fairness Board and the SBA Office of the National Ombudsman, will hold a Public Hearing on Monday, February 25, 2002 at 1:00 p.m. at the Wells Fargo Bank, Southeast & Southwest Rooms, 2nd Floor, 200 Lomas Boulevard NE, Albuquerque, New Mexico, to receive comments and testimony from small business owners, small government entities, and small non-profit organizations concerning the regulatory enforcement and compliance actions taken by federal agencies.

Anyone wishing to attend or to make a presentation must contact Susan Chavez in writing or by fax, in order to be put on the agenda. Susan Chavez, U.S. Small Business Administration, New Mexico District Office, 625 Silver Avenue S.W., Suite 320, Albuquerque, NM 87102, Phone (505) 346–6767 or (505) 346–6759, fax (505) 346–6711, e-mail: *Susan.Chavez@sba.gov*.

For more information see our website at *http://www.sba.gov/ombudsman/dsp—hearings.html*

Dated: February 12, 2002.

Michael L. Barrera,

National Ombudsman.

[FR Doc. 02–4011 Filed 2–15–02; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Complaint Forms Concerning Accessibility of Airline Service

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice announces the Department of Transportation's (DOT) intention to request the extension of a previously approved collection.

DATES: Comments on this notice must be received by April 22, 2002, and be sent to: Attention Blane A. Workie, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (Enforcement Office).

FOR FURTHER INFORMATION CONTACT: Blane A. Workie, Attorney, Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (Enforcement Office), Room 4116, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9342.

SUPPLEMENTARY INFORMATION:

Office of the Secretary

Title: Complaint forms: Complaint Concerning Accessibility of Airline Service; Complaint Alleging Discrimination by an Airline Based on Race, Ethnicity, National Origin, Religion, Sex, or Sexual Orientation.

OMB Number: 2105–0543.

Type of Request: Extension of emergency approval of collection.

Abstract: The Department of Transportation's Office of the Assistant General Counsel for Aviation Enforcement and Proceedings (Enforcement Office) and its Aviation Consumer Protection Division (ACPD) are requesting extension of a collection which received an emergency clearance approval from OMB on July 18, 2001, to continue displaying two types of complaint forms on the DOT internet site. The complaint forms provide information to make the public aware of their rights. One complaint form concerns accessibility problems experienced by passengers with disabilities and the other complaint form concerns alleged discrimination on the basis of race, ethnicity, national origin, religion, sex or sexual orientation.

Consumers voluntarily submit complaints to the Department regarding accessibility of airline service and alleged discrimination by an airline by completing the complaint forms, or by letter or email. Many consumers prefer completing the complaint forms to drafting a letter or email because it is easier and tends to take less time. The information collected from the complaint forms will be used by the Department of Transportation to institute an administrative action or investigation against an air carrier. An additional benefit of the complaint forms is that the forms specifically ask questions about the type of information that is needed to conduct an investigation.

Respondents: Airline Passengers.

Estimated Number of Respondents: 38.

Estimated Total Burden on Respondents: 19 hours.

Affected Public: Airline customers who file complaints alleging discrimination by the airline because of disability or based on race, ethnicity, national origin, religion, sex or sexual orientation.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

All responses to this notice, will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issued in Washington, DC, on February 12, 2002.

Samuel Podberesky,

Assistant General Counsel for Aviation Enforcement and Proceedings.

[FR Doc. 02–3931 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary; Aviation Proceedings, Agreements Filed During the Week Ending February 1, 2002.

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

[Docket Number: OST–2002–11423]

Date Filed: January 28, 2002.

Parties: Members of the International Air Transport Association.

Subject: PTC COMP 0895 dated 29 January 2002, Mail Vote 197—Resolution 010z, Special Passenger Amending Resolution, Preface Notes to passenger fares tables, Intended effective date: 1 April 2002.

[Docket Number: OST–2002–11429]

Date Filed: January 29, 2002.

Parties: Members of the International Air Transport Association.

Subject: PTC3 0546 dated 29 January 2002, Mail Vote 196—Resolution 010y, TC3 Between Japan, Korea and South

[8] 17 CFR 200.30–3(a)(12).

East Asia, Special Passenger Amending Resolution between China, (excluding Hong Kong SAR and Macau SAR) and Japan, Intended effective date: 31 March 2002.

[Docket Number: OST–2002–11430]

Date Filed: January 29, 2002.

Parties: Members of the International Air Transport Association.

Subject: PTC3 0545 dated 29 January 2002, Mail Vote 195—Resolution 010x, TC3 Between Japan, Korea and South East Asia, Special Passenger Amending Resolution between Japan and China (excluding Hong Kong SAR and Macau SAR), Intended effective date: 1 April 2002.

[Docket Number: OST–2002–11427]

Date Filed: January 29, 2002.

Parties: Members of the International Air Transport Association.

Subject: PTC3 0529 dated 8 January 2002, TC3 Areawide Resolutions r1–r8; PTC3 0530 dated 8 January 2002, TC3 Within South Asian Subcontinent Resolutions r9–r17; PTC3 0531 dated 8 January 2002, TC3 Within South East Asia Resolutions r18–r29; PTC3 0532 dated 8 January 2002, TC3 Within South West Pacific Resolutions r30–r35; PTC3 0533 dated 8 January 2002, TC3 between South East Asia and South Asian, Subcontinent Resolutions r36–r44; PTC3 0534 dated 8 January 2002, TC3 between South Asian Subcontinent and, South West Pacific Resolutions r45–r52; PTC3 0535 dated 8 January 2002, TC3 between South East Asia and, South West Pacific Resolutions r53–r57; PTC3 0536 dated 8 January 2002, TC3 between Japan and Korea Resolutions r58–r69; PTC3 0537 dated 8 January 2002, TC3 between Japan, Korea and South Asian, Subcontinent Resolutions r70–r84; PTC3 0538 dated 8 January 2002, TC3 between Japan, Korea and South East Asia r85–r113; PTC3 0539 dated 8 January 2002, TC3 between Japan, Korea and South West Pacific r114–r163; MINUTES—PTC3 0544 dated 25 January 2002, TABLES—PTC3 Fares 0164 dated 8 January 2002; PTC3 Fares 0165 dated 8 January 2002; PTC3 Fares 0166 dated 8 January 2002; PTC3 Fares 0167 dated 8 January 2002; PTC3 Fares 0168 dated 8 January 2002; PTC3 Fares 0169 dated 8 January 2002; PTC3 Fares 0170 dated 8 January 2002; PTC3 Fares 0171 dated 8 January 2002; PTC3 Fares 0172 dated 8 January 2002; PTC3 Fares 0173 dated 8 January 2002; Intended effective date: 1 April 2002.

[Docket Number: OST–2002–11438]

Date Filed: January 30, 2002.

Parties: Members of the International Air Transport Association.

Subject: PTC12 SATL–EUR 0084 dated 29 January 2002, Expedited South Atlantic-Europe Resolution 001b, Intended effective date: 15 March 2002.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 02–3965 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2002–10298]

Double Hull Standards for Vessels Carrying Oil in Bulk; U.S. Position on the Amendment of International Standards for the Phase-Out of Existing Single Hull Tank Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice.

SUMMARY: This notice is to inform the public that on February 12, 2002, the U.S. Embassy in London deposited a declaration with the International Maritime Organization (IMO) stating that the express approval of the U.S. Government will be necessary before the revised Regulation 13G of the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) would enter into force for the U.S. In this declaration, the U.S. cited specific technical differences between the revised MARPOL Regulation for new and existing tankers and OPA 90.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Jendrossek, Project Manager, Vessel and Facility Operating and Environmental Standards Division (G–MSO–2), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593–0001, telephone 202–267–0836.

SUPPLEMENTARY INFORMATION: On April 27, 2001, The IMO adopted amendments to Regulation 13G of Annex I to MARPOL 73/78. These amendments, which accelerate the phase-out schedule adopted by the IMO on March 6, 1992, for some classes of single-hull tank vessels, will be deemed accepted March 1, 2002, unless prior to that date, not less than one-third of the Parties or Parties the combined merchant fleets of which constitute not less than 50 per cent of the gross tonnage of the world's merchant fleet, have communicated to the Organization their objection to the amendments. It is unlikely that such objections will be raised. The U.S. will not object but has taken a position with the IMO that the express approval of the U.S. Government would be necessary before this amendment will be enforced by the U.S. As was the case in 1993, the U.S. maintains that the Oil Pollution Act of 1990 (OPA 90) continues to be the more stringent requirement.

The Coast Guard held a public meeting on September 25, 2001, (66 FR 42170) to discuss the amendment of the international standards that were developed and adopted by the IMO in April 2001. The public meeting was used to collect comments and information from the public and industry to develop a final U.S. position to be formally presented to IMO on this matter. The Coast Guard encouraged interested parties to attend the meeting and submit comments for discussion during the meeting. Attendees at the meeting were unanimously in favor of the U.S. retaining the phase-out schedule under OPA 90. No objection was raised to the U.S. intention to inform the IMO that express approval will be required before Regulation 13G becomes effective for the U.S. Additionally, the Coast Guard sought written comments from any party who was unable to attend the public meeting in the same **Federal Register** Notice (66 FR 42170). The docket received ten letters from individuals, associations and societies, and industry providing specific comments on this subject. These letters can be viewed by contacting Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5194. You may also find this docket (USCG 2001–10298) on the Internet at *http://dms.dot.gov*. Of the ten letters received, nine supported the U.S. retaining the phase-out schedule under OPA 90. The one dissenting comment urged the United States to support the amended regulation 13G and adopt use of The American Under Pressure System as an alternative to double-hulls. The Coast Guard disagrees; this issue was previously considered during the development of OPA 90 and not adopted.

Dated: February 12, 2002.

Howard L. Hime,

Acting Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 02–4061 Filed 2–14–02; 1:18 pm]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2002–11274]

Guidelines for Assessing Merchant Mariners Through Demonstrations of Proficiency as Masters and Chief Mates on Ships of 500 Gross Tonnage or More as Measured Under the International Tonnage Convention (ITC)

AGENCY: Coast Guard, DOT.

ACTION: Notice of availability and request for comments.

SUMMARY: The Coast Guard announces the availability of, and seeks public comments on, the national performance measures proposed here for use as guidelines when mariners demonstrate their proficiency as Masters or Chief Mates on ships of 500 gross tonnage ITC or more. These measures were developed from recommendations and input provided by the Merchant Marine Personnel Advisory Committee (MERPAC).

DATES: Comments and related material must reach the Docket Management Facility on or before April 22, 2002.

ADDRESSES: Please identify your comments and related material by the docket number of this notice [USCG 2002–11274]. Then, to make sure they enter the docket just once, submit them by just 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 delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

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

(4) Electronically through the Web Site for the Docket

Management System at *http://dms.dot.gov.*

In choosing among these means, please give due regard to the recent difficulties with delivery of mail by the U.S. Postal Service to Federal facilities.

The Docket Management Facility maintains the public docket for this Notice. Comments and related material received from the public, as well as documents mentioned in this Notice, will become part of this docket and will be available for inspection or copying at 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. You may also find this docket on the Internet at *http://dms.dot.gov.*

The measures proposed here are also available from Mr. Mark Gould, Maritime Personnel Qualifications Division, Office of Operating and Environmental Standards, Commandant (G–MSO–1), U.S. Coast Guard Headquarters, telephone 202–267–0229, or e-mail address *mgould@comdt.uscg.mil.*

FOR FURTHER INFORMATION CONTACT: For questions on this Notice or on the national performance measures proposed here, write or call Mr. Gould where indicated under **ADDRESSES.** For questions on viewing or submitting material to the docket, call Ms. Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

What Action Is the Coast Guard Taking?

Table A–II/2 of the Code accompanying the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended in 1995, articulates qualifications for ensuring merchant mariners' attaining the minimum standard of competence through demonstrations of their proficiency as Master or Chief Mate on ships of 500 gross tonnage ITC or more. The Coast Guard tasked MERPAC with referring to the Table, modifying and specifying it as it deemed necessary, and recommending national performance measures. The Coast Guard has reviewed the measures recommended by MERPAC and has developed a final set that we are proposing here for use as guidelines for assessing that proficiency.

The guidelines are set up as follows: First we set forth the competency within the STCW a mariner must demonstrate to meet the STCW section. Next we give a series of examples of Performance Conditions, a set of Performance Behaviors for each Performance Condition, and a set of Performance Standards for each Performance Behavior.

For example, if the STCW competency to demonstrate is, ''Plan a voyage and conduct navigation''—A Performance Condition for that competency demonstrating knowledge, understanding, and proficiency is: On a ship under way or in a navigational laboratory—

A Performance Behavior for that condition is: The candidate will describe all systems for ship's position reporting and Vessel Traffic Systems (VTSs) required for the route.

The Performance Standards for that behavior are: All shoreside entities requiring ships' position reports and all VTS services for the route are correctly identified; All reporting requirements are correctly described; and The hailing frequencies and position-reporting requirements of all VTS services are noted on the appropriate charts.

If the mariner properly meets all of the Performance Standards, he or she passes the practical demonstration. If he or she fails to properly carry out any of the Performance Standards, he or she fails it.

Why Is the Coast Guard Taking This Action?

The Coast Guard is taking this action to comply with STCW, as amended in 1995 and incorporated into domestic regulation in 46 CFR parts 10, 12, and 15 in 1997. Guidance from the International Maritime Organization on shipboard assessments of proficiency suggests that Parties develop standards and measures of performance for practical tests as part of their programs for training and assessing seafarers.

How May I Participate in This Action?

You may participate in this action by submitting comments and related material on the national performance measures proposed here. (Although the Coast Guard does not seek public comment on the measures recommended by MERPAC, as distinct from the measures proposed here, those measures are available on the Internet at the Homepage of MERPAC, *http://www.uscg.mil/hq/g-m/advisory/merpac/merpac.htm.)* These measures are available on the Internet at http://dms.dot.gov, under this docket number [USCG 2002–11274]. They are also available from Mr. Gould where indicated under **ADDRESSES.** If you submit written comments please include—

- Your name and address;
- The docket number for this Notice [USCG 2002–11274];
- The specific section of the performance measures to which each comment applies; and
- The reason for each comment.

You may mail, deliver, fax, or electronically submit your comments and related material to the Docket Management Facility, using an address or fax number listed in **ADDRESSES.** Please do not submit the same comment or material more than once. If you mail

or deliver your comments and material, they must be on 81/2-by-11-inch paper, and the quality of the copy should be clear enough for copying and scanning. If you mail your comments and material and would like to know whether the Docket Management Facility received them, please enclose a stamped, self-addressed postcard or envelope. The Coast Guard will consider all comments and material received during the 60-day comment period.

Once we have considered all comments and related material, we will publish a final version of the national performance measures for use as guidelines by the general public. Individuals and institutions assessing the competence of mariners may refine the final version of these measures and develop innovative alternatives. If you vary from the final version of these measures, however, you must submit your alternative to the National Maritime Center for approval by the Coast Guard under 46 CFR 10.303(e) before you use it as part of an approved course or training program.

Dated: January 14, 2002.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 02–3929 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–12]

Petitions for Exemption; Summary of Petitions Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before March 11, 2002.

ADDRESSES: Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2001–XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to *http://dms.dot.gov.* You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1–800–647–5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Sandy Buchanan-Sumter (202) 267–7271, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on February 13, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

[Docket No.: FAA–2001–9976]

Petitioner: United States Ultralight Association, Inc.

Section of 14 CFR Affected: 14 CFR 103.1(a) and (e).

Description of Relief Sought: To permit individuals authorized by the USUA to give instruction in powered ultralight vehicles that have a maximum empty weight of not more than 496 pounds, have a maximum fuel capacity of not more than 10 U.S. gallons, are not capable of more than 75 knots calibrated airspeed at full power in level flight, and have a power-off stall speed that does not excess 35 knots calibrated airspeed, and to include weight exclusions of up to 35 pounds for safety devices intended for deployment in a potentially catastrophic situation, up to 70 pounds for each float, up to 90 pounds for each amphibious float, up to 120 pounds for an amphibious fuselage, and up to 15 pounds for each outrigger float and pylon on powered ultralight vehicles used for training.

[Docket No.: FAA–2001–8939]

Petitioner: Experimental Aircraft Association.

Section of 14 CFR Affected: 14 CFR 103.1(a) and (e).

Description of Relief Sought: To permit individuals authorized by EAA to give instruction in powered ultralight vehicles that have a maximum empty weight of not more than 496 pounds, have a maximum fuel capacity of not more than 10 U.S. gallons, are not capable of more than 75 knots calibrated airspeed at full power in level flight, and have a power-off stall speed that does not exceed 35 knots calibrated airspeed, and to include weight exclusions of up to 35 pounds for safety devices intended for deployment in a potentially catastrophic situation, up to 70 pounds for each float, up to 90 pounds for each amphibious float, up to 120 pounds for an amphibious fuselage, and up to 15 pounds for each outrigger float and pylon on powered ultralight vehicles used for training.

[Docket No.: FAA–2000–8425]

Petitioner: Aero Sports Connection, Inc.

Section of 14 CFR Affected: 14 CFR 103.1(a) and (e).

Description of Relief Sought: To permit individuals authorized by ASC to give instruction in powered ultralight vehicles that have a maximum empty weight of not more than 496 pounds, have a maximum fuel capacity of not more than 10 U.S. gallons, are not capable of more than 75 knots calibrated airspeed at full power in level flight, and have a power-off stall speed that does not exceed 35 knots calibrated airspeed, and to include weight exclusions of up to 35 pounds for safety devices intended for deployment in a potentially catastrophic situation, up to 70 pounds for each float, up to 90 pounds for each amphibious float, up to 120 pounds for an amphibious fuselage, and up to 15 pounds for each outrigger float and pylon on powered ultralight vehicles used for training.

[FR Doc. 02–3932 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Intelligent Transportation Systems (ITS) Joint Program Office (JPO) Announcement of the Completed Integration of the Maintenance and Construction Operations User Service Into the National ITS Architecture

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: The purpose of this notice is to announce that the U.S. Department of Transportation, through the ITS Joint Program Office (JPO), has completed the integration of the Maintenance and Construction Operations (MCO) User Service into the National ITS Architecture. This user service was identified among stakeholders of the rural ITS deployment community as needed in order to develop more effective regional ITS architectures. The user service integration effort involved considerable stakeholder participation from the highway maintenance, construction, weather, and other rural communities from May 2001 through December 2001 at the kickoff meeting, program reviews, and separate discussions/meetings.

FOR FURTHER INFORMATION CONTACT: *For information on National ITS Architecture Development and Evolution:* Mr. Lee Simmons, (202) 366–8048, ITS Joint Program Office (HOIT–1). *For Information on the Maintenance and Construction Operations User Service:* Mr. James Pol, (202) 366–4374, ITS Joint Program Office (HOIT–1), or Mr. Michael Freitas, (202) 366–9292, ITS Joint Program Office (HOIT–1); 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

An electronic copy of this document 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 Web site at:*http://www.access.gpo.gov.*

An electronic copy of the Maintenance and Construction Operations (MCO) User Service can be retrieved from the ITS Web site at: http://*www.its.dot.gov.* The entire National ITS Architecture, including the integrated MCO User Service may be reviewed and retrieved from the ITS Web site at: *http://www.its.dot.gov.* Follow the available link to the Architecture.

Background

The National ITS Architecture provides a common framework for planning, defining, and integrating intelligent transportation systems. This common framework represents the starting point for more detailed regional and/or project architectures in which local characteristics are more appropriately addressed. The scope of the National ITS Architecture is defined by a set of user services. Each user service represents the most common activities and operations that transportation stakeholders perform to sustain efficient and safe travel.

The National ITS Architecture began as a program in 1993 to incorporate the 29 user services that were defined in the National ITS Program Plan. That stakeholder-based consensus effort was completed in 1996. The Maintenance and Construction Operations User Service, published in the **Federal Register** on April 18, 2001, at 66 FR 20026, is the third additional user service and has now been incorporated into the National ITS Architecture.

The functional areas addressed in the MCO User Service are those that involve Intelligent Transportation (ITS) technologies, integration with other transportation systems that are represented in the National ITS Architecture, and those that will benefit surface transportation efficiency and safety. The focus for the MCO User Service is in the following four functional areas:

Maintenance Vehicle Fleet Management—systems that monitor and track vehicle location, support enhanced routing, scheduling and dispatch functions, and use on-board diagnostic systems to assist in vehicle operations and maintenance activities.

Roadway Management—systems that provide automated monitoring of traffic, road surface, and weather conditions, contain coordinated dispatching, perform hazardous road conditions remediation, and have the ability to alert public operating agencies of changes in these conditions.

Conditions and Work Plan Dissemination—systems that ensure safe roadway operations during construction and other work zone activities and communicate with the traveler.

Work Zone Management and Safety—systems that disseminate and coordinate MCO work plans to affected personnel within and between public agencies and private sector firms.

Two new subsystems have been added to the nineteen in existence, Maintenance and Construction Management, and Maintenance and Construction Vehicles. In addition, equipment packages, process specifications, architecture flows and data flows have been added to accommodate the new user service. Twelve new market packages have been defined to reflect the additional services described by the architecture. Finally, the addition of the MCO User Service brought an enhanced focus on weather information for the entire architecture.

The National ITS Architecture Version 4.0, including the new MCO User Service, is planned to be posted on the U.S. DOT ITS Web site in February 2002 with CD ROMs available for distribution in April 2002.

Authority: 23 U.S.C. 101, 106, 109, 133, 315, and 508; sec 5206(e), Pub. L. 105–178,112 Stat. 457 (23 U.S.C. 502 note); and 49 CFR 1.48.

Issued on: February 11, 2002.

Mary E. Peters,

Federal Highway Administrator.

[FR Doc. 02–3930 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2002–11472, Notice 1]

Krystal Koach, Inc., Receipt of Application for Decision of Inconsequential Noncompliance

Krystal Koach, Inc., (Krystal), a California Corporation, dba Krystal Enterprises, has determined that 1,725 Krysal buses produced between June 1996 and November 27, 2001, do not meet the labeling requirements of paragraph S5.3 of Federal Motor Vehicle Safety Standard (FMVSS) No. 120 ''Tire Selection and Rims for Motor Vehicles Other than Passenger Cars.'' Pursuant to 49 U.S.C. 30118(d) and 30120(h), Krystal has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR section 573, ''Defect and Noncompliance Reports.''

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

The tire placard labels affixed to the noncompliant vehicles show vehicle weight and tire inflation pressure values listed in ''English'' (Pounds, psi) units. They do not list the metric (Kilogram, kPa) equivalent of these values.

Krystal states that this noncompliance is inconsequential because:

(1) The correct information is shown on the label in English units;

(2) Krystal has not received any complaints or inquiries concerning a lack of a Metric equivalent of the subject information on the label;

(3) Krystal is not aware of any safety related incidents related to this noncompliance;

(4) All Krystal buses were sold in countries that predominantly use the English system of units. In fact, Krystal buses were only sold in the U.S. and Canada.

Interested persons are invited to submit written data, views and arguments on the application described above. Comments should refer to the docket number and be submitted to: U.S. Department to Transportation, Docket Management, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. After the Agency has determined that the application will granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below. Comment closing date: March 21, 2002.

(49 U.S.C. 301118, 301120; delegations of authority at 49 CFR 1.50 and 501.8)

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 02–3964 Filed 2–15–02; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Docket No. 937; ATF O 1130.25]

Delegation Order—Delegation of the Director's Authorities in 27 CFR Part 29, Stills and Miscellaneous Regulations

To: All Bureau Supervisors.

1. *Purpose.* This order delegates all of the Director's authorities in part 29 of title 27 of the Code of Federal Regulations (CFR) to subordinate ATF officers. This order also prescribes the specific ATF officers with whom documents, which are not ATF forms, are filed.

2. *Cancellation.* This order cancels ATF O 1130.20, Delegation Order—Delegation of the Director's Authorities in 27 CFR part 170, Miscellaneous Regulations Relating to Liquor.

3. *Background.* The Director has the authority to take final action on matters relating to the manufacture, removal, and use of stills and condensers, and the notice, registration, and recordkeeping requirements established under Chapter 51 of the Internal Revenue Code of 1986, as amended. The Director has delegated these authorities to lower organizational levels within ATF by way of Delegation Order ATF O 1130.20. ATF is currently restructuring the part numbering system in title 27 CFR. The regulations relating to stills, previously located in 27 CFR part 170, are now recodified as 27 CFR part 29. Due to this restructuring, ATF O 1130.20 must be cancelled and a new order must be issued to reflect the new part number.

4. *Delegations.* Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 120–1 (formerly 221), dated June 6, 1972, and by 26 CFR 301.7701–9, this ATF order delegates all of the authorities to take final action prescribed in 27 CFR part 29 to subordinate officers. Also, this ATF order prescribes the subordinate ATF officers with whom documents required by 27 CFR part 29, which are not ATF forms, are filed. The attached table identifies the regulatory sections, documents, and authorized ATF officers. The authorities in the table may not be redelegated. An ATF organization chart showing the directorates involved in this delegation order is attached.

5. *Questions.* Any questions concerning this order should be directed to the Regulations Division at 202–927–8210.

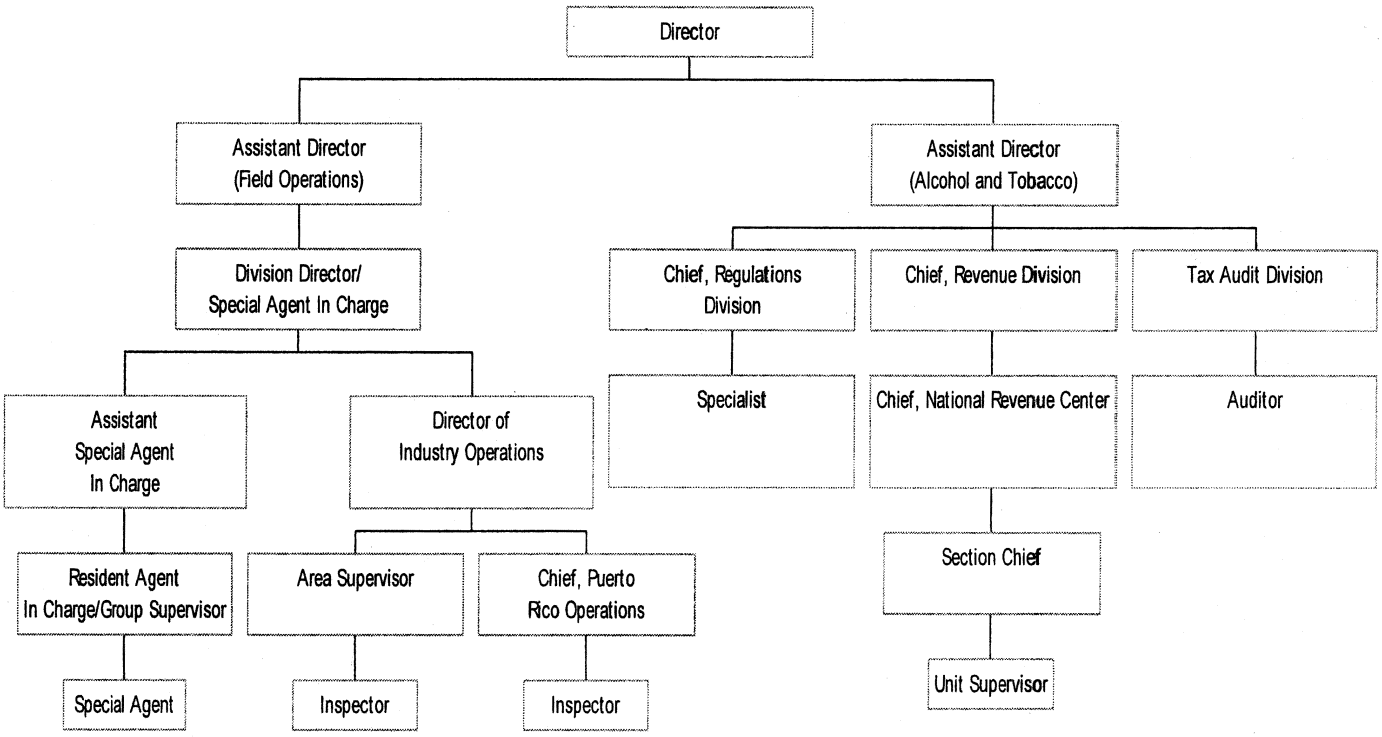
Bradley A. Buckles,

Director.

TABLE OF AUTHORITIES, DOCUMENTS TO BE FILED, AND AUTHORIZED OFFICIALS

Regulatory section	Officer(s) authorized to act or receive document
§ 29.43(a)	Chief, Regulations Division.
§ 29.47(a) & (c)	Unit Supervisor, National Revenue Center (NRC).
§ 29.49	Unit Supervisor, NRC.
§ 29.55(a)	Unit Supervisor, NRC, with whom application is filed. Unit Supervisor, NRC, to approve (by affixing signature of the Director) application upon recommendation of Area Supervisor.
§ 29.55(c)	Unit Supervisor, National Revenue Center.
§ 29.59	Inspector, Specialist, Auditor, or Special Agent.

ATF Organization Chart



This is not a complete organizational chart of ATF

[FR Doc. 02–3940 Filed 2–15–02; 8:45 am]
BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Docket No. 938; ATF O 1130.19]

Delegation Order—Delegation of the Director's Authorities in 27 CFR Part 70, Procedure and Administration, Other Than Certain Offers in Compromise

To: All Bureau Supervisors.

1. *Purpose.* This order delegates certain authorities of the Director to subordinate ATF officers and prescribes the subordinate ATF officers with whom persons file documents which are not ATF forms. In addition, this order provides procedures for requests or demands for disclosure in testimony and in related matters.

2. *Background.* Under current regulations, the Director has authority to take final action on matters relating to procedure and administration. The Bureau has determined that certain of these authorities should, in the interest of efficiency, be delegated to a lower organizational level.

3. *Cancellations.* The following ATF orders are canceled:

a. ATF O 1100.8B, Delegation Order—Notice of Additional Inspection of Taxpayer's Books of Account Under section 7605(b), Internal Revenue Code, dated 10/28/92; and

b. ATF O 1100.115D, Delegation Order—Authority to Approve Testimony and Release Official Information, dated 4/3/98.

4. *Delegations.*

a. Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Orders No. 120–01 (formerly 221), dated June 6, 1972, No. 120–03, dated November 5, 1990, and by 26 CFR 301.7701–9, this ATF order delegates certain authorities to take final action prescribed in 27 CFR part 70 to subordinate officers with certain exceptions. The exceptions are the authorities contained in 27 CFR 70.482 and 70.483 to accept or reject offers in compromise other than those relating to forfeiture cases. These exceptions have been delegated through a separate ATF order.

b. This ATF order prescribes the subordinate officers with whom applications, notices, and reports required by 27 CFR part 70 (other than 27 CFR 70.482 and 70.483), which are not ATF forms, are filed.

c. The attached table identifies the regulatory sections, authorities and documents to be filed, and the authorized ATF officers.

d. The authorities in the table may not be redelegated.

5. *Procedures for Requests or Demands for Disclosure in Testimony and in Related Matters Under 27 CFR 70.803.* These procedures do not restrict (1) the disclosure pursuant to the Freedom of Information Act, (2) Privacy Act requests, and (3) the disclosure to attorneys of the Department of Justice for use in cases referred by the Department of the Treasury for prosecution or defense that arise under the laws administered by or concerning ATF. The provisions, including the penalties, of 27 CFR 70.803 apply to any disclosure.

a. *Request or Demand for Disclosure.* A request or demand for information and, if required, an affidavit or statement, must be served on the Bureau at least 5 working days prior to the

scheduled date of testimony or disclosure of records. If a request or demand is served with less time, advise the requesting party of the requirement under 27 CFR 70.803 and that ATF is prohibited from complying with the request or demand until approval has been granted by the Bureau. These requirements may be waived for good cause.

b. *Headquarters Employees.* The first-line supervisor must obtain the concurrence of the Office of Chief Counsel.

c. *Non-Headquarters Employees.* The first-line supervisor must obtain the concurrence of the assistant U.S. attorney (if appropriate). The assistant chief counsel or division counsel must also be contacted for advice for approvals; however, recommendations for denial must have the concurrence of the appropriate assistant U.S. attorney and assistant chief counsel or division counsel.

d. *Recommendation for approval or denial of a request or demand for testimony or records.* It should be transmitted by memorandum to the deciding officer within 2 workdays and contain the following information as applicable:

(1) Investigation title and number.

(2) Type of request or demand.

(3) Date and time the request or demand was received.

(4) Whether an ongoing investigation might result in criminal prosecution.

(5) Whether a criminal case is pending (also include U.S. attorney's recommendation).

(6) Whether the documents requested contain the name of a confidential informant.

(7) Whether the documents requested contain a disclosure covered by 26 U.S.C. sections 5848, 6103, 7213, or other protected information set forth in section 70.803(e)(5) of the ATF regulations.

(8) Type of proceeding, including the name and location of the court or other authority.

(9) Names of the plaintiffs and defendants.

(10) Copy of the subpoena or written request.

(11) Copy of the requesting party's affidavit if applicable.

(12) For insurance-related arson requests, the name and address of the insurance investigator to whom disclosure will be made, as well as the name and address of the insurance company the investigator represents.

(13) Whether there are any known reasons that release of the information would be inappropriate.

e. *Refusal to Withdraw Request.* If a request or demand is denied and a party refuses to withdraw its subpoena, the employee should do the following:

(1) Immediately notify the deciding officer through the first-line supervisor and contact a representative from the Office of Chief Counsel.

(2) If appropriate, appear with a representative from the U.S. attorney's office or a representative from the Office of Chief Counsel and respectfully state his or her inability to comply in full with the request or demand, relying on the provisions of 27 CFR 70.803.

f. *Additional Reporting.* Report any request or demand for testimony or records in accordance with ATF O 3210.7C, Investigative Priorities, Procedures, and Techniques, dated2/25/1999.

6. *Questions.* If you have questions about this ATF order, contact the Regulations Division (202–927–8210).

Bradley A. Buckles,

Director.

Regulatory section	Officer(s) authorized to act or receive document
§ 70.2	Division Chief in the office of Alcohol and Tobacco except Executive Assistant, Field Operations, for ATF Form 3200.13, Application and Public Voucher for Award.
§ 70.21	Assistant Director (Alcohol and Tobacco) or Director of Industry Operations.
§ 70.22(a)	Inspector, Specialist, Auditor or Special Agent.
§ 70.22(b)	Director of Industry Operations, Chief, National Revenue Center (NRC), Chief, Tax Audit Division, or Assistant to the Special Agent in Charge (Office of Inspection) to issue summonses and to designate Inspectors, Specialists, Auditors or Special Agents who execute the particulars of the summonses.
§ 70.23(b)	Inspector, Specialist, Auditor or Special Agent.
§ 70.24(b)	Director of Industry Operations, Chief, NRC or Assistant to the Special Agent in Charge (Office of Inspection).
§ 70.25(a)(4)	Division Director/Special Agent in Charge or Chief, NRC.
§ 70.26(c)(2)(ii)	Division Director/Special Agent in Charge or Chief, NRC.
§ 70.30	Director of Industry Operations, Chief, NRC or Assistant to the Special Agent in Charge (Office of Inspection).
§ 70.31	Inspector, Specialist, Auditor or Special Agent.
§ 70.32	Inspector, Specialist, Auditor or Special Agent.
§ 70.33	Special Agent or other officer that the Division Director/Special Agent in Charge charges with the duty of enforcing any of the criminal, seizure, or forfeiture provisions of the laws administered and enforced by the Bureau pertaining to commodities subject to regulation by the Bureau.
§ 70.34	Inspector, Specialist, Auditor or Special Agent.
§ 70.40	Inspector, Specialist, Auditor or Special Agent.
§ 70.41(a) and (c)	Division Director/Special Agent in Charge to act on awards of $10,000 or less. Deputy Assistant Director (Field Operations) to act on awards over $10,000.
§ 70.41(d)	Special Agent.
§ 70.42	Inspector, Specialist, Auditor or Special Agent.
§ 70.51	Inspector, Specialist, Auditor or Special Agent.
§ 70.61	For persons filing firearms taxes under Chapter 53 of the Internal Revenue Code, Chief, National Firearms Act Branch; for persons filing alcohol or tobacco taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.64	Inspector, Specialist, Auditor or Special Agent.
§ 70.71	For persons in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC except Inspector, Specialist, Auditor or Special Agent may determine the amount of taxes that are disclosed on a return or list.
§ 70.72	For assessments in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.73	For assessments in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.74	For assessments in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.75	For assessments in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.76	For assessments in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.

Regulatory section	Officer(s) authorized to act or receive document
§ 70.77(a)	For assessments in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.77(b)	Area Supervisor, Chief, Puerto Rico Operations or Chief, Revenue Section.
§ 70.81	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.82	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.92(c)	For refunds in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.92(d)(2)(i)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Chief, Revenue Section, NRC.
§ 70.94(a)	Inspector, Specialist, Auditor or Special Agent.
§ 70.96(a)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.96(c)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC, except in case of Inspector, Specialist, Auditor or Special Agent who receives such statement along with a return for special tax for retail liquor dealer.
§ 70.97(c)(2)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC.
§ 70.98(b)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC.
§ 70.100	Section Chief, NRC.
§ 70.101	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC.
§ 70.113(b)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC.
§ 70.122	For claims and refunds in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC, to make credit or refund of more than $5,000 or Unit Supervisor, NRC, to make credit or refund of $5,000 or less.
§ 70.123(a)(2) and (b)(1) and (2)	For claims in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.124	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC, to make credit or refund of more than $5,000 or Unit Supervisor, NRC, to make credit or refund of $5,000 or less.
§ 70.125(a) and (b)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC, to abate more than $5,000 or Unit Supervisor, NRC, to abate $5,000 or less.
§ 70.125(c)	Chief, Revenue Programs Division.
§ 70.126	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC, to make credit or refund of more than $5,000 or Unit Supervisor, NRC, to make credit or refund of $5,000 or less.
§ 70.149(a)(3)	Chief, NRC.
§ 70.149(b)(2)(A)	Unit Supervisor, NRC, Inspector, Auditor or Special Agent.
§ 70.150	Chief, NRC.
§ 70.151(g)	Chief, NRC.
§ 70.161	Chief, NRC.
§ 70.162(a) and (b)	Chief, NRC.
§ 70.163(a)(2)(ii)	Inspector, Specialist, Auditor or Special Agent.
§ 70.163(b) and (c)	Chief, NRC.
§ 70.164(b)(1)	Inspector, Specialist, Auditor or Special Agent.
§ 70.164(c)	Chief, Revenue Section, NRC.
§ 70.167	Chief, NRC except for (b)(1)(iii) in which Area Supervisor determines the minimum price of property.
§ 70.168	Chief, NRC.
§ 70.169	Chief Revenue Section, NRC, or Area Supervisor.
§ 70.170(b)	Section Chief, NRC.
§ 70.181(a), (b) and (c)	Director of Industry Operations or Section Chief, NRC.
§ 70.182	Director of Industry Operations or Section Chief, NRC, except that Chief, NRC, to prescribe instructions for disposition of bonds, other than U.S. savings bonds, notes, checks, and other securities.
§ 70.183(a) through (e)	Director of Industry Operations or Section Chief, NRC.
§ 70.183(f)	Chief, NRC, to take charge and assume responsibility from, and to notify, Director of Industry Operations or Section Chief, NRC, or to appoint one Section Chief.
§ 70.184	Director of Industry Operations or Section Chief, NRC.
§ 70.185	Director of Industry Operations or Section Chief, NRC.
§ 70.186	Director of Industry Operations or Section Chief, NRC.
§ 70.187	Area Supervisor or Section Chief, NRC to make record. Unit Supervisor, NRC, to maintain original record and to certify record.
§ 70.188	Area Supervisor or Unit Supervisor, NRC.
§ 70.191	Chief, NRC, or Associate Chief Counsel (Alcohol or Tobacco).
§ 70.192(a)	Chief, NRC, or Associate Chief Counsel (Alcohol or Tobacco).
§ 70.204(a)(3)	Unit Supervisor, NRC.
§ 70.205	Unit Supervisor, NRC.
§ 70.206	Director of Industry Operations or Section Chief, NRC.
§ 70.213	Chief, Financial Management Division.
§ 70.222(b)	Inspector, Specialist, Auditor or Special Agent.
§ 70.223	Chief, Revenue Section, NRC, or Director, Industry Operations.
§ 70.224(a)(2)	Unit Supervisor, NRC.
§ 70.227	Inspector, Specialist, Auditor or Special Agent.
§ 70.231(i)(3)	Section Chief, NRC.
§ 70.241(a)(8)	Section Chief, NRC.
§ 70.242(a) and (c)	Section Chief, NRC.
§ 70.245(a), (c) and (d)	Section Chief, NRC.
§ 70.251(a)(2)	Unit Supervisor, NRC.
§ 70.251(b)	Section Chief, NRC.
§ 70.253(b)(2)	Section Chief, NRC.
§ 70.263(d)	Section Chief, NRC.
§ 70.271(d)(1)	Section Chief, NRC.
§ 70.281(b)(2) and (3)	Section Chief, NRC.
§ 70.301(a)	Chief, Acquisition and Property Management Division.

Regulatory section	Officer(s) authorized to act or receive document
§ 70.306(a)	Inspector, Specialist, Auditor or Special Agent.
§ 70.311	Chief, Document Services Branch, except the Director will establish stamps, marks or labels.
§ 70.333	Chief, NRC.
§ 70.411(b)	Unit Supervisor, NRC.
§ 70.413(a)	Unit Supervisor, NRC, or Area Supervisor.
§ 70.414(a)	Inspector, Specialist, Auditor or Special Agent to take samples. Unit Supervisor, NRC, to allow credit for such samples.
§ 70.416	Chief, Market Compliance Branch.
§ 70.433(a)	Section Chief, NRC.
§ 70.435(i)	Unit Supervisor, NRC.
§ 70.447	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Section Chief, NRC.
§ 70.471(a)(3)	Assistant Director (Alcohol and Tobacco), Assistant Director (Firearms, Explosives and Arson) or Chief, NRC to whom request is sent. Division Chief (Alcohol or Tobacco) or (Firearms, Explosives and Arson) to issue ruling.
§ 70.471(b)	Unit Supervisor, NRC, for matters concerning alcohol, tobacco, and firearms and ammunition excise tax. For all other matters, Area Supervisor.
§ 70.481	Section Chief, NRC.
§ 70.484—offers in compromise for forfeiture under 26 U.S.C..	Assistant Director (Alcohol and Tobacco) or (Firearms, Explosives and Arson) depending on case.
§ 70.485	Assistant Director (Alcohol and Tobacco) or (Firearms, Explosives and Arson) depending on case.
§ 70.486	Unit Supervisor, NRC, Area Supervisor or Resident Agent In Charge/Group Supervisor.
§ 70.504(c)(2)	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.506	For taxes in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.507(g)	Unit Supervisor, NRC, Area Supervisor or Chief, Puerto Rico Operations.
§ 70.602(a) and (b)	For claims filed in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.606	Unit Supervisor, NRC, Area Supervisor or Chief, Puerto Rico Operations.
§ 70.608	For claims filed in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.609	For claims filed in Puerto Rico, Chief, Puerto Rico Operations; otherwise, Unit Supervisor, NRC.
§ 70.701(a)	An ATF supervisor in the office of Alcohol and Tobacco or Firearms, Explosives and Arson to make rules other than Treasury Decisions.
§ 70.701(d)(2)(iv) (A)	Assistant Director (Alcohol and Tobacco).
§ 70.701(d)(2)(iv) (B) and (C)	Assistant Director (Alcohol and Tobacco) or (Firearms, Explosives and Arson).
§ 70.802(a)	Unit Supervisor, NRC. Copy of abstract and statement available at ATF Library.
§ 70.802(c)	For (a) Certain information about applications for Federal Alcohol Administration Act Basic Permits as allowed by 27 CFR 1.59; or (b) The business name and address of any Federal Alcohol Administration Act permittees Specialist, Clerk or Auditor in the office of Alcohol and Tobacco, or Inspector or Special Agent in the office of Field Operations; otherwise, Chief, Disclosure Division.
§ 70.802(d)	Specialist or Clerk, Alcohol Labeling and Formulation Division.
§ 70.802(e)	Unit Supervisor, NRC.
§ 70.802(f)	Chief, Alcohol and Tobacco Laboratory.
§ 70.803	a. *Request for disclosure by Headquarters officer or employee.* Deputy Director or Deputy Assistant Directors for offices except Executive Assistant for office of Field Operations, to approve, or by affixing the Director's signature to deny in whole or part. b. *Request for disclosure by non-Headquarters officer or employee.* Division Director/Special Agent in Charge, Chief, Laboratory Services, Chief, NRC, Chief, Audit Manager, Chief, NRC, Chief, National Licensing Center, Chief, or National Tracing Center Division, to approve, or by affixing the Director's signature to deny in whole or part.

[FR Doc. 02–3941 Filed 2–15–02; 8:45 am]
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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Extension of Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC is soliciting comment concerning its information collection titled, ''International Regulation—12 CFR 28.''

DATES: You should submit written comments by April 22, 2002.

ADDRESSES: You should direct comments to the Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1–5, Attention: 1557–0102, 250 E Street, SW., Washington, DC 20219. Due to recent, temporary disruptions in the OCC's mail service, commenters are encouraged to submit comments by fax or e-mail. Comments may be sent by fax to (202) 874–4448, or by e-mail to *regs.comments@occ.treas.gov.* You can inspect and photocopy the comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC 20219. You can make an appointment to inspect the comments by calling (202) 874–5043.

A copy of the comments should also be sent to the OMB Desk Officer for the OCC: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New

Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: You can request additional information from Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: International Regulation—12 CFR 28.

OMB Number: 1557–0102.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection. The OCC requests only that OMB extend its approval of the information collection. The OCC's regulations at 12 CFR part 28 implement requirements imposed on national banks and Federal branches and agencies concerning international activities. The information collections in part 28 are as follows:

Section 28.3 requires a national bank to notify the OCC when it takes certain actions regarding its foreign operations.

Section 28.14 requires a designation of one branch or agency to maintain consolidated information.

Section 28.15 requires a national bank to maintain records and to seek OCC approval before permitting withdrawal of certain foreign bank capital equivalency deposits.

Section 28.16 contains recordkeeping requirements and allows a foreign bank to apply to the OCC for an exemption to permit an uninsured Federal branch to accept or maintain certain deposit accounts.

Section 28.18 requires a Federal branch or agency to maintain records, in English, and to provide the OCC with a copy of certain reports filed with other Federal regulatory agencies.

Section 28.20 requires a foreign bank to obtain OCC approval to maintain certain assets.

Section 28.52 requires a banking institution to maintain records regarding its allocated transfer risk reserve.

Section 28.53 requires a banking institution to maintain records regarding its accounting for fees on international loans.

These information collection requirements ensure bank compliance with applicable Federal law, further bank safety and soundness, provide protections for banks, and further public policy interests.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 170.

Estimated Total Annual Responses: 170.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 5,345 hours.

Comments submitted in response to this notice will be summarized and 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 has 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 on respondents, including through the use of automated collection techniques or other forms of information technology; and 1

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2002.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 02–3937 Filed 2–15–02; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Proposed Extension of Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OCC is soliciting comment concerning its information collection titled, ''(MA)-Securities Offering Disclosure Rules (12 CFR 16).''

DATES: You should submit written comments by April 22, 2002.

ADDRESSES: You should direct comments to the Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1–5, Attention: 1557–0120, 250 E Street, SW., Washington, DC 20219. Due to recent, temporary disruptions in the OCC's mail service, commenters are encouraged to submit comments by fax or e-mail. Comments may be sent by fax to (202) 874–4448, or by e-mail to *regs.comments@occ.treas.gov.* You can inspect and photocopy the comments at the OCC's Public Information Room, 250 E Street, SW, Washington, DC 20219. You can make an appointment to inspect the comments by calling (202) 874–5043.

A copy of the comments should also be sent to the OMB Desk Officer for the OCC: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: You can request additional information from Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: (MA)-Securities Offering Disclosure Rules (12 CFR 16).

OMB Number: 1557–0120.

Description: This submission covers an existing regulation and involves no change to the regulation or to the information collection. The OCC requests only that OMB extend its approval of the information collection.

The requirements in 12 CFR part 16 enable the OCC to perform its responsibilities relating to offerings of securities by national banks by providing the investing public with facts about the condition of the bank, the reasons for raising new capital, and the terms of the offering. Part 16 requires national banks to conform generally to Securities and Exchange Commission rules.

The collections of information in part 16 are as follows:

Sections 16.3 and 16.15 require a national bank to file its registration statement with the OCC.

Section 16.4 requires a national bank to submit certain communications not deemed an offer to the OCC.

Section 16.5 provides an exemption for items that satisfy the requirements of SEC Rule 144, which, in turn, requires certain filings.

Section 16.6 requires a national bank to file documents with the OCC and to make certain disclosures to purchasers in sales of nonconvertible debt.

Section 16.7 requires a national bank to file a notice with the OCC.

Section 16.8 requires a national bank to file offering documents with the OCC.

Section 16.15 requires a national bank to file a registration statement and sets forth content requirements for the registration statement.

Section 16.17 requires a national bank to file four copies of each document filed under part 16, and requires filers of amendments or revisions to underline or otherwise indicate clearly any changed information.

Section 16.18 requires a national bank to file an amended prospectus when the information in the current prospectus becomes stale, or when a change in circumstances makes the current prospectus incorrect.

Section 16.19 requires a national bank to submit a request to the OCC if it wishes to withdraw a registration statement, amendment, or exhibit.

Section 16.20 requires a national bank to file current and periodic reports as requires by sections 12 and 13 of the Exchange Act (15 U.S.C. 78l and m) and SEC Regulation 15d (17 CFR 240.15d–1 through 240.15Aa–1).

Section 16.30 requires a national bank to include certain elements and follow certain procedures in any request to the OCC for a no-objection letter.

These information collection requirements ensure bank compliance with applicable Federal law, further bank safety and soundness, provide protections for banks, and further public policy interests.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 101.

Estimated Total Annual Responses: 101.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 2,333 hours.

Comments submitted in response to this notice will be summarized and 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 has 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 on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 12, 2002.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 02–3938 Filed 2–15–02; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–121–90, INTL–292–90, and INTL–361–89]

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 existing final regulations INTL–121–90 (TD 8733), INTL–292–90 (TD 8305), and INTL–361–89 (TD 8292), Treaty-Based Return Positions (§§ 301.6114–1 and 301.7701(b)–7).

DATES: Written comments should be received on or before April 22, 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 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: Treaty-Based Return Positions.

OMB Number: 1545–1126.

Regulation Project Numbers: INTL–121–90, INTL–292–90, and INTL–361–89.

Abstract: Regulation section 301.6114–1 sets forth reporting requirements under Code section 6114 relating to treaty-based return positions. Persons or entities subject to these reporting requirements must make the required disclosure on a statement attached to their return or be subject to a penalty. Regulation section 301.7701(b)–7(a)(4)(iv)(C) sets forth the reporting requirement for dual resident S corporation shareholders who claim treaty benefits as nonresidents of the U.S. Persons subject to this reporting requirement must enter into an agreement with the S corporation to withhold tax pursuant to procedures prescribed by the Commissioner.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 6,020.

Estimated Time Per Respondent: 1 hr.

Estimated Total Annual Burden Hours: 6,015.

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 11, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3971 Filed 2–15–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–218–78]

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, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, LR–218–78 (TD 8096), Product Liability Losses and Accumulations for Product Liability Losses (Section 1.172–13).

DATES: Written comments should be received on or before April 22, 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 regulation 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: Product Liability Losses and Accumulations for Product Liability Losses.

OMB Number: 1545–0863.

Regulation Project Number: LR–218–78.

Abstract: Generally, a taxpayer who sustains a product liability loss must carry the loss back 10 years. However, a taxpayer may elect to have such loss treated as a regular net operating loss under section 172. The election is made by attaching a statement to the tax return. This statement will enable the IRS to monitor compliance with the statutory requirements.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 5,000

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 2,500.

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 11, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3972 Filed 2–15–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–39–89]

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, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, Limitation on Passive Activity Losses and Credits—Treatment of Self-Charged Items of Income and Expense (Section 1.469–7(f)).

DATES: Written comments should be received on or before April 22, 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 regulation 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: Limition on Passive Activity Losses and Credits-Treatment of Self-Charged Items of Income and Expense.

OMB Number: 1545–1244.

Regulation Project Number: PS–39–89.

Abstract: Section 1.469–7(f)(1) of this regulation permits entities to elect to avoid application of the regulation in the event the passthrough entity chooses to not have the income from lending transactions with owners of interests in the entity recharacterized as passive activity gross income. The IRS will use

this information to determine whether the entity has made a proper timely election and to determine that taxpayers are complying with the election in the taxable year of the election and subsequent taxable years.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of currently approved collection.

Affected Public: Individuals and business or other for-profit organizations.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 100.

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 11, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3973 Filed 2–15–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–208156–91]

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 regulations, REG–208156–91 (TD 8929), Accounting for Long-Term Contracts (§ 1.460–1).

DATES: Written comments should be received on or before April 22, 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: Accounting for Long-Term Contracts.

OMB Number: 1545–1650.

Regulation Project Number: REG–208156–91.

Abstract: The regulation requires the Commissioner be notified of a taxpayer's decision to sever or aggregate one or more long-term contracts under the regulations. The statement is needed so the Commissioner can determine whether the taxpayer properly severed or aggregated its contract(s). The regulations affect any taxpayer that manufactures or constructs property under long-term contracts.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Reporting Hours: 12,500.

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 11, 2002.

George Freeland,

IRS Reports Clearance Officer.

[FR Doc. 02–3974 Filed 2–15–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0492]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain

information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to process a policyholder's request.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 22, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0492'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: VA MATIC Authorization, VA Form 29–0532–1.

OMB Control Number: 2900–0492.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used by policyholders to authorize deductions from their bank accounts to pay insurance premiums. The information collected is used by VA to process the policyholder's request.

Affected Public: Individuals or households.

Estimated Annual Burden: 1,500 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 3,000.

Dated: January 31, 2002.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 02–3892 Filed 2–15–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0405]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to confirm the continued entitlement of a beneficiary under the Restored Entitlement Program for Survivors (REPS) program.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before April 22, 2002.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0405'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: REPS Annual Eligibility Report, VA Form 21–8941.

OMB Control Number: 2900–0405.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used to confirm the continued entitlement of a beneficiary under the REPS program.

Affected Public: Individuals or households.

Estimated Annual Burden: 550 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 2,200.

Dated: January 31, 2002.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 02–3893 Filed 2–15–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0168]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted

below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 21, 2002.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0168.''

SUPPLEMENTARY INFORMATION:

Title: Request for Estate Information, VA Form Letter 21–439.

OMB Control Number: 2900–0168.

Type of Review: Extension of a currently approved collection.

Abstract: The form letter is used in VBA's Fiduciary and Field Examination Program, which is responsible for carrying out a Congressional mandate that VA maintain supervision of the distribution and use of VA benefits paid to a fiduciary on behalf of a beneficiary who is incompetent, a minor, or under legal disability. Title 38, U.S.C., section 5503(b)(1)(A), requires discontinuance of benefits when an estate reaches a specific limit and other conditions exist. The information collected is used to determine whether an estate exceeds the limit and discontinuance is warranted.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 1, 2001, at pages 50001–50002.

Affected Public: Individuals or households—Business or other for-profit—Not-for-profit institutions and state, local or tribal government.

Estimated Annual Burden: 2,300 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 13,800.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0168'' in any correspondence.

Dated: January 31, 2002.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 02–3894 Filed 2–15–02; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0032]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 21, 2002.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0032.''

SUPPLEMENTARY INFORMATION:

Title: Report and Certification of Loan Disbursement, VA Form 26–1820.

OMB Control Number: 2900–0032.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 26–1820 is completed by lenders closing VA guaranteed and insured loans under the automatic or prior approval procedures. Lenders are required to submit with the form a copy of the loan application (showing income, assets, and obligations) which the lender requires the borrower to execute when applying for the loan; original employment and income verifications obtained from the borrower's place of employment; original verification of assets; and original credit report.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on September 26, 2001, at page 49259.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 50,000 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 200,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0032'' in any correspondence.

Dated: January 31, 2002.

By direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 02–3895 Filed 2–15–02; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Tuesday,
February 19, 2002

Part II

Department of the Treasury

Privacy Act of 1974; System of Records; Notice

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of systems of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Departmental Offices (DO) is publishing its Privacy Act systems of records.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and the Office of Management and Budget (OMB) Circular No. A–130, the Department has completed a review of its Privacy Act systems of records notices to identify minor changes that will more accurately describe these records.

The following six systems of records have been added to the Department's inventory of Privacy Act notices since September 30, 1998:

1. DO .006—Treasury Child Care Tuition Assistance Records (Published August 31, 2000, at 65 FR 53083).
2. DO .015—Political Appointee Files. (Published September 8, 2000, at 65 FR 54599).
3. DO .204—Parking and Carpool Program Records (Published December 14, 2000, at 65 FR 78263).
4. DO .003—Law Enforcement Retirement Claims Records (Published January 16, 2001, at 66 FR 3648).
5. DO .195—Treasury Emergency Management System (Published February 6, 2001, at 66 FR 9136).
6. Treasury .011—Treasury Safety Incident Management Information System (Published August 16, 2001 at 66 FR 43041).

During the past three years, the Department has published several new or revised Privacy Act notices pertaining to records maintained by the Department involving two or more bureaus. Originally ten of these systems of records had been designated as a ''Treasury/DO'' system of records. As part of this republication, the designation of the systems of records that pertain to two or more Treasury bureaus is being changed. Rather than being identified as ''DO'' systems of records, those systems are being designated as ''Treasury'' systems and are being renumbered as well. In addition, titles of two Treasury-wide systems of records are being changed. The systems of records which are being designated as Treasury-wide systems of records are:

1. Treasury/DO .002—Treasury Integrated Management Information System (TIMIS), last published in its entirety on December 17, 1998, at 63 FR 69719, is designated as ''Treasury .001'' and is being renamed as ''Treasury Payroll and Personnel System'';
2. Treasury/DO .004—Personnel Security System, last published in its entirety on December 14, 2000, at 65 FR 78261, is designated as ''Treasury .007'';
3. Treasury/DO .005—Grievance Records, last published in its entirety August 21, 2000, at 65 FR 53085, is designated as ''Treasury .002'';
4. Treasury/DO .006—Treasury Child Care Tuition Assistance Records, published as a new Treasury-wide system of records on August 31, 2000, at 65 FR 53083, is designated as ''Treasury .003'';
5. Treasury/DO .150—Freedom of Information Act/Privacy Act Request Records, last published in its entirety on December 3, 1999, at 64 FR 67966, is designated as ''Treasury .004'';
6. Treasury/DO .195—Treasury Emergency Management System, published as a new Treasury-wide system of records on February 6, 2001, at 66 FR 9136, is designated as ''Treasury .008'';
7. Treasury/DO .203—Public Transportation Incentive Program Records, last published in its entirety on January 16, 2001, at 66 FR 3646, is designated as ''Treasury .005'';
8. Treasury/DO .204—Parking and Carpool Program Records, published as a new Treasury-wide system on December 14, 2000, at 65 FR 78263, is designated as ''Treasury .006'';
9. Treasury/DO .210—Integrated Financial Management and Revenue System, last published in its entirety on August 31, 2000, at 65 FR 53085, is designated as ''Treasury .009'' and is being renamed as ''Treasury Financial Management Systems'';
10. Treasury/DO .211—Telephone Call Detail Records, last published in its entirety on August 31, 2000, at 65 FR 53085, is designated as ''Treasury .010'';
11. Treasury .011—Treasury Safety Incident Management Information System (SIMIS), was published as a new Treasury-wide system on August 16, 2001, at 66 FR 43041.

Other changes throughout the document are editorial in nature and consist principally of changes to system locations and system manager addresses, retention and disposal schedules, revisions to organizational titles and transfers of functions.

On August 31, 2000, the Department changed the title of Treasury/DO .190 from ''General Allegations and Investigative Records'' to ''Investigation Data Management System,'' and the title of Treasury/DO .191 was changed from ''OIG Management Information System (MIS)'' to ''Human Resources and Administrative Records System.'' In addition, Treasury/DO .068—Time-In-Grade Exception Files was deleted effective August 31, 2000. (65 FR 53085) The following systems of records, ''Treasury/DO .206-Office Tracking System,'' and ''Treasury/DO .156—Tax Court Judge Applicants,'' are removed from the Department's inventory of Privacy Act systems of records.

The systems notices are reprinted in their entirety following the Table of Contents.

Systems Covered by This Notice

This notice covers all systems of records adopted up to September 30, 2001.

Dated: February 4, 2002.

W. Earl Wright, Jr.,

Chief Management and Administrative Programs Officer.

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Department of the Treasury

Treasury .001—Treasury Payroll and Personnel System (formerly Treasury/DO .002—Treasury Integrated Management Information System)
Treasury .002—Grievance Records (formerly Treasury/DO .005)
Treasury .003—Treasury Child Care Tuition Assistance Records (formerly Treasury/DO .006)
Treasury .004—Freedom of Information Act/Privacy Act Request Records (formerly Treasury/DO .150)
Treasury .005—Public Transportation Incentive Program Records (formerly Treasury/DO .203)
Treasury .006—Parking and Carpool Program Records (formerly Treasury/DO .204)
Treasury .007—Personnel Security System (formerly Treasury/DO .004)
Treasury .008—Treasury Emergency Management System (formerly Treasury/DO .195)
Treasury .009—Treasury Financial Management Systems (formerly Treasury/DO .210—Integrated Financial Management and Revenue System)
Treasury .010—Telephone Call Detail Records (formerly Treasury/DO .211)
Treasury .011—Treasury Safety Incident Management Information System (SIMIS)

Departmental Offices (DO)

DO .003—Law Enforcement Retirement Claims Records
DO .007—General Correspondence Files
DO .010—Office of Domestic Finance, Actuarial Valuation System
DO .015—Political Appointee Files.
DO .060—Correspondence Files and Records on Employee Complaints and/or Dissatisfaction
DO .111—Office of Foreign Assets Control Census Records
DO .114—Foreign Assets Control Enforcement Records
DO .118—Foreign Assets Control Licensing Records

DO .144—General Counsel Litigation Referral and Reporting System
DO .149—Foreign Assets Control Legal Files
DO .183—Private Relief Tax Bill Files-Office of the Assistant Secretary for Tax Policy
DO .190—Investigation Data Management System (formerly: General Allegations and Investigative Records)
DO .191—Human Resources and Administrative Records System (formerly: OIG Management Information System)
DO .193—Employee Locator and Automated Directory System
DO .194—Circulation System
DO .196—Security Information System
DO .200—FinCEN Data Base
DO .201—Fitness Center Records
DO .202—Drug-Free Workplace Program Records
DO .207—Waco Administrative Review Group Investigation
DO .209—Personal Services Contracts (PSC)
DO .212—Suspicious Activity Reporting System (SARS)
DO .213—Bank Secrecy Act Reports System

TREASURY .001

SYSTEM NAME:

Treasury Payroll and Personnel System-Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. The processing site is located at the United States Department of Agriculture National Finance Center, 13800 Old Gentilly Road, New Orleans, LA 70129.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and historical payroll/personnel data of employees of all Treasury bureaus and organizations, except the Office of Thrift Supervision (OTS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information contained in the records of the system include such data as:

(1) Employee identification and status data such as name, social security number, date of birth, sex, race and national origin designator, awards received, suggestions, work schedule, type of appointment, education, training courses attended, veterans preference, and military service.

(2) Employment data such as service computation for leave, date probationary period began, date of performance rating, and date of within-grade increases.

(3) Position and pay data such as position identification number, pay plan, step, salary and pay basis, occupational series, organization location, and accounting classification codes.

(4) Payroll data such as earnings (overtime and night differential), deductions (Federal, state and local taxes, bonds and allotments), and time and attendance data.

(5) Employee retirement and Thrift Savings Plan data.

(6) Tables of data for editing, reporting and processing personnel and pay actions. These include nature of action codes, civil service authority codes, standard remarks, signature block table, position title table, financial organization table, and salary tables.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Office of Personnel Management Manual, 50 U.S.C. App. 1705–1707; 31 U.S.C. and Departmental Circular 145 and 830. The Department of the Treasury Fiscal Requirements Manual; 5 U.S.C. 301; FPM Letter 298–10, Office of Personnel Management; Federal Personnel Manual (Chapter 713 Subchapter 3A).

PURPOSE(S):

The purposes of the system include, but are not limited to: (1) Maintaining current and historical payroll records which are used to compute and audit pay entitlement; to record history of pay transactions; to record deductions, leave accrued and taken, bonds due and issued, taxes paid; maintaining and distributing Leave and Earnings statements; commence and terminate allotments; answer inquiries and process claims, and (2) maintaining current and historical personnel records and preparing individual administrative transactions relating to education and training, classification; assignment; career development; evaluation; promotion, compensation, separation and retirement; making decisions on the rights, benefits, entitlements and the utilization of individuals; providing a data source for the production of reports, statistical surveys, rosters, documentation, and studies required for the orderly personnel administration within Treasury.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These Records may be used to:

(1) Furnish data to the Department of Agriculture, National Finance Center (which provides payroll/personnel processing services for TIMIS under a cross-servicing agreement) affecting the conversion of Treasury employee payroll and personnel processing services to TIMIS; the issuance of paychecks to employees and distribution of wages; and the distribution of allotments and deductions to financial and other institutions, some through electronic funds transfer;

(2) Furnish the Internal Revenue Service and other jurisdictions which are authorized to tax the employee's compensation with wage and tax information in accordance with a withholding agreement with the Department of the Treasury pursuant to 5 U.S.C. 5516, 5217, and 5520, for the purpose of furnishing employees with Forms W–2 which report such tax distributions;

(3) Provide records to the Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, and General Accounting Office for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations;

(4) Furnish another Federal agency information to effect interagency salary or administrative offset, except that addresses obtained from the Internal Revenue Service shall not be disclosed to other agencies; to furnish a consumer reporting agency information to obtain commercial credit reports; and to furnish a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services;

(5) Disclose information to a Federal, state, local or foreign agency maintaining civil, criminal or other relevant enforcement information or other pertinent information which has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(6) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(7) Disclose information to foreign governments in accordance with formal or informal international agreements;

(8) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(9) Provide information to the news media in accordance with guidelines

contained in 28 CFR 50.2 which relates to civil and criminal proceedings;

(10) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(11) Provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114;

(12) Provide wage and separation information to another agency, such as the Department of Labor or Social Security Administration, as required by law for payroll purposes;

(13) Provide information to a Federal, state, or local agency so that the agency may adjudicate an individual's eligibility for a benefit, such as a state employment compensation board, housing administration agency and Social Security Administration;

(14) Disclose pertinent information to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation of, or for implementing a statute, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil, or criminal law or regulation;

(15) Disclose information about particular Treasury employees to requesting agencies or non-Federal entities under approved computer matching efforts, limited to only those data elements considered relevant to making a determination of eligibility under particular benefit programs administered by those agencies or entities or by the Department of the Treasury or any constituent unit of the Department, to improve program integrity, and to collect debts and other monies owed under those programs (*i.e.,* matching for delinquent loans or other indebtedness to the government);

(16) Disclose to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, the names, social security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and State of hire of employees, for the purposes of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement activities as required by the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Law, Pub. L. 104–193).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made pursuant to 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982; debt information concerning a government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982 (Pub. L. 97–365), to consumer reporting agencies to encourage repayment of an overdue debt. Disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966, 31 U.S.C. 701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic media, microfiche, and hard copy. Disbursement records are stored at the Federal Records Center.

RETRIEVABILITY:

Records are retrieved generally by social security number, position identification number within a bureau and region, or employee name. Secondary identifiers are used to assure accuracy of data accessed, such as master record number or date of birth.

SAFEGUARDS:

Entrance to data centers and support organization offices are restricted to those employees whose work requires them to be there for the system to operate. Identification (ID) cards are verified to ensure that only authorized personnel are present. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols which are periodically changed. Reports produced from the remote printers are in the custody of personnel and financial management officers and are subject to the same privacy controls as other documents of like sensitivity.

RETENTION AND DISPOSAL:

The current payroll and personnel system and the Treasury Integrated Management Information Systems (TIMIS) master files are kept on magnetic media. Information rendered to hard copy in the form of reports and payroll information documentation is also retained in automated magnetic format. Employee records are retained in automated form for as long as the employee is active on the system (separated employee records are maintained in an ''inactive'' status). Files are purged in accordance with Treasury Directives Manual TD 25–02, ''Records Disposition Management Program.''

SYSTEM MANAGER(S) AND ADDRESS:

Director, Treasury Integrated Management Information Systems (System Manager for TIMIS), 740 15th Street NW., Suite 400, Washington, DC 20005.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The information contained in these records is provided by or verified by the subject of the record, supervisors, and non-Federal sources such as private employers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .002

SYSTEM NAME:

Grievance Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220. These records are located in personnel or designated offices in the bureaus in which the grievances were filed. The locations at which the system is maintained are:

(1) a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW., Washington, DC 20224.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW., Washington, DC 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW., Washington, DC 20219–0001.

(4) United States Customs Service (CUSTOMS): 1301 Constitution Avenue, NW., Washington DC 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, Ga 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(8) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(9) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(10) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(11) United States Secret Service (USSS): 950 H Street, NW., Washington, DC 20001.

(12) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances with their bureaus in accordance with part 771 of the Office of Personnel Management's (OPM) regulations (5 CFR part 771), the Treasury Employee Grievance System (TPM Chapter 771), or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Treasury employees under part 771 of the OPM's regulations. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that bureaus and/or the Department may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302; E.O. 10577; 3 CFR 1954–1958 Comp., p. 218; E.O. 10987; 3 CFR 1959–1963 Comp., p. 519; agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

PURPOSE(S):

To adjudicate employee administrative grievances filed under the authority of 5 CFR part 771 and the Department's Administrative Grievance Procedure.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used:

(1) To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) To disclose information to any source from which additional information is requested in the course of processing in a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested;

(3) To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an individual, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter;

(4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court;

(6) By the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908;

(7) By the bureau maintaining the records of the Department in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference;

(8) To disclose information to officials of the Merit Systems Protection Board, the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, the Equal Employment Opportunity Commission, or the Office of Personnel Management when requested in performance of their authorized duties;

(9) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing Counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena, or in connection with criminal law proceedings;

(10) To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By the names of the individuals on whom they are maintained.

SAFEGUARDS:

Lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

Disposed of 3 years after closing of the case. Grievances filed against disciplinary adverse actions are retained by the United States Secret Service for 4 years. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Records pertaining to administrative grievances filed at the Departmental level: Director, Office of Personnel Policy, 1500 Pennsylvania Ave., NW, Metropolitan Square, Washington, DC 20220. Records pertaining to administrative grievances filed at the bureau level:

(1) a. DO: Chief, Personnel Resources, 1500 Pennsylvania Ave. NW, Metropolitan Square, Washington, DC 20220.

b. OIG: Personnel Officer, 740–15th St. NW, Rm. 510, Washington, DC 20220.

c. TIGTA: National Director, Human Resources, 1111 Constitution Ave. NW, Rm. 6408, TIGTA: MRS, Washington, DC 20224.

(2) ATF: Assistant Director, Office of Management, 650 Massachusetts Avenue, NW, Washington, DC 20226.

(3) OCC: Director, Human Resources, 250 E Street, SW, Washington, DC 20219.

(4) Customs: Assistant Commissioner, Office of Human Resources Management, Ronald Reagan Building, Room 2.4A, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

(5) BEP: Chief, Office of Human Resources, 14th & C Streets, SW, Room 202–13A, E&P Annex, Washington, DC 20228.

(6) FLETC: Human Resources Officer, Glynco, GA 31524.

(7) FMS: Director, Personnel Management Division, 3700 East West Hwy, Room 115–F, Hyattsville, MD 20782.

(8) IRS: Director, Office of Workforce Relations (M:S:L), 1111 Constitution Ave. NW, Room 1515IR, Washington, DC 20224.

(9) Mint: Assistant Director for Human Resources, 801 9th Street, NW, 6th Floor, Washington, DC 20220.

(10) BPD: Director, Human Resources Division, 200 Third Street, Parkersburg, WV 26106–1328.

(11) USSS: Chief, Personnel Division, 950 H Street, NW, Suite 7000, Washington, DC 20373–5802.

(12) OTS: Director, Human Resources Division, 2nd Floor, 1700 G Street, NW, Washington, DC 20552.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the agency personnel or designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

RECORD ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the bureau personnel or designated office where the action was processed. Individuals must provide the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the bureau personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided: (1) By the individual on whom the record is maintained, (2) by testimony of witnesses, (3) by agency officials, (4) from related correspondence from organizations or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .003

SYSTEM NAME:

Treasury Child Care Tuition Assistance Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury,1500 Pennsylvania Ave., NW, Washington, DC 20220. The locations at which the system is maintained by Treasury components are:

1. a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

2. Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, DC 20226.

3. Office of the Comptroller of the Currency (OCC): 250 E Street, NW, Washington, DC 20219–0001.

4. United States Customs Service (CUSTOMS): 1300 Pennsylvania Avenue, NW, Washington DC 20229.

5. Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

6. Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

7. Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

8. Internal Revenue Service (IRS): 1111 Constitution Avenue, NW, Washington, DC 20224.

9. United States Mint (MINT): 801 9th Street, NW, Washington, DC 20220.

10. Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

11. United States Secret Service (USSS): 950 H Street, NW, Washington, DC 20001.

12. Office of Thrift Supervision (OTS): 1700 G Street, NW, Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of the Treasury who voluntarily apply for child care tuition assistance, the employee's spouse, their children and their child care providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include application forms for child care tuition assistance containing personal information, including employee (parent) name, Social Security Number, pay grade, home and work numbers, addresses, telephone numbers, total family income, names of children on whose behalf the parent is applying for tuition assistance, each child's date of birth, information on child care providers used (including name, address, provider license number and State where issued, tuition cost, and provider tax identification number), and copies of IRS Form 1040 and 1040A for verification purposes. Other records may include the child's social security number, weekly expense, pay statements, records relating to direct deposits, verification of qualification and administration for the child care tuition assistance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 106–58, section 643 and E.O. 9397.

PURPOSE(S):

To establish and verify Department of the Treasury employees' eligibility for child care subsidies in order for the Department of the Treasury to provide monetary assistance to its employees. Records are also maintained so the Department can make payments to child care providers on an employee's behalf.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Department of the Treasury becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Provide information to a congressional office from the record of

an individual in response to an inquiry from that congressional office made at the request of that individual;

(3) Disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding. In those cases where the Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge;

(4) Disclose information to the National Archives and Records Administration for use in records management inspections;

(5) Disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury is authorized to appear, when: (a) The Department of the Treasury, or any component thereof; or (b) any employee of the Department of the Treasury in his or her official capacity; or (c) any employee of the Department of the Treasury in his or her individual capacity where the Department of Justice or the Department of the Treasury has agreed to represent the employee; or (d) the United States, when the Department of the Treasury determines that litigation is likely to affect the Department of the Treasury or any of its components; is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the Department of the Treasury is deemed by the Department of the Treasury to be relevant and necessary to the litigation; provided, however, that the disclosure is compatible with the purpose for which records were collected;

(6) Provide records to the Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Labor Relations Authority, the Office of Special Counsel, and General Accounting Office for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations;

(7) Disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, or cooperative agreement, or job for the Federal Government;

(8) Disclose information to a court, magistrate, or administrative tribunal when necessary and relevant in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena;

(9) Disclose information to unions recognized as exclusive bargaining representatives under 5 U.S.C. chapter 71, and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information may be collected on paper or electronically and may be stored as paper forms or on computers.

RETRIEVABILITY:

By name; may also be cross-referenced to Social Security Number.

SAFEGUARDS:

When not in use by an authorized person, paper records are stored in lockable file cabinets or secured rooms. Electronic records are protected by the use of passwords.

RETENTION AND DISPOSAL:

Disposition of records is according to the National Archives and Records Administration (NARA) guidelines.

SYSTEM MANAGER(S) AND ADDRESS:

Treasury official prescribing policies and practices: Director, Office of Personnel Policy, Room 6018–Metropolitan Square, Department of the Treasury, Washington, DC 20220. Officials maintaining the system and records for the Treasury components are:

1. DO:

a. Director, Office of Personnel Resources, Department of the Treasury, Room 1462–MT, Washington, DC 20220.

b. Office of General Counsel: Administrative Officer, Department of the Treasury, Room 1417–MT, Washington, DC 20220.

c. OIG: Personnel Officer, 740 15th St., NW, Suite 510, Washington, DC 20220.

d. TIGTA: Director, Management Resources & Support, 1111 Constitution Ave., NW, TIGTA:IG:NS:HR, Room 6402, Washington, DC 20224.

2. ATF: Assistant Director, Office of Management, 650 Massachusetts Ave., NW, Washington, DC 20226.

3. OCC: Director, Human Resources Division Independence Square, 250 E St., SW, 4th Floor, Washington, DC 20219.

4. Customs: Personnel Director, HRM, 1300 Pennsylvania Ave., NW, Room 2.4a, International Trade Center, Washington, DC 20229.

5. BEP: Chief, Office of Human Resources. 14th & C St., SW, Room 202–13a, Washington, DC 20228.

6. FLETC: Human Resources Officer, Bldg 94, Room E–2, Glynco, GA 31524.

7. FMS: Director, Human Resources Division, PG Center II Bldg, Rm. 114f, 3700 East West Highway, Hyattsville, MD 20782.

8. IRS: Director Personnel Policy Division, 1111 Constitution Ave., Building CP6—M:S:P, Washington, DC 20224.

9. MINT: Assistant Director, Human Resources, 801 9th Street, NW, Room 6S34, Washington, DC 20220.

10. BPD: Child Care Assistance Program (CCAP) Coordinator, PO Box 1328, Room 302, Parkersburg, W. VA 26106–1328.

11. USSS: Chief, Personnel Division, 950 H St., NW, 7th Floor, Washington, DC 20223.

12. OTS: Director, Human Resources Division, 1700 G St., NW, 2nd Floor, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Information is provided by Department of the Treasury employees who apply for child care tuition assistance.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .004

SYSTEM NAME:

Freedom of Information Act/Privacy Act Request Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. The locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO), which includes the Office of Inspector General (OIG), the Treasury Inspector General

for Tax Administration (TIGTA), and Financial Crimes Enforcement Network (FinCEN);

(2) Bureau of Alcohol, Tobacco and Firearms (ATF);

(3) Office of the Comptroller of the Currency (OCC);

(4) United States Customs Service (CUSTOMS);

(5) Bureau of Engraving and Printing (BEP);

(6) Federal Law Enforcement Training Center (FLETC);

(7) Financial Management Service (FMS);

(8) United States Mint (MINT);

(9) Bureau of the Public Debt (BPD);

(10) United States Secret Service (USSS):

(11) Office of Thrift Supervision (OTS).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have: (1) Requested access to records pursuant to the Freedom of Information Act, 5 U.S.C. 552, (FOIA) or who have appealed initial denials of their requests; and/or (2) made a request for access, amendment or other action pursuant to the Privacy Act of 1974, 5 U.S.C. 552a (PA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests for records or information pursuant to the FOIA and/or PA which includes the names of individuals making written requests for records under the FOIA or the PA, the mailing addresses of such individuals, and the dates of such requests and their receipt. Supporting records include the written correspondence received from requesters and responses made to such requests; internal processing documents and memoranda, referrals and copies of records provided or withheld, and may include legal memoranda and opinions. Comparable records are maintained in this system with respect to any appeals made from initial denials of access, refusal to amend records and lawsuits under the FOIA/PA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act, 5 U.S.C. 552; Privacy Act of 1974, 5 U.S.C. 552a; and 5 U.S.C. 301.

PURPOSE(S):

The system is used by officials to administratively control and/or process requests for records to ensure compliance with the FOIA/PA and to collect data for the annual and biennial reporting requirements of the FOIA/PA and other Department management report requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, foreign, State, local, tribal or other public authorities or self-regulatory organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings;

(3) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) Disclose information to another Federal agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(5) The Department of Justice when seeking legal advice, or when (a) the agency or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation;

(6) Disclose information to the appropriate foreign, State, local, tribal, or other public authority or self-regulatory organization for the purpose of (a) consulting as to the propriety of access to or amendment or correction of information obtained from that authority or organization, or (b) verifying the identity of an individual who has requested access to or amendment or correction of records;

(7) Disclose information to contractors and other agents who have been engaged by the Department or one of its bureaus to provide products or services associated with the Department's or bureau's responsibility arising under the FOIA/PA;

(8) Disclose information to the National Archives and Records Administration for use in records management inspections.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic media, computer paper printout, index file cards, and paper records in file folders.

RETRIEVABILITY:

Retrieved by name, subject, request file number or other data element as may be permitted by an automated system.

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual bureaus. Access to the records is available only to employees responsible for the management of the system and/or employees of program offices who have a need for such information.

RETENTION AND DISPOSAL:

The records pertaining to Freedom of Information Act and Privacy Act requests are retained and disposed of in accordance with the National Archives and Records Administration's General Record Schedule 14—Information Services Records.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices—Departmental Disclosure Officer, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

The system managers for the Treasury components are:

1. DO: Assistant Director, Disclosure Services, Department of the Treasury, Washington, DC 20220.

2. ATF: Assistant Director, Liaison and Public Information, 650 Massachusetts Avenue, NW., Washington, DC 20226.

3. BEP: Disclosure Officer, FOIA Office, 14th & C Streets, SW., Washington, DC 20228.

4. FLETC: FOIA/PA Officer, Department of the Treasury, Building 94, Glynco, GA 31524.

5. FMS: Disclosure Officer, 401 14th Street, SW., Washington, DC 20227.

6. Mint: Disclosure Officer, Judiciary Square Building, 801 9th Street, NW., Washington, DC 20220.

7. OCC: Disclosure Officer, Communications Division, Washington, DC 20219.

8. CUSTOMS: Chief, Disclosure Law Branch, Office of Regulations and Rulings, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

9. BPD: Information Disclosure Officer, 999 E Street, NW., Washington, DC 20239.

10. USSS: FOIA/PA Officer, FOIA/PA Branch, 950 H Street, NW., Suite 3000, Washington, DC 20001.

11. OTS: Manager, Dissemination Branch, 1700 G Street, NW., Washington, DC 20552.

12. TIGTA: Supervisory Analyst, 1111 Constitution Ave., NW., IC:CC, Room 3039, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The information contained in these files originates from individuals who make FOIA/PA requests and agency officials responding to those requests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None. The Department has claimed one or more exemptions (see 31 CFR 1.36) for a number of its other systems of records under 5 U.S.C. 552a (j)(2) and (k)(1), (2), (3), (4), (5), and (6). During the course of a FOIA/PA action, exempt materials from those other systems may become a part of the case records in this system. To the extent that copies of exempt records from those other systems have been recompiled and/or entered into these FOIA/PA case records, the Department claims the same exemptions for the records as they have in the original primary systems of records of which they are a part.

TREASURY .005

SYSTEM NAME:

Public Transportation Incentive Program Records-Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. The locations at which the system is maintained by Treasury bureaus and their associated field offices are:

1. a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC. 20220.

2. Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW., Washington, DC 20226.

3. Office of the Comptroller of the Currency (OCC): 250 E Street, SW., Washington, DC 20219–0001.

4. United States Customs Service (CUSTOMS): 1300 Pennsylvania Avenue, NW., Washington DC 20229.

5. Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

6. Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

7. Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

8. Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

9. United States Mint (MINT): 801 9th St. NW., Washington, Dc 20220.

10. Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

11. United States Secret Service (USSS): 950 H Street, NW., Washington, DC 20001.

12. Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have applied for or who participate in the Public Transportation Incentive Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Public Transportation Incentive Program application form containing the participant's name, last four digits of the social security number, place of residence, office address, office telephone, grade level, duty hours, previous method of transportation, costs of transportation, and the type of fare incentive requested. Incentives authorized under the Federal Workforce Transportation Program may be included in this program.

(2) Reports submitted to the Department of the Treasury in accordance with Treasury Directive 74–10.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 132(f), and Pub. L. 101–509.

PURPOSE(S):

The records are used to administer the public transportation incentive or subsidy programs provided by Treasury bureaus for eligible employees. The system also enables the Department to compare these records with other Federal agencies to ensure that employee transportation programs benefits are not abused.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information to:

(1) Appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license;

(2) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(3) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) Unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and/or 7114;

(5) Agencies, contractors, and others to administer Federal personnel or payroll systems, and for debt collection and employment or security investigations;

(6) Other Federal agencies for matching to ensure that employees receiving PTI Program benefits are not listed as a carpool or vanpool participant, the holder of a parking permit; and to prevent the program from being abused;

(7) The Department of Justice when seeking legal advice, or when (a) the Department of the Treasury (agency) or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by

the agency to be relevant and necessary to the litigation;

(8) The Office of Personnel Management, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and the Federal Labor Relations Authority or other third parties when mandated or authorized by statute; and

(9) A contractor for the purpose of compiling, organizing, analyzing, programming, or otherwise refining records to accomplish an agency function subject to the same limitations applicable to U.S. Department of Treasury officers and employees under the Privacy Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, file folders and/or electronic media.

RETRIEVABILITY:

By name of individual, badge number or office.

SAFEGUARDS:

Access is limited to authorized employees. Files are maintained in locked safes and/or file cabinets. Electronic records are password-protected. During non-work hours, records are stored in locked safes and/or cabinets in locked room.

RETENTION AND DISPOSAL:

Active records are retained indefinitely. Inactive records are held for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for the Treasury bureaus are:

(1) Departmental Offices:

a. Director, Occupational Safety and Health Office, Room 6204 Annex, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. Office of Inspector General: Office of Assistant Inspector for Management Services, Office of Administrative Services, Suite 510, 740 15th St. NW., Washington, DC 20220.

(2) ATF: Assistant Director, Office of Management, 650 Massachusetts Ave., NW., Washington, DC 20226.

(3) BEP: Chief, Office of Administrative Services, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

(4) OCC: Building Manager, Building Services, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219–0001.

(5) CUSTOMS: Chief, Headquarters Facilities Service Branch, 1300 Pennsylvania Avenue, NW., Suite 3.2C, Washington, DC 20229.

(6) FLETC: Associate Director for Planning & Resources, Federal Law Enforcement Training Center, Glynco, GA 31524

(7) FMS: Director, Administrative Programs Division, Financial Management Service, 3700 East West Hwy., Room 144, Hyattsville, MD 20782.

(8) IRS: Official prescribing policies and practices—Chief, National Office, Protective Program Staff, Director, Personnel Policy Division, 2221 S. Clark Street–CP6, Arlington, VA 20224. Officials maintaining the system—Supervisor of local offices where the records reside. (See IRS Appendix A for addresses.)

(9) Mint: Office of Business Alignment, 801 9th St. NW., Washington, DC 20220.

(10) BPD: Executive Director, Administrative Resources Center, 200 Third Street, Parkersburg, WV 26106.

(11) USSS: Assistant Director, Office of Administration, 950 H Street, NW., Washington DC 20373–5802.

(12) OTS: Director, Planning, Budget and Finance, Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The source of the data are employees who have applied for the transportation incentive, the incentive program managers and other appropriate agency officials, or other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .006

SYSTEM NAME:

Parking and Carpool Program Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220. The locations at which the system is maintained by Treasury bureaus and their associated field offices are:

1. a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

2. Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, DC 20226.

3. Office of the Comptroller of the Currency (OCC): 250 E Street, SW, Washington, DC 20219–0001.

4. United States Customs Service (CUSTOMS): 1300 Pennsylvania Avenue, NW, Washington DC 20229.

5. Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

6. Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

7. Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

8. Internal Revenue Service (IRS): 1111 Constitution Avenue, NW, Washington, DC 20224.

9. United States Mint (MINT): 801 9th Street, NW, Washington, DC 20220.

10. Bureau of the Public Debt (BPD): 999 E Street, NW, Washington, DC 20239.

11. United States Secret Service (USSS): 950 H Street, NW, Washington, DC 20001.

12. Office of Thrift Supervision (OTS): 1700 G Street, NW, Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Department and individuals from other Government agencies or private sector organizations who may use, or apply to use, parking facilities or spaces controlled by the Department. Individuals utilizing handicapped or temporary guest parking controlled by the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include the name, position title, manager's name, organization, vehicle identification, arrival and departure time, home addresses, office telephone numbers, social security numbers, badge number, and service computation date or length of service with a component of an individual or principal carpool applicant. Contains name, place of employment, duty telephone, vehicle

license number and service computation date of applicants, individuals or carpool members. For parking spaces, permit number, priority group (handicapped, job requirements/ executive officials (SES) or carpool/ vanpool). Medical information may also be included when necessary to determine disability of applicant when applying for handicapped parking spaces.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; Treasury Department Order No. 165, revised as amended. Federal Property and Administrative Services Act of 1949, as amended.

PURPOSE(S):

The records are used to administer parking, carpool and vanpool programs within the Department. The system enables the Department to allocate and check parking spaces assigned to government or privately-owned vehicles operated by visitors, handicapped personnel, key personnel, employees eligible to participate in a parking program and carpools or vanpools. The Department is also able to compare these records with other Federal agencies to ensure parking privileges or other employee transportation benefits are not abused.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information to:

(1) Appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) A Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(3) A physician for making a determination on a person's eligibility for handicapped parking;

(4) A contractor who needs to have access to this system of records to perform an assigned activity;

(5) Parking coordinators of Government agencies and private sector organizations for verification of employment and participation of pool members;

(6) Unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114;

(7) Department of Justice when seeking legal advice, or when (a) the Department of the Treasury (agency) or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation;

(8) Third parties when mandated or authorized by statute or when necessary to obtain information that is relevant to an inquiry concerned with the possible abuse of parking privileges or other employee transportation benefits;

(9) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena where relevant or potentially relevant to a proceeding, and

(10) Officials of the Merit Systems Protection Board, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission or the Office of Personnel Management when requested in the performance of their authorized duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy and/or electronic media.

RETRIEVABILITY:

Name, address, social security number, badge number, permit number, vehicle tag number, and agency name or organization code on either the applicant or pool members as needed by a bureau. Records are filed alphabetically by location.

SAFEGUARDS:

Paper records are maintained in locked file cabinets. Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a job-related purpose. Access to computerized records is limited, through use of a password, to those whose official duties require access. Protection and control of sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual bureaus. The IRS access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Generally, record maintenance and disposal is in accordance with NARA General Retention Schedule 11, and any supplemental guidance issued by individual components. Disposal of manual records is by shredding or burning; electronic data is erased. Destroyed upon change in, or revocation of, parking assignment.

For the IRS, records are maintained in accordance with Records Control Schedule 301—General Records Schedule 11, Space and Maintenance Records, Item 4(a), IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for the Treasury components are:

(1) DO:

a. Director, Occupational Safety and Health Office, Room 6204 Annex, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. OIG: Director, Administrative Services Division, Office of Management Services, Room 510, 740 15th Street, NW, Washington, DC 20220.

c. TIGTA: Security Officer, 1111 Constitution Ave., NW, Washington, DC 20224.

(2) ATF: Assistant Director, Office of Management, 650 Massachusetts Ave., NW, Washington, DC 20226.

(3) OCC: Building Manager, Building Services, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219;

(4) CUSTOMS: Chief Financial Officer, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

(5) BEP: Chief, Office of Administrative Services, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

(6) FLETC: Associate Director for Planning & Resources, Federal Law Enforcement Training Center, Glynco, GA 31524

(7) FMS: Director, Administrative Programs Division, 3700 East West Highway, Hyattsville, MD 20782.

(8) IRS: Chief, Security and Safety Branch; Regional Commissioners, District Directors, Internal Revenue Service Center Directors, and Computing Center Directors. (See IRS Appendix A for addresses.)

(9) MINT: Associate Director, Protection SBU, 801 9th St. NW, Washington, DC 20220.

(10) BPD: Director, Washington Support Services, Bureau of the Public Debt, 999 E Street, NW, Washington, DC 0239.

(11) USSS: Assistant Director, Office of Administration, 950 H Street, NW, Washington, DC 20373–5802.

(12) OTS: Director, Procurement and Administrative Services, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Parking permit applicants, members of carpools or vanpools, other Federal agencies, medical doctor if disability determination is requested.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .007

SYSTEM NAME:

Personnel Security System-Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 3180 Annex, Washington, DC 20220. Other locations at which the system is maintained by Treasury bureaus and their associated offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. Financial Crimes Enforcement Network (FinCEN), Vienna, VA 22182.

c. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, DC 20220.

d. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, DC 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, SW, Washington, DC 20219–0001.

(4) United States Customs Service (CUSTOMS): 1300 Pennsylvania Avenue, NW, Washington DC 20229

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

(8) United States Mint (MINT): 801 9th Street, NW, Washington, DC 20220.

(9) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(10) Office of Thrift Supervision (OTS): 1700 G Street, NW, Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current and former government employees, applicants and contractor employees occupying or applying for sensitive positions in the Department, (2) current and former senior officials of the Department and Treasury bureaus, and those within the Department who are involved in personnel security matters, and (3) current employees, applicants and contractor employees who are appealing a denial or a revocation of a security clearance.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Background investigations, (2) FBI and other agency name checks, (3) investigative information relating to personnel investigations conducted by the Department of the Treasury and other Federal agencies and departments on a pre-placement and post-placement basis to make suitability and employability determinations and for granting security clearances, (4) card records comprised of Notice of Personnel Security Investigation (TD F 67–32.2) or similar previously used card indexes, and (5) an automated data system reflecting identification data on applicants, incumbents and former employees, disclosure and authorization forms, and record of investigations, level and date of security clearance, if any, as well as status of investigations, and (6) records pertaining to the appeal of a denial or a revocation of a security clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, sections 2 and 3, Executive Order 12958, and Executive Order 12968.

PURPOSE(S):

This system is used to maintain records that assure the Department is upholding the highest standards of integrity, loyalty, conduct, and security among its personnel and contract employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information to:

(1) Appropriate Federal, state, local and foreign agencies for the purpose of enforcing and investigating administrative, civil or criminal law relating to the hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit;

(2) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(3) The Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury is authorized to appear, when: (a) The Department of the Treasury, or any component thereof; or (b) any employee of the Department of the Treasury in his or her official capacity; or (c) any employee of the Department of the Treasury in his or her individual capacity where the Department of Justice or the Department of the Treasury has agreed to represent the employee; or (d) the United States, when the Department of the Treasury determines that litigation is likely to affect the Department of the Treasury or any of its components; is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the Department of the Treasury is deemed by the Department of the Treasury to be relevant and necessary to the litigation; provided, however, that the disclosure is compatible with the purpose for which records were collected;

(4) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(6) The Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Labor Relations Authority, and the Office of Special Counsel for the purpose of properly administering Federal personnel

systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations; and

(7) Unions recognized as exclusive bargaining representatives under 5 U.S.C. chapter 71, and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, and magnetic media.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Paper records are stored in locked metal containers and in locked rooms. Electronic records are password protected. Access is limited to officials who have a need to know in the performance of their official duties and whose background investigations have been favorably adjudicated.

RETENTION AND DISPOSAL:

The records on government employees and contractor employees are retained for the duration of their employment at the Treasury Department. The records on applicants not selected and separated employees are destroyed or sent to the Federal Records Center in accordance with General Records Schedule 18.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices: Director of Security, 1500 Pennsylvania Avenue, NW., Room 3180 Annex, Washington, DC 20220.

The system managers for the Treasury components are:

(1) DO:

a. Director of Security, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

b. OIG: Personnel Officer, 740 15th St., NW., Suite 510, Washington, DC 20220.

c. TIGTA: Security Officer, 1111 Constitution Ave., NW., Washington, DC 20224.

d. FinCEN: Security Director, Vienna, VA 22182.

(2) ATF: Assistant Directors, Office of Management, and Office of Inspection, 650 Massachusetts Avenue, NW., Washington, DC 20226.

(3) BPD: Director, Division of Administrative Services, 200 Third Street, P.O. Box 1328, Parkersburg, WV 26106–1318.

(4) CUSTOMS: Chief, Security Management Branch, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

(5) FLETC: Associate Director for Planning & Resources, Glynco, GA 31524.

(6) OCC: Director, Administrative Services Division, 250 E Street, SW., Washington, DC 20219.

(7) BEP: Chief, Office of Security, 14th & C Streets, NW., Room 113M, Washington, DC 20228.

(8) FMS: Director, Administrative Programs Division, 3700 East West Highway, Hyattsville, MD 20782.

(9) Mint: Associate Director, Protection SBU, 801 9th Street, NW., Washington, DC 20220.

(10) OTS: Director, Procurement and Administrative Services, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The information provided or verified by applicants or employees whose files are on record as authorized by those concerned, information obtained from current and former employers, co-workers, neighbors, acquaintances, educational records and instructors, and police and credit record checks.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). (See 31 CFR 1.36)

TREASURY .008

SYSTEM NAME:

Treasury Emergency Management System.

SYSTEM LOCATION:

Department of the Treasury, Annex Building, Room 3180, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Other locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW., Washington, DC 20224.

d. Financial Crimes Enforcement Network (FinCEN): Vienna, VA 22182.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW., Washington, DC 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, SW., Washington, DC 20219–0001.

(4) United States Customs Service (CUSTOMS): 1300 Pennsylvania Avenue, NW., Washington DC 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, GA. 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(8) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(9) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(10) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(11) United States Secret Service (USSS): 950 H Street, NW., Washington, DC 20001.

(12) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Treasury employees, contractors, and Treasury Emergency Executive Reservists.

Categories of records in the system:

Treasury employees, contractors, or Treasury Emergency Executive Reservists identification number, social security number, first name and middle initial, last name, job title, government and home addresses (city, state, zip code, zip code extension), home telephone number, work telephone number, alternate telephone number (*e.g.*, pager, cellular phone), work shift, email addresses, office code, office name, gender and other employee attributes, date of birth, place of birth, and related personnel security clearance information, emergency team assignment and emergency team location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Executive Order 12656, section 201 and part 15, Executive

Order 12472, Presidential Decision Directive 67.

PURPOSES(S):

The purpose of this system of records is to support the development of and maintain a continuity of operations plans (COOP) for the Department and its component bureaus. COOP activities involve ensuring the continuity of minimum essential Department of the Treasury functions through plans and procedures governing succession to office and the emergency delegation of authority (where permissible). Vital records and critical information pertaining to all current employees, contractors, and Treasury Emergency Executive Reservists will be gathered and stored in an emergency employee locator system. This data will be used for alert and notification purposes, determining team and task assignments, developing and maintaining an emergency contact system for general emergency preparedness programs and specific situations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose pertinent information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(3) Disclose information to the Federal Emergency Management Agency (FEMA) or other agency with national security and emergency preparedness responsibilities in order to carry out continuity of government activities;

(4) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(5) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury (agency) is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(6) Disclose information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(7) Disclose information to a contractor for the purpose of processing administrative records and/or compiling, organizing, analyzing, programming, or otherwise refining records subject to the same limitations applicable to U. S. Department of the Treasury officers and employees under the Privacy Act;

(8) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena where relevant or potentially relevant to a proceeding;

(9) Disclose information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor management program for the purpose of processing any corrective actions or grievances, or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties;

(10) Disclose information to a telecommunications company providing telecommunications support to permit servicing the account;

(11) Disclose information to representatives of the General Services Administration (GSA) or the National Archives and Records Administration (NARA) who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in hardcopy and electronic media.

RETRIEVABILITY:

Records can be retrieved by name, or by the categories listed above under ''Categories of records in the system.''

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual. The files and magnetic media are secured in locked rooms. Access to the records is available only to employees responsible for the management of the system and/or employees of program offices who have a need for such information and have been subject to a background check and/or have a security clearance.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices: Director, Office of Security, Department of the Treasury, Washington, DC 20220.

The system managers for the Treasury components are:

1. a. DO: Director of Security, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

b. OIG: Personnel Officer, 740 15th St., NW., Suite 510, Washington, DC 20220.

c. TIGTA: Security Officer, 1111 Constitution Ave., NW., Washington, DC 20224.

2. ATF: Assistant Director, Office of Management, 650 Massachusetts Avenue, NW., Washington, DC 20226.

3. CC: Director, Administrative Services Division, 250 E Street, SW., Washington, DC 20219.

4. CUSTOMS: Chief, Security Management Branch, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

5. BEP: Director of Security, 14th & C Streets, NW., Room 113M, Washington, DC 20228.

6. FLETC: Director, Glynco Facility, Glynco, GA 31524.

7. FMS: Director, Administrative Programs Division, 3700 East West Highway, Hyattsville, MD 20782.

8. IRS: Director, Security Standards and Evaluation, 5000 Ellin Road, Lanham, MD 20706.

9. BPD: Director, Division of Administration, 200 Third Street, P.O. Box 1328, Parkersburg, WV 26106–1328.

10. Mint: Associate Director, Protection SBU, 801 9th Street, NW., Washington, DC 20220.

11. USSS: Deputy Assistant Director, Office of Administration, 950 H Street NW., Washington, DC 20001.

12. OTS: Director, Procurement and Administrative Services, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A—M.

RECORD ACCESS PROCEDURES:

See ''Notification procedures'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedures'' above.

RECORD SOURCE CATEGORIES:

Information is obtained from current Treasury employees, contractors, Treasury Emergency Executive Reservists, and Management.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .009

SYSTEM NAME:

Treasury Financial Management Systems—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. The locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. Financial Management Division, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW., Washington, DC 20224.

d. Community Development Financial Institutions Fund (CDFI): 601 13th Street, NW., Suite 200 South, Washington, DC 20005.

e. Federal Financing Bank (FFB): 1500 Pennsylvania Avenue, NW., South Court One, Washington, DC 20220.

f. Financial Crimes Enforcement Network (FinCEN): Vienna, VA 22182.

g. Office of the Assistant Secretary for International Affairs (OASIA): 1500 Pennsylvania Avenue, NW., Room 5441D, Washington, DC 20220.

h. Treasury Forfeiture Fund: 740 15th Street, NW., Suite 700, Washington, DC 20220.

i. Treasury Franchise Fund: 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW., Washington, DC 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW., Washington, DC 20219–0001.

(4) United States Customs Service (CUSTOMS): 1301 Constitution Avenue, NW., Washington DC 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

(8) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(9) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(10) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(11) United States Secret Service (USSS): 950 H Street, NW., Washington, DC 20001.

(12) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current and former Treasury employees, non-Treasury personnel on detail to the Department, current and former vendors, all debtors including employees or former employees; (2) persons paying for goods or services, returning overpayment or otherwise delivering cash; (3) individuals, private institutions and business entities who are currently doing business with, or who have previously conducted business with the Department of the Treasury to provide various goods and services; (4) individuals who are now or were previously involved in tort claims with Treasury; (5) individuals who are now or have previously been involved in payments (accounts receivable/revenue) with Treasury; and (6) individuals who have been recipients of awards. Only records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities, and organizations whose records are not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The financial systems used by the Treasury components to collect, maintain and disseminate information include the following types of records: Routine billing, payment, property accountability, and travel information used in accounting and financial processing; administrative claims by employees for lost or damaged property; administrative accounting documents, such as relocation documents, purchase orders, vendor invoices, checks, reimbursement documents, transaction amounts, goods and services descriptions, returned overpayments, or otherwise delivering cash, reasons for payment and debt, travel-related documents, training records, uniform allowances, payroll information, student intern documents, etc., which reflect amount owed by or to an individual for payments to or receipt from business firms, private citizens and or institutions. Typically, these documents include the individual's name, social security number, address, and taxpayer identification number. Records in the system also include employment data, payroll data, position and pay data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3512, 31 U.S.C. 3711, 31 U.S.C. 3721, 5 U.S.C. 5701 et seq., 5 U.S.C. 4111(b), Pub. L. 97–365, 26 U.S.C. 6103(m)(2), 5 U.S.C. 5514, 31 U.S.C. 3716, 31 U.S.C. 321, 5 U.S.C. 301, 5 U.S.C. 4101 et seq., 41 CFR parts 301–304, EO 11348, and Treasury Order 140–01.

PURPOSE(S):

The Treasury Integrated Financial Management and Revenue System is to account for and control appropriated resources; maintain accounting and financial information associated with the normal operations of government organizations such as billing and follow-up, for paying creditors, to account for goods and services provided and received, to account for monies paid and received, process travel authorizations and claims, process training claims, and process employee claims for lost or damaged property. The records management and statistical analysis subsystems provide a data source for the production of reports, statistical surveys, documentation and studies required for integrated internal management reporting of costs associated with the Department's operation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information: (1) To appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) To the Department of Justice when seeking legal advice, or when (a) the agency or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records;

(3) To a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when: (a) The agency, or (b) or any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (e) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(5) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(6) To the news media in accordance with guidelines contained in 28 CFR 50.2 which pertain to an agency's functions relating to civil and criminal proceedings;

(7) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(8) To a public or professional licensing organization when such information indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed;

(9) To a contractor for the purpose of compiling, organizing, analyzing, programming, processing, or otherwise refining records subject to the same limitations applicable to U.S. Department of the Treasury officers and employees under the Privacy Act;

(10) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena;

(11) Through a computer matching program, information on individuals owing debts to the Department of the Treasury, or any of its components, to other Federal agencies for the purpose of determining whether the debtor is a Federal employee or retiree receiving payments which may be used to collect the debt through administrative or salary offset;

(12) To other federal agencies to effect salary or administrative offset for the purpose of collecting debts, except that addresses obtained from the IRS shall not be disclosed to other agencies;

(13) To disclose information to a consumer reporting agency, including mailing addresses obtained from the Internal Revenue Service, to obtain credit reports;

(14) To a debt collection agency, including mailing addresses obtained from the Internal Revenue Service, for debt collection services;

(15) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor-management program for the purpose of processing any corrective actions, or grievances, or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties;

(16) To a public or professional auditing organization for the purpose of conducting financial audit and/or compliance audits;

(17) To a student participating in a Treasury student volunteer program, where such disclosure is necessary to support program functions of Treasury, and

(18) To insurance companies or other appropriate third parties, including common carriers and warehousemen, in the course of settling an employee's claim for lost or damaged property filed with the Department.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures made pursuant to 5 U.S.C. 552a(b)(12): Debt information concerning a government claim against an individual may be furnished in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982 (Pub. L. 97–365) to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, microform and electronic media.

RETRIEVABILITY:

Name, social security number, vendor ID number, and document number (travel form, training form, purchase order, check, invoice, etc.).

SAFEGUARDS:

Protection and control of sensitive but unclassified (SBU) records in this system is in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual components.

RETENTION AND DISPOSAL:

Record maintenance and disposal is in accordance with National Archives and Records Administration retention schedules, and any supplemental guidance issued by individual components.

SYSTEM MANAGER(S) AND ADDRESS:

(1) DO: a. Director, Financial Management Division, 1500 Pennsylvania Avenue, NW., Attn: 1310 G Street, 2nd floor, Washington, DC 20220.

b. OIG: Assistant Inspector General for Management Services, 740 15th St. NW., Suite 510, Washington, DC 20220.

c. FinCEN: Chief Financial Officer, Vienna, VA 22182.

d. CDFI Fund: Deputy Director for Management/CFO, 601 13th Street, NW., Suite 200 South, Washington, DC 20005.

e. FFB: Chief Financial Officer, 1500 Pennsylvania Avenue, NW., South Court One, Washington, DC 20220.

f. FinCEN: Associate Director, Office of Resource Management/CFO, Vienna, VA 22182.

g. OASIA: Financial Manager, 1500 Pennsylvania Avenue, NW., Room 5441D, Washington, DC 20220.

h. Treasury Forfeiture Fund: Assistant Director for Financial Management/CFO, 740 15th Street, NW., Suite 700, Washington, DC 20220.

i. Treasury Franchise Fund: Director, Office of Financial Management, 1500 Pennsylvania Avenue, NW. Attention: 1310 G Street, NW, 2nd Floor, Washington, DC 20220.

(2) ATF: Assistant Director, Office of Management, 650 Massachusetts Avenue, NW., Washington, DC 20226.

(3) IRS: Chief Financial Officer, Internal Revenue Service, 1111 Constitution Avenue, NW., Room 3013, Washington, DC 20224.

(4) BPD: Director, Division of Financial Management, Bureau of Public Debt, 200 Third Street, P.O. Box 1328, Parkersburg, WV 26106–1328.

(5) CUSTOMS: Chief Financial Officer, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Room 4.5–D, Washington, DC 20229.

(6) FLETC: Comptroller, Budget and Finance Division, Federal Law Enforcement Training Center, Glynco Facility, Bldg. 94, Glynco, GA 31524.

(7) CC: Chief Financial Officer, Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

(8) BEP: Chief Financial Officer, Bureau of Engraving and Printing, 14th and C Streets, NW., Room 113M, Washington, DC 20228.

(9) FMS: Chief Financial Officer, Financial Management Service, 3700 East West Highway, Room 106A, Hyattsville, MD 20782.

(10) Mint: Chief Financial Officer, U.S. Mint, 633 3rd Street, NW., Room 625, Washington, DC 20220.

(11) USSS: Financial Management Division, U.S. Secret Service, 1800 G Street, NW., Room 748, Washington, DC 20226.

(12) OTS: Controller, Office of Thrift Supervision, 1700 G Street, NW., Third Floor, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A—M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individuals, private firms, other government agencies, contractors, documents submitted to or received from a budget, accounting, travel, training or other office maintaining the records in the performance of their duties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .010

SYSTEM NAME:

Telephone Call Detail Records-Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220. The locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration TIGTA): 1111 Constitution Ave., NW., Washington, DC 20224.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW., Washington, DC 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW., Washington, DC 20219–0001.

(4) United States Customs Service (CUSTOMS): 1301 Constitution Avenue, NW., Washington DC 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

(7) Financial Crimes Enforcement Network (FinCEN) Vienna, Virginia 22182.

(8) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(9) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(10) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(11) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(12) United States Secret Service (USSS): 950 H Street, NW., Washington, DC 20001.

(13) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (generally agency employees and contractor personnel) who make local and/or long distance calls, individuals who received telephone calls placed from or charged to agency telephones.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the use of Department telephones to place local and/or long distance calls, whether through the Federal Telecommunications System (FTS), commercial systems, or similar systems; including voice, data, and videoconference usage; telephone calling card numbers assigned to employees; records of any charges billed to Department telephones; records relating to location of Department telephones; and the results of administrative inquiries to determine responsibility for the placement of specific local or long distance calls. Telephone calls made to any Treasury Office of Inspector General Hotline numbers are excluded from the records maintained in this system pursuant to the provisions of 5 U.S.C., Appendix 3, Section 7(b) (Inspector General Act of 1978).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 12 U.S.C. 93a, 12 U.S.C. 481, 5 U.S.C. 301 and 41 CFR 201–21.6.

PURPOSE(S):

The Department, in accordance with 41 CFR 201–21.6, Use of Government Telephone Systems, established the Telephone Call Detail program to enable it to analyze call detail information for verifying call usage, to determine responsibility for placement of specific long distance calls, and for detecting possible abuse of the government-provided long distance network.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information from these records may be disclosed:

(1) To representatives of the General Services Administration or the National Archives and Records Administration who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906;

(2) To employees or contractors of the agency to determine individual responsibility for telephone calls;

(3) To appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, or where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(4) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings where relevant and necessary;

(5) To a telecommunications company providing telecommunication support to permit servicing the account;

(6) To another Federal agency to effect an interagency salary offset, or an interagency administrative offset, or to a debt collection agency for debt collection services. Mailing addresses acquired from the Internal Revenue Service may be released to debt collection agencies for collection services, but shall not be disclosed to other government agencies;

(7) To the Department of Justice for the purpose of litigating an action or seeking legal advice;

(8) In a proceeding before a court, adjudicative body, or other administrative body, before which the agency is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to the litigation or has an interest in such litigation, and the use of such records by the agency is deemed relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(9) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(10) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor-management program for the purpose of processing any corrective actions or grievances or conducting administrative hearings or appeals or if needed in the performance of other authorized duties;

(11) To the Defense Manpower Data Center (DMDC), Department of Defense, the U.S. Postal Service, and other Federal agencies through authorized computer matching programs to identify and locate individuals who are delinquent in their repayment of debts owed to the Department, or one of its components, in order to collect a debt through salary or administrative offsets;

(12) In response to a Federal agency's request made in connection with the hiring or retention of an individual, issuance of a security clearance, license, contract, grant, or other benefit by the requesting agency, but only to the extent that the information disclosed is relevant and necessary to the requesting agency's decision on the matter.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 522a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collections Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microform, electronic media, and/or hard copy media.

RETRIEVABILITY:

Records may be retrieved by: Individual name; component headquarters and field offices; by originating or terminating telephone number; telephone calling card numbers; time of day; identification number, or assigned telephone number.

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual components.

RETENTION AND DISPOSAL:

Records are maintained in accordance with National Archives and Records Administration General Records Schedule 3. Hard copy and microform media disposed by shredding or incineration. Electronic media erased electronically.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices—Director, Customer Services Infrastructure and Operations, Department of the Treasury, Room 2150, 1425 New York Avenue, NW, Washington, DC 20220. The system managers for the Treasury components are:

(1) a. DO: Chief, Telecommunications Branch, Automated Systems Division, Room 1121, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

b. OIG: Assistant Inspector General for Management Services, 740 15th St. NW, Suite 510, Washington, DC 20220.

c. FinCEN: Deputy Director, Vienna, Virginia 22182.

(2) ATF: Assistant Director, Office of Science and Technology, 650 Massachusetts Avenue, NW, Washington, DC 20226.

(3) CC: Associate Director, Telecommunications, Systems Support Division, Office of the Comptroller of the Currency, 835 Brightseat Road, Landover, MD 20785.

(4) CUSTOMS: Chief, Voice Communications, Office of Systems Engineering and Operations, Field Office Division, 7681 Boston Boulevard, Springfield, VA 22153.

(5) BEP: Deputy Associate Director (Chief Information Officer), Office of Information Systems, Bureau of Engraving and Printing, Room 711A, 14th and C Street, SW., Washington, DC 20228.

(6) FLETC: Information Systems Officer, Information Systems Division, ISD-Building 94, Glynco, GA 31524.

(7) FMS: Director, Platform and Support Management, Room 424E, 3700 East West Highway, Hyattsville, MD 20782.

(8) IRS: Official prescribing policies and practices: National Director, Operations and Customer Support, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224. Office maintaining the system: Director, Detroit Computing Center, (DCC), 1300 John C. Lodge Drive, Detroit, MI 48226.

(9) Mint: Assistant Director for Information Resources Management, 633 3rd Street, NW, Washington, DC 20220.

(10) BPD: Official prescribing policies and practices: Assistant Commissioner

(Office of Automated Information Systems), 200 Third Street, Room 202, Parkersburg, WV 26106–1328. Office maintaining the system: Division of Communication, 200 Third Street, Room 107, Parkersburg, WV 26106–1328.

(11) USSS: Chief, Information Resources Management Division, 950 H Street, NW, Washington, DC 20001.

(12) OTS: Director, Office of Information Systems, 1700 G Street, NW, 2nd Floor, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Telephone assignment records, call detail listings, results of administrative inquiries to individual employees, contractors or offices relating to assignment of responsibility for placement of specific long distance or local calls.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .011

SYSTEM NAME:

Treasury Safety Incident Management Information System (SIMIS)—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. Other locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

d. Community Development Financial Institutions Fund (CDFI): 601 13th Street, NW, Washington, DC 20005.

e. Financial Crimes Enforcement Network (FinCEN): Vienna, VA 22182.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, DC 20226.

(3) Office of the Comptroller of the currency (OCC): 250 E Street, SW, Washington, DC 20219–0001.

(4) United States Customs Service (CUSTOMS): 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, GA 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

(8) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW, Washington, DC 20224.

(9) United States Mint (MINT): 801 9th Street, NW, Washington, DC 20220.

(10) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(11) United States Secret Service (USSS): 950 H Street, NW, Washington, DC 20001.

(12) Office of Thrift Supervision (OTS): 1700 G Street, NW, Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past Treasury employees and contractors who are injured on Department of the Treasury property or while in the performance of their duties offsite. Members of the public who are injured on Department of the Treasury property are also included in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system pertain to medical injuries and occupational illnesses of employees which include social security numbers, full names, job titles, government and home addresses (city, state, zip code), home telephone numbers, work telephone numbers, work shifts, location codes, and gender. Mishap information on environmental incidents, vehicle accidents, property losses and tort claims will be included also. In addition, there will be records such as results of investigations, corrective actions, supervisory information, safety representatives names, data as to chemicals used, processes affected, causes of losses, etc. Records relating to contractors include full name, job title, work addresses (city, state, zip code), work telephone number, location codes, and gender. Records pertaining to a member of the public include full name, home address (city, state, zip code), home telephone number, location codes and gender. (Official compensation claim file, maintained by the Department of Labor's Office of Workers' Compensation Programs (OWCP) is part of that agency's system of records and not covered by this notice.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Executive Order 12196, section 1–2.

PURPOSE(S):

This system of records supports the development and maintenance of a Treasury-wide incident tracking and reporting system and will make it possible to streamline a cumbersome paper process. Current web technology will be employed and facilitate obtaining real-time data and reports related to injuries and illnesses. As an enterprise system for the Department and its component bureaus, incidents analyses can be performed instantly to affect a more immediate implementation of corrective actions and to prevent future occurrences. Information pertaining to past and all current employees and contractors injured on Treasury property or while in the performance of their duties offsite, as well as members of the public injured while on Federal property, will be gathered and stored in SIMIS. This data will be used for analytical purposes such as trend analysis, and the forecasting/projecting of incidents. The data will be used to generate graphical reports resulting from the analyses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose pertinent information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(3) Disclose information to the Office of Workers' Compensation Programs, Department of Labor, which is responsible for the administration of the Federal Employees' Worker Compensation Act (FECA);

(4) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(5) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury (agency) is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(6) Disclose information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(7) Disclose information to a contractor for the purpose of processing administrative records and/or compiling, organizing, analyzing, programming, or otherwise refining records subject to the same limitations applicable to U.S. Department of the Treasury officers and employees under the Privacy Act;

(8) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena where relevant or potentially relevant to a proceeding;

(9) Disclose information to unions recognized as exclusive bargaining representatives under 5 U.S.C. chapter 71, arbitrators, and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties;

(10) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor management program for the purpose of processing any corrective actions or grievances or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties;

(11) Disclose information to a Federal, State, or local public health service agency as required by applicable law, concerning individuals who have contracted or who have been exposed to certain communicable diseases or conditions. Such information is used to prevent further outbreak of the disease or condition;

(12) Disclose information to representatives of the General Services Administration (GSA) or the National Archives and Records Administration (NARA) who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in hardcopy and electronic media.

RETRIEVABILITY:

Records can be retrieved by name, or by categories listed above under ''Categories of records in the system.''

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 7110, Department of the Treasury Security Manual. The hardcopy files and electronic media are secured in locked rooms. Access to the records is available only to employees responsible for the management of the system and/or employees of program offices who have a need for such information and have been subject to a background check and/or security clearance.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedule No. 1.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury official prescribing policies and practices: Director, Office of Safety, Health and Environment, Department of the Treasury, Washington, DC 20220. The system managers for the Treasury components are:

1. DO:

(a) Director, Occupational Safety and Health Office, Room 6204 Annex, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

(b) OIG: Safety and Occupational Health Manager, 740 15th Street, NW., Washington, DC 20220.

(c) TIGTA: Safety and Occupational Health Manager, 1111 Constitution Ave., NW., Washington, DC 20224

(d) CDFI: Safety and Occupational Health Manager, 601 13th Street, NW., Washington, DC 20005.

(e) FinCEN: Safety and Occupational Health Manager, Vienna, VA 22182.

2. ATF: Assistant Director, Office of Management, 650 Massachusetts Avenue, NW., Washington, DC 20226.

3. OCC: Safety and Occupational Health Manager, 250 E Street, SW, Washington, DC 20219–0001.

4. CUSTOMS: Safety and Occupational Health Manager, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

5. BEP: Safety and Occupational Health Manager, 14th & C Streets, SW, Washington, DC 20228.

6. FLETC: Safety and Occupational Health Manager, Glynco, GA. 31524.

7. FMS: Safety and Occupational Health Manager, PG 3700 East-West Highway, Hyattsville, MD 20782.

8. IRS: Safety and Occupational Health Manager, 1111 Constitution Avenue, NW., Washington, DC 20224.

9. MINT: Safety and Occupational Health Manager, 801 9th Street, NW., Washington, DC 20220.

10. BPD: Safety and Occupational Health Manager, 200 Third Street, Parkersburg, WV 26101.

11. USSS: Safety and Occupational Health Manager, 950 H Street, NW., Washington, DC 20001.

12. OTS: Safety and Occupational Health Manager, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices, A–L.

RECORD ACCESS PROCEDURES:

See ''Notification procedures'' above.

Contesting record procedures: See ''Notification procedures'' above.

RECORD SOURCE CATEGORIES:

Information is obtained from current Treasury employees, contractors, members of the public, witnesses, medical providers, and relevant industry experts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Departmental Offices
TREASURY/DO. 003

SYSTEM NAME:

Law Enforcement Retirement Claims Records—Treasury/DO.

SYSTEM LOCATION:

These records are located in the Office of Personnel Policy, Department of the Treasury, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted claims for law enforcement retirement coverage (claims) with their bureaus in accordance with 5 U.S.C. 8336(c)(1) and 5 U.S.C. 8412(d).

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to claims filed by current and former Treasury employees under 5 U.S.C. 8336(c)(1) and 5 U.S.C. 8412(d). These case files contain all documents related to the claim including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8336(c)(1), 8412(d), 1302, 3301, and 3302; E.O. 10577; 3 CFR 1954–1958 Comp., p. 218 and 1959–1963 Comp., p. 519; and E.O. 10987.

PURPOSE(S):

The purpose of the system is to make determinations concerning requests by Treasury employees that the position he or she holds qualifies as a law enforcement position for the purpose of administering employment and retirement benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used:

(1) To Disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) To disclose information to any source from which additional information is requested in the course of processing a claim, to the extent necessary to identify the individual whose claim is being adjudicated, inform the source of the purpose(s) of the request, and identify the type of information requested;

(3) To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an individual, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter;

(4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) To Disclose information which is necessary and relevant to the Department of Justice or to a court when the Government is party to a judicial proceeding before the court;

(6) To provide information to the National Archives and Records Administration for use in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908;

(7) To disclose information to officials of the Merit Systems Protection Board, the Office of the Special Counsel, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission, or the Office of Personnel Management when requested in performance of their authorized duties;

(8) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing Counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings; and

(9) To provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and electronic media.

RETRIEVABILITY:

By the names of the individuals on whom they are maintained.

SAFEGUARDS:

Lockable metal filing cabinets to which only authorized personnel have access. Automated databases are password protected.

RETENTION AND DISPOSAL:

Disposed of after closing of the case in accordance with General Records Schedule 1, Civilian Personnel Records, Category 7d.

SYSTEM MANAGER(S) AND ADDRESSES:

Director, Office of Personnel Policy, Room 6018-Metropolitan Square, Department of the Treasury, Washington, DC 20220.

NOTIFICATION PROCEDURE:

It is required that individuals submitting claims be provided a copy of the record under the claims process. They may, however, contact the agency personnel or designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

RECORD ACCESS PROCEDURES:

It is required that individuals submitting claims be provided a copy of the record under the claims process. However, after the action has been closed, an individual may request access to the official copy of the claim file by contacting the system manager. Individuals must provide the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding. Individuals wishing to request amendment to their records to correct factual errors should contact the system manager. Individuals must furnish the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided: (1) By the individual on whom the record is maintained, (2) by

testimony of witnesses, (3) by agency officials, (4) from related correspondence from organizations or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO. 007

SYSTEM NAME:

General Correspondence Files—Treasury/DO.

SYSTEM LOCATION:

Departmental Offices, Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. Components of this record system are in the following offices within the Departmental Offices:

1. Office of Foreign Assets Control
2. Office of Tax Policy
3. Office of the Assistant Secretary for International Affairs
4. Office of the Executive Secretariat
5. Office of Public Correspondence
6. Office of Legislative Affairs

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress, U.S. Foreign Service officials, officials and employees of the Treasury Department, officials of municipalities and state governments, and the general public, foreign nationals, members of the news media, businesses, officials and employees of other Federal Departments and agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming correspondence and replies pertaining to the mission, function, and operation of the Department, tasking sheets, and internal Treasury memorandum.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The manual systems and/or electronic databases (e.g., Treasury Automated Document System (TADS)) used by the system managers are to manage the high volume of correspondence received by the Departmental Offices and to accurately respond to inquiries, suggestions, views and concerns expressed by the writers of the correspondence. It also provides the Secretary of the Treasury with sentiments and statistics on various topics and issues of interest to the Department.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(2) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings;

(3) Provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114;

(4) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(5) Provide information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license;

(6) Provide information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, file folders and magnetic media.

RETRIEVABILITY:

By name of individual or letter number, address, assignment control number, or organizational relationship.

SAFEGUARDS:

Access is limited to authorized personnel with a direct need to know. Rooms containing the records are locked after business hours. Some folders are stored in locked file cabinets in areas of limited accessibility except to employees. Others are stored in electronically secured areas and vaults. Access to electronic records is by password.

RETENTION AND DISPOSAL:

Some records are maintained for three years, then destroyed by burning. Other records are updated periodically and maintained as long as needed. Some electronic records are periodically updated and maintained for two years after date of response; hard copies of those records are disposed of after three months in accordance with the NARA schedule. Paper records of the Office of the Executive Secretary are stored indefinitely at the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESSES:

1. Director, Office of Foreign Assets Control, U.S. Treasury Department, Room 2233, Treasury Annex, 1500 Pennsylvania Ave., NW., Washington, DC 20220.
2. Freedom of Information Act Officer, Office of Tax Policy, U.S. Treasury Department, Room 1041–MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.
3. Director, OASIA Secretariat, U.S. Treasury Department, Room 5422–MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.
4. Director, VIP Correspondence, Office of the Executive Secretariat, U.S. Treasury Department, Room 3419–MT, Washington, DC 20220.
5. Office of Public Correspondence, U.S. Treasury Department, Washington, DC 20220.
6. Deputy to the Assistant Secretary, Office of Legislative Affairs, U.S. Treasury Department, Room 3025–MT, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in this system may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Individuals must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (see ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Members of Congress or other individuals who have corresponded with the Departmental Offices, other governmental agencies (Federal, state and local), foreign individuals and official sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .010

SYSTEM NAME:

Office of Domestic Finance, Actuarial Valuation System—Treasury/DO.

SYSTEM LOCATION:

Departmental Offices, Office of Government Financing, Office of the Government Actuary, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants and beneficiaries of the Foreign Service Retirement and Disability System and the Foreign Service Pension System. Covered employees are located in the following agencies: Department of State, Department of Agriculture, Agency for International Development, Peace Corps, and the Department of Commerce.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system is as follows: Active Records: Name; social security number; salary; category-grade; year of entry into system; service computation date; year of birth; year of resignation or year of death, and refund if any; indication of LWOP status (if any); Retired Records: same as actives; annuity; year of separation; cause of separation (optional, disability, deferred, etc.); years and months of service by type of service; single or married; spouse's year of birth; principal's year of death; number of children on annuity roll; children's years of birth and annuities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 1101.

PURPOSE(S):

Public Law 95–595 requires that annual actuarial valuations be conducted for Federal retirement systems. In order to satisfy this requirement, participant data must be collected so that liabilities for the Foreign Service Retirement and Disability System and the Foreign Service Pension System can be actuarially determined.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data regarding specific individuals is released only to the contributing agency for purposes of verification.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is stored electronically.

RETRIEVABILITY:

Alphabetically.

SAFEGUARDS:

Access is restricted to employees of the Office of the Government Actuary. Passwords are required to access the data.

RETENTION AND DISPOSAL:

Records are retained on a year-to-year basis. When agencies whose pension funds are valued forward new records for valuation, older records are discarded.

SYSTEM MANAGER(S) AND ADDRESS:

The Government Actuary, Departmental Offices, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (see ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Data for actuarial valuation are provided by organizations responsible for pension funds listed under ''category of individual,'' namely the Department of State, Department of Agriculture, United States Information Agency, Agency for International Development, Peace Corps, and the Department of Commerce.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .015

SYSTEM NAME:

Political Appointee Files—Treasury/DO.

SYSTEM LOCATION:

Department of the Treasury, Departmental Offices, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who may possibly be appointed to political positions in the Department of the Treasury, consisting of Presidential appointees requiring Senate confirmation; non-career Senior Executive Service appointees; and Schedule C appointees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files may consist of the following: Referral letters; White House clearance letters; information about an individual's professional licenses (if applicable); IRS results of inquiries; notation of National Agency Check (NAC) results (favorable or otherwise); internal memoranda concerning an individual; Financial Disclosure Statements (Standard Form 278); results of inquiries about the individual; Questionnaire for National Security Positions Standard Form 86; Personal Data Statement and General Counsel Interview sheets; published works including books, newspaper and magazine articles, and treatises by the individual; newspaper and magazine articles written about or referring to the individual; and or articles containing quotes by the individual, and other correspondence relating to the selection and appointment of political appointees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301, 3302 and E.O. 10577.

PURPOSE(S):

These records are used by authorized personnel within the Department to determine a potential candidate's suitability for appointment to non-career positions within the Department of the Treasury.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed to:

(1) The Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, and General Accounting Office for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations;

(2) A Federal, state, local or foreign agency maintaining civil, criminal or other relevant enforcement information or other pertinent information which has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or

issuance of a security clearance, license, contract, grant, or other benefit;

(3) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(4) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; and

(6) Appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation of, or for implementing a statute, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Correspondence and forms in file folders. Records are also maintained in electronic media.

RETRIEVABILITY:

Information accessed by last name of individual and Social Security Number.

SAFEGUARDS:

Building employs security guards. Data is kept in locked file cabinets and is accessible to authorized personnel only. Electronic media is password protected.

RETENTION AND DISPOSAL:

Records are destroyed at the end of the Presidential administration during which the individual is hired. For non-selectees, records of individuals who are not hired are destroyed one year after the file is closed, but not later than the end of the Presidential administration during which the individual is considered.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Staff, Department of the Treasury, Rm 3420, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be informed if they are named in this system or gain access to records maintained in the system must submit a written, signed request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment, or similar information). Address inquiries to Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

RECORD ACCESS PROCEDURES:

See ''Record Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Record Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Records are submitted by the individuals and compiled from interviews with those individuals seeking non-career positions. Additional sources may include The White House, Office of Personnel Management, Internal Revenue Service, Department of Justice and international, state, and local jurisdiction law enforcement components for clearance documents, and other correspondence and public record sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .060

SYSTEM NAME:

Correspondence Files And Records On Employee Complaints and/or Dissatisfaction-Treasury/DO.

SYSTEM LOCATION:

Office of Personnel Policy, Room 4150-Annex, Pennsylvania Avenue at Madison Place, NW., Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and current Department employees who have submitted complaints to the Office of Personnel or whose correspondence concerning a matter of dissatisfaction has been referred to the Office of Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence dealing with former and current employee complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To maintain a record of correspondence related to employee complaints filed with the Departmental Office of Personnel Policy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, state, and local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential civil or criminal law or regulation;

(2) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(3) Provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114;

(4) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, file cabinets.

RETRIEVABILITY:

By bureau and employee name.

SAFEGUARDS:

Maintained in filing cabinet and released only to Office of Personnel staff or other Treasury officials on a need-to-know basis.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of the Treasury Directive 25–02, ''Records Disposition Management Program'' and the General Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Policy, Department of the Treasury, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Persons inquiring as to the existence of a record on themselves may contact: Assistant Director, (Human Relations) Department of the Treasury, Room 4150-Annex, Pennsylvania Avenue at Madison Place, NW., Washington, DC 20220. The inquiry must include the individual's name and employing bureau.

RECORD ACCESS PROCEDURES:

Persons seeking access to records concerning themselves may contact: The

Director, Office of Personnel Policy, Department of the Treasury, Room 4150-Annex, Pennsylvania Avenue at Madison Place, NW., Washington, DC 20220. The inquiry must include the individual's name and employing bureau.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment to their records to correct factual error should contact the Director of Personnel at the address shown in Access, above. They must furnish the following information: (a) Name; (b) employing bureau; (c) the information being contested; (d) the reason why they believe information is untimely, inaccurate, incomplete, irrelevant, or unnecessary.

RECORD SOURCE CATEGORIES:

Current and former employees, and/or representatives, employees' relatives, Congressmen, the White House, management officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .111

SYSTEM NAME:

Office of Foreign Assets Control Census Records-Treasury/DO.

SYSTEM LOCATION:

Office of Foreign Assets Control Treasury Annex, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Although most reporters in the Census in this system of records are not individuals, such censuses reflect some small number of U.S. individuals as holders of assets subject to U.S. jurisdiction which are blocked under the various sets of Treasury Department regulations involved.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of several censuses of U.S.-based, foreign-owned assets which have been blocked at any time since 1940 under Treasury Department regulations found under 31 CFR part 1, subpart B, Chapter V.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C., App. 5(b); 22 U.S.C. 2370(a); 50 U.S.C. 1701 *et seq.*; and 31 CFR Ch. V.

PURPOSE(S):

This system of records is used to identify and administer assets of blocked foreign governments, groups or persons. Censuses are undertaken at various times for specific sanction programs to identify the location, type, and value of property frozen under OFAC administered programs. The information is obtained by requiring reports from all U.S. holders of blocked property subject to the reporting requirements. The reports normally contain information such as the name of the U.S. holder, the foreign account party, location of the property and a description of the type and value of the asset. In some instances, adverse claims by U.S. persons against the blocked property are also reported.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose information to appropriate state agencies which are concerned with or responsible for abandoned property;

(2) Disclose information to foreign governments in accordance with formal or informal international agreements;

(3) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(5) Provide certain information to appropriate senior foreign-policy-making officials in the Department of State.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records stored on magnetic media and/or as hard copy documents.

RETRIEVABILITY:

By name of holder or custodian or owner of blocked property.

SAFEGUARDS:

Locked room, or in locked file cabinets located in areas in which access is limited to Foreign Assets Control employees. Computerized records are password-protected.

RETENTION AND DISPOSAL:

Records are periodically updated and maintained as long as needed. When no longer needed, records are retired to Federal Records Center or destroyed in accordance with established procedures.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Foreign Assets Control, Room 2233-Annex, Department of the Treasury, NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in the system, must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of record sought; and (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (See ''Record access procedures'' below.)

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Custodians or other holders of blocked assets.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .114

SYSTEM NAME:

Foreign Assets Control Enforcement Records-Treasury/DO.

SYSTEM LOCATION:

Office of Foreign Assets Control, Treasury Annex, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have engaged in or who are suspected of having engaged in transactions and activities prohibited by Treasury Department regulations found at 31 CFR Part 1, subpart B, Chapter V.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents related to suspected or actual violations of relevant statutes and regulations administered by the Office of Foreign Assets Control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C., App. 5(b); 50 U.S.C. 1701 et. seq.; 22 U.S.C. 287(c); 22 U.S.C. 2370(a); and 31, CFR, Chapter V; 100 Stat. 1086, as amended by H.J. Res. 756, Pub. L. 99–631.

PURPOSE(S):

This system of records is used to document investigation and administrative action taken with respect to individuals and organizations

suspected of violating statutes and regulations administered and enforced by the Office of Foreign Assets Control. Possible violations may relate to financial, commercial or other transactions with foreign governments, entities or special designated nationals. Suspected criminal violations are investigated primarily by the U.S. Customs Service. Non-criminal cases are pursued administratively for civil penalty consideration. This system is also used to generate statistical information on the number of investigative, criminal and civil cases upon which action has been taken.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose information to appropriate Federal agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license;

(2) Disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement or other pertinent information, which has requested information relevant to or necessary to the requesting agency's official functions;

(3) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in response to a subpoena or in connection with criminal law proceedings;

(4) Disclose information to foreign governments in accordance with formal or informal international agreements;

(5) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and magnetic media.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Folders in locked file cabinets are located in areas of limited accessibility. Computerized records are password-protected.

RETENTION AND DISPOSAL:

Records are periodically updated and are maintained as long as necessary. When no longer needed, records are retired to Federal Records Center or destroyed in accordance with established procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Foreign Assets Control, Room 2233-Annex, U.S. Treasury Department, Washington, DC 20220.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

From the individual, from the Office of Foreign Assets Control investigations, and from other federal, state or local agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4), (G), (H), (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/DO .118

SYSTEM NAME:

Foreign Assets Control Licensing Records-Treasury/DO.

SYSTEM LOCATION:

Office of Foreign Assets Control, Treasury Annex, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for permissive and authorizing licenses under Treasury Department regulations found at 31 CFR part 1 subpart B, Chapter V.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for Treasury licenses-together with related and supporting documentary material and copies of licenses issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C., App. 5(b); 22 U.S.C. 2370(a); 22 U.S.C. 287(c); 50 U.S.C. 1701 et seq. 31 CFR, Chapter V; 100 Stat. 1086, as amended by H.J. Res. 756, Pub. L. 99–631.

PURPOSE(S):

This system of records contains requests from U.S. and foreign persons or entities for licenses to engage in commercial transactions, travel to foreign countries, to unblock property and bank accounts or to engage in other activities otherwise prohibited under economic sanctions administered by the Office of Foreign Assets Control. This system is also used during enforcement investigations, when applicable, and to generate information used in required reports to the Congress by the President on the number and types of licenses granted or denied under particular sanction programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing or implementing, a statute, rule, regulation, order, or license;

(2) Disclose information to the Department of State, Commerce, Defense or other federal agencies, in connection with Treasury licensing policy or other matters of mutual interest or concern;

(3) Disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement or other pertinent information, which has requested information relevant to or necessary to the requesting agency's official functions;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or witnesses, in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena or in connection with criminal law proceedings;

(5) Disclose information to foreign governments in accordance with formal or informal international agreements;

(6) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and magnetic media.

RETRIEVABILITY:

The records are retrieved by license or letter number.

SAFEGUARDS:

Folders in locked filed cabinets are located in areas of limited accessibility. Computerized records are password-protected.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed. When no longer needed, records are retired to Federal Records Center or destroyed in accordance with established procedures.

SYSTEM MANAGER(S) AND ADDRESSES:

Director, Office of Foreign Assets Control, Room 2233–Annex, Department of the Treasury, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in the system of records, must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (See ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Applicants for Treasury Department licenses under regulations administered by the Office of Foreign Assets Control.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .144

SYSTEM NAME:

General Counsel Litigation Referral and Reporting System-Treasury/DO.

SYSTEM LOCATION:

U.S. Department of the Treasury, Office of the General Counsel, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are parties, plaintiff or defendant, in civil litigation or administrative proceedings involving or concerning the Department of the Treasury or its officers or employees. The system does not include information on every civil litigation or administrative proceeding involving the Department of the Treasury or its officers and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a computer data base containing information related to litigation or administrative proceedings involving or concerning the Department of the Treasury or its officers or employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 31 U.S.C. 301.

PURPOSE(S):

The purposes of this system are: (1) To record service of process and the receipt of other documents relating to litigation or administrative proceedings involving or concerning the Department of the Treasury or its officers or employees, and (2) to respond to inquiries from Treasury personnel, personnel from the Justice Department and other agencies, and other persons concerning whether service of process or other documents have been received by the Department in a particular litigation or proceeding.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, State, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena or in connection with criminal law proceedings;

(4) Disclose information to foreign governments in accordance with formal or informal international agreements;

(5) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(6) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings;

(7) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The computerized records are maintained in computer data banks. Printouts of the data may be made.

RETRIEVABILITY:

The computer information is accessible by the name of the non-government party involved in the case, and case number and docket number (when available).

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel.

RETENTION AND DISPOSAL:

The computer information is maintained for up to ten years or more after a record is created.

SYSTEM MANAGER(S) AND ADDRESS:

Counselor to the General Counsel, Office of the General Counsel, Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) An identification of the record system; and (2) an identification of the category and type of records sought. This system contains records that are exempt under 31 CFR l.36; 5 U.S.C. 552a(j)(2); and (k)(2). Address inquiries to Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Treasury Department Legal Division, Department of Justice Legal Division.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(d), (e)(1), (e)(3), (e)(4)(G),(H), (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/DO .149

SYSTEM NAME:

Foreign Assets Control Legal Files-Treasury/DO

SYSTEM LOCATION:

U.S. Department of the Treasury, Room 3133-Annex, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are or who have been parties in litigation or other matters involving the Office of Foreign Assets Control or involving statutes and regulations administered by the agency found at 31 CFR part 1 subpart B, chapter V.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information and documents relating to litigation and other matters involving the Office of Foreign Assets Control or statutes and regulations administered by the agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 301; 50 U.S.C. App. 5(b); 50 U.S.C. 1701 *et seq;* 22 U.S.C. 278(c); and other statutes relied upon by the President to impose economic sanctions.

PURPOSE(S):

These records are maintained to assist in providing legal advice to the Office of Foreign Assets Control and the agency regarding issues of compliance, enforcement, investigation, and implementation of matters related to the Office of Foreign Assets Control and the statutes and regulations administered by the agency. These records are also maintained to assist in litigation related to the Office of Foreign Assets Control and the statutes and regulations administered by the agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Prosecute, defend, or intervene in litigation related to the Office of Foreign Assets Control and statutes and regulations administered by the agency,

(2) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license;

(3) Disclose information to a Federal, State, or local agency, maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's official functions;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings;

(5) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Folders in file cabinets and magnetic media.

RETRIEVABILITY:

By name of private plaintiff or defendant.

SAFEGUARDS:

Folders are in lockable file cabinets located in areas of limited public accessibility. Where records are maintained on computer hard drives, access to the files is password-protected.

RETENTION AND DISPOSAL:

Records are periodically updated and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, Foreign Assets Control, U.S. Treasury Department, 1500 Pennsylvania Ave., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

RECORD ACCESS PROCEDURES:

Address inquiries to Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Pleadings and other materials filed during course of a legal proceeding, discovery obtained pursuant to applicable court rules; materials obtained by Office of Foreign Assets Control investigation; material obtained pursuant to requests made to other Federal agencies; orders, opinions, and decisions of courts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .183

SYSTEM NAME:

Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy—Treasury/DO.

SYSTEM LOCATION:

Room 4040–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have had private relief tax bills introduced in Congress on their behalf.

CATEGORIES OF RECORDS IN THE SYSTEM:

Congressional Committee or OMB request for Treasury views on proposed legislation, plus comments on proposal from offices or bureaus of Treasury, plus the Internal Revenue Service data concerning the issues involved and that unit's recommendation, and the report of the Treasury on the Bill.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The files of private relief tax bills contain records of policy positions and issues involved in Congressional private relief tax bills.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to OMB and Congress.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folders.

RETRIEVABILITY:

By bill numbers or name of person for whom relief is sought.

SAFEGUARDS:

Access limited to Tax Policy personnel.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed until shipped to National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Management Services, Office of Tax Policy, Room 1041–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (See ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Principally the Congress and the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .190

SYSTEM NAME:

Investigation Data Management System—Treasury/DO.

SYSTEM LOCATION:

Office of Inspector General (OIG), Assistant Inspector General for Investigations, 740 15th St., NW, Suite 500, Washington, DC 20220; Field Offices in Alexandria, VA; Marlton, NJ; Houston, TX; Los Angeles, CA; San Francisco, CA; Miramar, FL, and Chicago, IL. Addresses may be obtained from the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Current and former employees of the Department of the Treasury and persons whose association with current and former employees relate to the alleged violations of the rules of ethical conduct for employees of the Executive Branch, the Department's supplemental standards of ethical conduct, the Department's rules of conduct, merit system principles, or any other criminal or civil misconduct, which affects the integrity or facilities of the Department of Treasury. The names of individuals and the files in their names may be: (1) Received by referral; or (2) initiated at the discretion of the Office of the Inspector General in the conduct of assigned duties.

(B) Individuals who are: Witnesses; complainants; confidential or non-confidential informants; suspects; defendants; parties who have been identified by the Office of the Inspector General, constituent units of the Department of Treasury, other agencies, or members of the general public in connection with the authorized functions of the Inspector General.

(C) Current and former senior Treasury and bureau officials who are the subject of investigations initiated and conducted by the Office of the Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Letters, memoranda, and other documents citing complaints of alleged criminal or administrative misconduct.

(B) Investigative files which include: (1) Reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits, records or other pertinent documents obtained during investigations; (2) transcripts and documentation concerning requests and approval for consensual (telephone and consensual non-telephone) monitoring; (3) reports from or to other law enforcement bodies; (4) prior criminal or noncriminal records of individuals as they relate to the investigations; and (5) reports of actions taken by management personnel regarding misconduct and reports of legal actions resulting from violations of statutes referred to the Department of Justice for prosecution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Inspector General Act of 1978, as Amended, 5 U.S.C.A. App.3; 5 U.S.C. 301; 31 U.S.C. 321.

PURPOSE(S):

The records and information collected and maintained in this system are used to (a) receive allegations of violations of the standards of ethical conduct for employees of the Executive Branch (5 CFR part 2635), the Treasury Department's supplemental standards of ethical conduct (5 CFR part 3101), the Treasury Department's rules of conduct (31 CFR part 0), the Office of Personnel Management merit system principles, or any other criminal or civil law; and to (b) prove or disprove allegations which the OIG receives that are made against Department of the Treasury employees, contractors and other individuals associated with the Department of the Treasury.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation;

(2) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, or where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(3) Disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena or in connection with criminal law proceedings;

(5) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(6) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings;

(7) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file jackets are maintained in a secured locked room. Electronic records are password protected; backup media are maintained in a locked room.

RETRIEVABILITY:

Paper: Alphabetically by name of subject or complainant, by case number, and by special agent name and/or employee identifying number. Electronic: by complainant, subject, victim, or witness case number, and by special agent name.

SAFEGUARDS:

Paper records and word processing disks are maintained in locked safes and all access doors are locked when offices are vacant. Automated records are controlled by computer security programs which limit access to authorized personnel who have a need for such information in the course of their duties. The records are available to Office of Inspector General personnel who have an appropriate security clearance on a need-to-know basis.

RETENTION AND DISPOSAL:

Investigative files are stored on-site for 3 years at which time they retired to the Federal Records Center, Suitland, Maryland, for temporary storage. In most instances, the files are destroyed when 10 years old. However, if the files have significant or historical value, they are retained on-site for 3 years, then retired to the Federal Records Center for 22 years, at which time they are transferred to the National Archives and Records Administration for permanent retention. In addition, an automated investigative case tracking system is maintained on-site; the case information deleted 15 years after the case is closed, or when no longer needed, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations, 740 15th St., NW, Suite 500, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual, or for contesting the contents of a record.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals'' above. This system contains investigatory material for which sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36.

TREASURY/DO .191

SYSTEM NAME:

Human Resources and Administrative Records System.

SYSTEM LOCATION:

Office of Inspector General (OIG), all headquarters, regional and field offices. (See appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Office of Inspector General.

Categories of records in the system:

(1) Personnel system records contain OIG employee name, office, start of employment, series/grade, title, separation date; (2) Tracking records contain status information on audits, investigations and other projects from point of request or annual planning through follow-up and closure; (3) Timekeeping records contain assigned projects and distribution of time; (4) Equipment inventory records contain assigned equipment; (5) Travel records contain dates, type of travel and costs; (6) Training records contain dates, title of training, and costs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended; (5 U.S.C. Appendix 3) 5 U.S.C. 301; and 31 U.S.C. 321.

PURPOSE(S):

The purpose of the system is to: (1) Manage effectively OIG resources and projects; (2) capture accurate statistical data for mandated reports to the Secretary of the Treasury, the Congress, the Office of Management and Budget, the General Accounting Office, the President's Council on Integrity and Efficiency and other Federal agencies; and (3) provide accurate information critical to the OIG's daily operation, including employee performance and conduct.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) A record from the system of records, which indicates, either by itself or in combination with other information, a violation or potential violation of law, whether civil or criminal, and whether arising by statute, regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local, or foreign agency or other public authority that investigates or prosecutes or assists in investigation or prosecution of such violation, or enforces or implements or assists in enforcement or implementation of the statute, rule, regulation or order.

(2) A record from the system of records may be disclosed to a Federal, State, local, or foreign agency or other public authority, or to private sector (*i.e.,* non-Federal, State, or local government) agencies, organizations, boards, bureaus, or commissions, which maintain civil, criminal, or other relevant enforcement records or other pertinent records, such as current licenses in order to obtain information relevant to an agency investigation, audit, or other inquiry, or relevant to a decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant or other benefit, the establishment of a claim, or the initiation of administrative, civil, or criminal action. Disclosure to the private sector may be made only when the records are properly constituted in accordance with agency requirements; are accurate, relevant, timely and complete; and the disclosure is in the best interest of the Government.

(3) A record from the system of records may be disclosed to a Federal, State, local, or foreign agency or other public authority, or private sector (i.e., non-Federal, State, or local government) agencies, organizations, boards, bureaus, or commissions, if relevant to the recipient's hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant or other benefit, the establishment of a claim, or the

initiation of administrative, civil, or criminal action. Disclosure to the private sector may be made only when the records are properly constituted in accordance with agency requirements; are accurate, relevant, timely and complete; and the disclosure is in the best interest of the Government.

(4) A record from the system of records may be disclosed to any source, private or public, to the extent necessary to secure from such source information relevant to a legitimate agency investigation, audit, or other inquiry.

(5) A record from the system of records may be disclosed to the Department of Justice when the agency or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

(6) A record from the system of records may be disclosed in a proceeding before a court or adjudicative body, when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

(7) A record from the system of records may be disclosed to a Member of Congress from the record of an individual in response to an inquiry from the Member of Congress made at the request of that individual.

(8) A record from the system of records may be disclosed to the Department of Justice and the Office of Government Ethics for the purpose of obtaining advice regarding a violation or possible violation of statute, regulation, rule or order or professional ethical standards.

(9) A record from the system of records may be disclosed to the Office of Management and Budget for the purpose of obtaining its advice regarding agency obligations under the Privacy Act, or in connection with the review of private relief legislation.

(10) A record from the system of records may be disclosed in response to a subpoena issued by a Federal agency having the power to subpoena records of other Federal agencies if, after careful review, the OIG determines that the records are both relevant and necessary to the requesting agency's needs and the purpose for which the records will be used is compatible with the purpose for which the records were collected.

(11) A record from the system of records may be disclosed to a private contractor for the purpose of compiling, organizing, analyzing, programming, or otherwise refining records subject to the same limitations applicable to U.S. Department of Treasury officers and employees under the Privacy Act.

(12) A record from the system of records may be disclosed to a grand jury agent pursuant either to a Federal or State grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury provided that the Grand Jury channels its request through the cognizant U.S. Attorney, that the U.S. Attorney has been delegated the authority to make such requests by the Attorney General, that she or he actually signs the letter specifying both the information sought and the law enforcement purpose served. In the case of a State Grand Jury subpoena, the State equivalent of the U.S. Attorney and Attorney General shall be substituted.

(13) A record from the system of records may be disclosed to a Federal agency responsible for considering suspension or debarment action where such record would be relevant to such action.

(14) A record from the system of records may be disclosed to an entity or person, public or private, where disclosure of the record is needed to enable the recipient of the record to take action to recover money or property of the United States Department of the Treasury, where such recovery will accrue to the benefit of the United States, or where disclosure of the record is needed to enable the recipient of the record to take appropriate disciplinary action to maintain the integrity of the programs or operations of the Department of the Treasury.

(15) A record from the system of records may be disclosed to a Federal, state, local or foreign agency, or other public authority, for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by an agency, to support civil and criminal law enforcement activities of any agency and its components, and to collect debts and over payments owed to any agency and its components.

(16) A record from the system of records may be disclosed to a public or professional licensing organization when such record indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed.

(17) A record from the system of records may be disclosed to the Office of Management and Budget, the General Accounting Office, the President's Council on Integrity and Efficiency and other Federal agencies for mandated reports.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Debtor information may also be furnished, in accordance with 5 U.S.C. 552a(b)(12) and 31 U.S.C. 3711(e) to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and electronic media.

RETRIEVABILITY:

Most files are accessed by OIG employee name, employee identifying number, office, or cost center. Some records may be accessed by entering equipment or project information.

SAFEGUARDS:

Access is limited to OIG employees who have a need for such information in the course of their work. A central network server is password protected by account name and user password. Access to records on electronic media is controlled by computer passwords. Access to specific system records is further limited and controlled by computer security programs limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and are retained as long as necessary.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Management Services, 740 15th St. NW, Suite 510, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix A. Individuals must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identifying number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (see ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CONTESTING RECORDS PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Current and former employees of the OIG.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Appendix A—Addresses of OIG Offices

HEADQUARTERS:

Department of the Treasury, Office of Inspector General, Office of the Assistant Inspector General for Management Services, 740 15th Street, NW, Suite 510, Washington, DC 20220.

FIELD LOCATIONS:

Contact System Manager for addresses.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, El Segundo, CA 90245–4341.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, San Francisco, CA 94105.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, Miramar, FL 33027.

Department of the Treasury, Offices of Audit and Investigations, Chicago, IL 60603.

Department of the Treasury, Office of Inspector General, Office of Audit, Indianapolis, IN 46278.

Department of the Treasury, Office of Inspector General, Office of Audit, Boston, MA 02110–3350.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, Marlton, NJ 08053.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, Houston, TX 77057.

Department of the Treasury, Office of Inspector General, Office of Investigations, Alexandria, VA 22314.

TREASURY/DO .193

SYSTEM NAME:

Employee Locator and Automated Directory System-Treasury/DO.

SYSTEM LOCATION:

Main Treasury Building, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information on all employees of the Department is maintained in the system if the proper locator card is provided.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, office telephone number, bureau, office symbol, building, room number, home address and phone number, and person to be notified in case of emergency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The Employee Locator and Automated Directory System is maintained for the purpose of providing current locator and emergency information on all DO employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosures are not made outside of the Department.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy and magnetic media.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

All records, including computer system and all terminals are located within secure space. Only authorized personnel have access.

RETENTION AND DISPOSAL:

Records are kept as long as needed, updated periodically and destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Telephone Operator Services Branch, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

See ''System manager'' above.

RECORD ACCESS PROCEDURES:

See ''System manager'' above.

CONTESTING RECORD PROCEDURES:

See ''System manager'' above.

RECORD SOURCE CATEGORIES:

Information is provided by individual employees. Necessary changes made if requested.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .194

SYSTEM NAME:

Circulation System—Treasury.

SYSTEM LOCATION:

Department of the Treasury, Library and Information Services Division, Room 1428–MT, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who borrow library materials or receive library materials on distribution. The system also contains records concerning interlibrary loans to local libraries which are not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of items borrowed from the Treasury Library collection and patron records are maintained on central computer. Records are maintained by name of borrower, office locator information, and title of publication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

Track circulation of library materials and their borrowers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic media.

RETRIEVABILITY:

Data can be retrieved from the system by borrower name or bar code number and publication title or its associated bar code number.

SAFEGUARDS:

Access to the system requires knowledge of password identification codes and protocols for calling up the data files. Access to the records is limited to staff of the Readers Services Branch who have a need-to-know the information for the performance of their duties.

RETENTION AND DISPOSAL:

Only current data are maintained on-line. Records for borrowers are deleted when employee leaves Treasury.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Library and Information Services, Department of the Treasury, Room 1428–MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington DC 20220.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Patron information records are completed by borrowers and library staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .196

SYSTEM NAME:

Security Information System-Treasury/DO.

SYSTEM LOCATION:

Components of this system are located in the following offices within the Departmental Offices: Office of Security, Room 3180 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, and Room 3170 Treasury Annex, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Department of the Treasury officials who classify documents with a national security classification, *i.e.,* Top Secret, Secret, or Confidential.

(2) Each Department of the Treasury official, by name and position title, who has been delegated the authority to downgrade and declassify national security information and who is not otherwise authorized to classify a document at its present classification level.

(3) Each Department of the Treasury official, by name and position title, who has been delegated the authority for original classification of national security information, exclusive of officials specifically authorized original classification authority by Treasury Order 102–10.

(4) Each Department of the Treasury office by name and position title delegated the authority to derivatively classify national security information in accordance with an approved classification guide or on the basis of source documents.

(5) Each Department of the Treasury official who does not have original classification authority for national security information and who is not authorized to downgrade and declassify national security information, but who may control and/or decontrol limited official use information.

(6) An alphabetical listing of Department of the Treasury employees who have valid security violations as a result of the improper handling, safeguarding, or storage of classified national security and sensitive but unclassified information.

(7) Department of the Treasury personnel concerned with classified national security and sensitive but unclassified use information who have participated in a security orientation program regarding the salient features of the security requirements and procedures for the handling and safeguarding of such information.

CATEGORIES OF RECORDS IN THE SYSTEM:

The following records are maintained by the Director of Security: (1) Report of Authorized Downgrading and Declassification Officials, (2) Report of Authorized Classifiers, (3) Report of Authorized Derivative Classifiers, (4) Designation of Controlling/Decontrolling Officials, (5) Record of Security Violation, and (6) the Security Orientation Acknowledgment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order No. 12958, dated April 17, 1995, as amended, and Office of Security Manual, TDP 71–10.

PURPOSE(S):

The system is designed to (1) oversee compliance with Executive Order No. 12958 and Departmental programming and implementation, (2) ensure proper classification of national security information, (3) record details of valid security violations and (4) assist in determining the effectiveness of information security programs affecting classified and sensitive but unclassified information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

These records may be used to disclose information to appropriate Federal agencies and for enforcing or implementing a statute, rule, regulation or order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard Copy paper files.

RETRIEVABILITY:

Manually filed and indexed by office or bureau, date, name of official and position title, where appropriate.

SAFEGUARDS:

Secured in security equipment to which access is limited to personnel with the need to know.

RETENTION AND DISPOSAL:

With the exception of the Record of Security Violation, which is maintained for a period of two years, and the Security Orientation Acknowledgment, the remaining records are destroyed and/or updated on an annual basis. Destruction is effected by shredding or other comparable means.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Security, 3180 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in this system, must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and types of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information) to the Assistant Director, Disclosure Services. (See ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

The sources of the information are office and bureau employees of the Department of the Treasury. The information concerning any security violation is reported by Department of the Treasury security officials and Department of State security officials as concerns Treasury personnel attached to U.S. diplomatic posts or missions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .200

SYSTEM NAME:

FinCEN Data Base-Treasury/DO.

SYSTEM LOCATION:

The Financial Crimes Enforcement Network, Vienna, VA 22182.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals who relate in any manner to official FinCEN efforts in support of the enforcement of the Bank Secrecy Act and money-laundering and other financial crimes. Such individuals may include, but are not limited to, subjects of investigations and prosecutions; suspects in investigations; victims of such crimes; witnesses in such investigations and prosecutions; and close relatives and associates of any of these individuals who may be relevant to an investigation; (2) current and former FinCEN personnel whom FinCEN considers relevant to an investigation or inquiry; (3) individuals who are the subject of unsolicited information possibly relevant to violations of law or regulations, who offer unsolicited information relating to such violations, who request assistance from FinCEN, and who make inquiries of FinCEN.

CATEGORIES OF RECORDS IN THE SYSTEM:

Every possible type of information that contributes to effective law enforcement may be maintained in this system of records, including, but not limited to, subject files on individuals, corporations, and other legal entities; information provided pursuant to the Bank Secrecy Act; information gathered pursuant to search warrants; statements of witnesses; information relating to past queries of the FinCEN Data Base; criminal referral information; complaint information; identifying information regarding witnesses, relatives, and associates; investigative reports; and intelligence reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 31 U.S.C. 5311 *et seq.*; 31 CFR part 103; Treasury Department Order No. 105–08 (April 25, 1990).

PURPOSE(S):

The purpose of this system of records is to support FinCEN's efforts to provide a government-wide, multi-source intelligence and analytical network to support the detection, investigation, and prosecution of domestic and international money laundering and other financial crimes, and other domestic and international criminal, tax, and regulatory matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be used to:

(1) Provide responses to queries from Federal, State, territorial, and local law enforcement and regulatory agencies, both foreign and domestic, regarding Bank Secrecy Act and other financial crime enforcement;

(2) Furnish information to other Federal, State, local, territorial, and foreign law enforcement and regulatory agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where FinCEN becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(3) Furnish information to the Department of Defense, to support its role in the detection and monitoring of aerial and maritime transit of illegal drugs into the United States and any other role in support of law enforcement that the law may mandate;

(4) Respond to queries from INTERPOL in accordance with agreed coordination procedures between FinCEN and INTERPOL;

(5) Furnish information to individuals and organizations, in the course of enforcement efforts, to the extent necessary to elicit information pertinent to financial law enforcement;

(6) Furnish information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with civil or criminal law proceedings;

(7) Furnish information to the news media in accordance with the guidelines contained in 28 CFR 50.2, which relate to civil and criminal proceedings; and

(8) Furnish information to the Department of State and the Intelligence Community to further those agencies' efforts with respect to national security and the foreign aspects of international narcotics trafficking.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic media and hard copy.

RETRIEVABILITY:

By name, address, or unique identifying number.

SAFEGUARDS:

All FinCEN personnel accessing the system will have successfully passed a background investigation. FinCEN will furnish information from the system of records to approved personnel only on a ''need to know'' basis using passwords and access control. Procedural and physical safeguards to be utilized include the logging of all queries and periodic review of such query logs; compartmentalization of information to restrict access to authorized personnel; physical protection of sensitive hard copy information; encryption of electronic communications; intruder alarms; and 24-hour building guards.

RETENTION AND DISPOSAL:

FinCEN personnel will review records each time a record is retrieved and on a periodic basis to see whether it should be retained or modified. FinCEN will dispose of all records after twenty years. Records will be disposed of by erasure of magnetic media and by shredding and/or burning of hard copy documents.

SYSTEM MANAGER(S) AND ADDRESSES:

Deputy Director, Financial Crimes Enforcement Network, Vienna, VA 22182.

NOTIFICATION PROCEDURE:

Pursuant to 5 U.S.C. 552a(j)(2), (k)(1), and (k)(2), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals covered by the system'' above. The

system contains material for which sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), (k)(1), and (k)(2).

TREASURY/DO .201

SYSTEM NAME:

Fitness Center Records—Treasury/DO.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 22020.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Treasury Department employees who have applied for membership and participate in the Treasury fitness program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, job title, addresses, date of birth, age, sex; name, address, and telephone number of personal physician; name, and address and telephone number of emergency contact; health and exercise history; physician's clearance; informed consent form, waiver and release form, program interest survey form; fitness assessment results; and results of health tests taken by the Fitness Center members.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The records are collected and maintained to provide the Fitness Center contractor with written documentation of user's membership status. The records enable the contractor to identify the current fitness level and potential health risks faced by each user. The collection of these records provides essential baseline information allowing the contractor to prescribe the appropriate exercise program to each user.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

No disclosures will be made outside the Departmental Offices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By name and membership number.

SAFEGUARDS:

Records are stored in locked cabinets in a locked room. Access is limited to authorized employees of the contractor responsible for servicing the records in the performance of their duties.

RETENTION AND DISPOSAL:

Active records are retained indefinitely. Inactive records are held for three years, then are destroyed by shredding.

SYSTEM MANAGERS AND ADDRESS:

Director, Administrative Operations, Department of the Treasury, Room 1212–MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220. Name of the contractor will be provided by the system manager upon request.

NOTIFICATION PROCEDURE:

Individuals seeking access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Inquiries should be addressed to Assistant Director, Disclosure Services, Departmental Offices, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

RECORD ACCESS PROCEDURES:

Inquiries should be addressed to the Assistant Director, Disclosure Services, Departmental Offices, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Notification procedures'' above.

RECORD SOURCE CATEGORIES:

The source of the data is the Treasury Department employee who has applied for membership, contractor personnel and the employee's personal physician.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .202

SYSTEM NAME:

Drug-Free Workplace Program Records—Treasury/DO.

SYSTEM LOCATION:

Records are located within Personnel Resources, Workforce Effectiveness, Room 1450–MT, Department of the Treasury, Departmental Offices, 1500 Pennsylvania Ave., NW, Washington, DC 20220

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of Departmental Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to selection, notification, testing of employees, drug test results, and related documentation concerning the administration of the Drug-Free Workplace Program within Departmental Offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 100–71; 5 U.S.C. 7301 and 7361; 21 U.S.C. 812; Executive Order 12564, ''Drug-Free Federal Workplace''.

PURPOSE(S):

The system will be established to maintain records relating to the selection, notification, and testing of Departmental Offices' employees for use of illegal drugs and drugs identified in Schedules I and II of 21 U.S.C. 812.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

These records may be disclosed to a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records consist of paper records maintained in file folders and magnetic media.

RETRIEVABILITY:

Records are retrieved by name of employee, position, title, social security number, I.D. number (if assigned), or any combination of these.

SAFEGUARDS:

Records will be stored in secure containers, *e.g.*, safes, locked filing cabinets, etc. Access to such records is restricted to individuals having direct responsibility for the administration of the agency's Drug-Free Workplace Program. Procedural and documentary requirements of Pub. L. 100–71 and the Department of Health and Human Services Guidelines will be followed.

RETENTION AND DISPOSAL:

Records are retained for two years and then destroyed by shredding, burning, or, in case of magnetic media, erasure. Written records and test results may be retained up to five years or longer when necessary due to challenges or appeals of adverse action by the employee.

SYSTEM MANAGER(S) AND ADDRESS:

Departmental Offices, Office of Personnel Resources, Department of the Treasury, 1500 Pennsylvania Ave., Room 1450–MT, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the attention of the Assistant Director, Disclosure Services, Departmental Offices, 1500 Pennsylvania Ave., Washington, DC 20220. Individuals must furnish their full name, Social Security Number, the title, series, and grade of the position they occupied, the month and year of any drug test(s) taken, and verification of identity as required by 31 CFR part 1, subpart C, appendix A.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the attention of the Assistant Director, Disclosure Services, Departmental Offices, 1500 Pennsylvania Ave., Washington, DC 20220. Individuals must furnish their full name, Social Security Number, the title, series, and grade of the position they occupied, the month and year of any drug test(s) taken, and verification of identity as required by 31 CFR part 1, subpart C, appendix A.

CONTESTING RECORD PROCEDURES:

The Department of the Treasury rules for accessing records, for contesting contents, and appealing initial determinations by the individual concerned are published in 31 CFR part 1, subpart A, appendix A.

RECORD SOURCE CATEGORIES:

Records are obtained from the individual to whom the record pertains; Departmental Offices employees involved in the selection and notification of individuals to be tested; contractor laboratories that test urine samples for the presence of illegal drugs; Medical Review Officers; supervisors and managers and other Departmental Offices official engaged in administering the Drug-Free Workplace Program; the Employee Assistance Program, and processing adverse actions based on drug test results.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .207

SYSTEM NAME:

Waco Administrative Review Group Investigation-Treasury/DO.

SYSTEM LOCATION:

(a) Department of the Treasury, 1500 Pennsylvania Ave., NW Washington, DC 20220.

(b) Bureau of Alcohol, tobacco and Firearms (ATF), 650 Massachusetts Avenue, NW, Washington, DC 20226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Current and former employees of the Department of the Treasury and its bureaus and persons whose associations with current and former employees relate to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas on February 28, 1993, or any other criminal or civil misconduct, which affects the integrity or facilities of the Department of the Treasury. The names of individuals and the files in their names may be: (1) Received by referral; or (2) developed in the course of the investigation.

(B) Individuals who are: Witnesses; complainants; confidential or non-confidential informants; suspects; defendants who have been identified by the Office of Enforcement, constituent units of the Department of the Treasury, other agencies, or members of the general public in connection with the authorized functions of the Office of Enforcement.

(C) Members of the general public who provide information pertinent to the investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Letters, memoranda, and other documents citing complaints of alleged criminal misconduct pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993.

(B) Investigative files which include:

(1) Reports of investigations to resolve allegations of misconduct or violations of law and to comply with the President's specific directive for a fact finding report on the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, with related exhibits, statements, affidavits, records or other pertinent documents obtained during investigation;

(2) Transcripts and documentation concerning requests and approval for consensual telephone and consensual nontelephone monitoring;

(3) Reports from or to other law enforcement bodies;

(4) Prior criminal or noncriminal records of individuals as they relate to the investigations; and

(5) Reports of actions taken by management personnel regarding misconduct and reports of legal actions resulting from violations of statutes referred to the Department of Justice for prosecution;

(6) Videotapes of events pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, or to the Department of Justice criminal prosecutions;

(7) Audiotapes with transcripts of events pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, or to the Department of Justice criminal prosecutions;

(8) Photographs and blueprints pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, or to the Department of Justice criminal prosecutions; and

(9) Drawings, sketches, models portraying events pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, or to the Department of Justice criminal prosecutions.

PURPOSE(S):

The purpose of the system of records is to implement a data base containing records of investigation conducted by the Waco Administrative Review Group, and other relevant information with regard to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, and, where appropriate, to disclose to other law enforcement agencies which have an interest in the information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 31 U.S.C. 321.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation;

(2) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or

implementing a statute, rule, regulation, order, or license, or where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(3) Disclose information to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena, where relevant and necessary, or in connection with criminal law proceedings;

(5) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; and

(6) Provide a report to the President and the Secretary of the Treasury detailing the investigation and findings concerning the events leading to the Bureau of Alcohol, Tobacco & Firearms' execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in binders and file jackets and all multi-source media information are maintained in locked offices with access, through the administrative documents and records control personnel for the Department, available to personnel with a need to know. Records will be maintained in locked offices during non-business hours. Records will be maintained in the Departmental Offices, in the main Treasury building and ATF Headquarters which are subject to 24-hour security.

RETRIEVABILITY:

Alphabetically by name, and or by number, or other alpha-numeric identifiers.

SAFEGUARDS:

Records and word processing disks are maintained by administrative documents and records control personnel of the Department. All access doors are locked when office is vacant. The records are available on a need-to-know basis to the Office of Enforcement personnel and the ATF Office of Chief Counsel personnel upon verification of the substance and propriety of the request.

RETENTION AND DISPOSAL:

Investigative files are stored on-site for six years and indices to those files are stored on-site for ten years. The word processing disks will be retained indefinitely, and to the extent required they will be updated periodically to reflect changes and will be purged when the information is no longer required. Upon expiration of their respective retention periods, the investigative files and their indices are transferred to the Federal Records Center, Suitland, Maryland, for Storage and in most instances destroyed by burning, maceration or pulping when 20 years old.

SYSTEM MANAGER(S) AND ADDRESS:

(a) Department of the Treasury official prescribing policies and practices: Office of Enforcement, Room 4312–MT, 1500 Pennsylvania Ave. NW., Washington, DC 20220.

(b) Official maintaining records at the ATF: Chief Counsel, Bureau of Alcohol, tobacco and Firearms, 650 Massachusetts Ave., NW., Washington, DC 20226.

NOTIFICATION PROCEDURE:

Individuals seeking access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart c, appendix A. Inquiries should be directed to the Assistant Director, Disclosure Services, Department of the Treasury, Washington, DC 20220.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individuals who were witnesses; complainants; confidential or non-confidential informants; suspects; defendants, constituents of the Department of the Treasury, other Federal, State or local agencies and members of the public.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .209

SYSTEM NAME:

Personal Services Contracts (PCSs)—Treasury/DO.

SYSTEM LOCATION:

(1) Office of Technical Assistance, Department of the Treasury, 1730 K Street, NW., Suite 204, Washington, DC 20006.

(2) Procurement Services Division, Departmental Offices, Department of the Treasury, 1310 G St. NW., Suite 400 East, Washington, DC 20005.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been candidates or who have been awarded a personal services contract (PSC) with the Department of the Treasury.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, demographic data, education, contracts, supervisory notes, personnel related information, financial, payroll and medical data and documents pertaining to the individual contractors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Support for Eastern European Democracy (SEED) Act of 1989 (Pub L. 101–179), Freedom Support Act (Pub L. 102–511), Executive Order 12703.

PURPOSE(S):

To maintain records pertaining to the awarding of personal services contracts to individuals for the provision of technical services in support of the SEED Act and the FSA, and which establish an employer/employee relationship with the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose:

(1) Pertinent information to appropriate Federal, State, local, or foreign agencies, or other public authority, responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(3) Information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(4) Information in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged, and

(5) Information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on electronic media.

RETRIEVABILITY:

Retrieved by name of the individual contractor and contract number.

SAFEGUARDS:

Records are maintained in a secured vault with locked file cabinets with access limited to authorized personnel. Offices are locked during non-working hours with security provided on a 24-hour basis. Electronic media is password protected.

RETENTION AND DISPOSAL:

Records are periodically updated when a contract is modified. Contract records, including all biographical or other personal data, are retained for the contract period, with disposal after contract completion in accordance with the Federal Acquisition Regulation 4.805. Other records are retained for two years then are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Director, Office of Technical Assistance, Department of the Treasury, 1730 K Street, NW, Suite 204, Washington, DC 20006.

(2) Director, Procurement Services Division, Departmental Offices, Department of the Treasury, 1310 G St. NW., Suite 400 East, Washington, DC 20005.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access or seek to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Inquiries should be addressed to Assistant Director, Disclosure Services, Departmental Offices, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above

CONTESTING RECORD PROCEDURES:

See ''Notification procedures'' above.

RECORD SOURCE CATEGORIES:

Information is provided by the candidate, individual Personal Services Contractor, and Treasury employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .212

SYSTEM NAME:

Suspicious Activity Reporting System (SARS).

SYSTEM LOCATION:

The SAR System is housed at the Internal Revenue Service Computing Center (''DCC'') in Detroit, Michigan, and is managed by the Financial Crimes Enforcement Network (''FinCEN''), Vienna, VA 22182, with the assistance of the staff of DCC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The SAR System contains information about:

(1) Individuals or entities that are known perpetrators or suspected perpetrators of a known or suspected federal criminal violation, or pattern of criminal violations, committed or attempted against a financial institution, or participants in a transaction or transactions conducted through the financial institution, that has been reported by the financial institution, either voluntarily or because such a report is required under the rules of FinCEN, one or more of the Federal Supervisory Agencies (the Board of Governors of the Federal Reserve System (''the Board''), the Office of the Comptroller of the Currency (''OCC''), the Federal Deposit Insurance Corporation (''FDIC''), the Office of Thrift Supervision (''OTS''), and the National Credit Union Administration (''NCUA'') (collectively, the ''Federal Supervisory Agencies'')), or both.

(2) Individuals or entities that are participants in transactions, conducted or attempted by, at, or through a financial institution, that have been reported because the institution knows, suspects, or has reason to suspect that: (a) The transaction involves funds derived from illegal activities, the transaction is intended or conducted to hide or disguise funds or assets derived from illegal activities as part of a plan to violate or evade any law or regulation or to avoid any transaction reporting requirement under Federal law; (b) the transaction is designed to evade any regulations promulgated under the Bank Secrecy Act, Pub. L. 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311, *et seq.*; or (c) the transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the financial institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction;

(3) Individuals who are directors, officers, employees, agents, or otherwise affiliated with a financial institution;

(4) Individuals or entities that are actual or potential victims of a criminal violation or series of violations;

(5) Individuals who are named as possible witnesses in connection with matters arising from any such report;

(6) Individuals or entities named as preparers of any such report;

(7) Individuals or entities named as persons to be contacted for assistance by government agencies in connection with any such report;

(8) Individuals or entities who have or might have information about individuals or criminal violations described above; and

(9) Individuals or entities involved in evaluating or investigating any matters arising from any such report.

CATEGORIES OF RECORDS IN THE SYSTEM:

The SAR System contains information reported to FinCEN by financial institutions on a Suspicious Activity Report (''SAR'') required under the authority of FinCEN or one or more of the Federal Supervisory Agencies, or both. SARs contain information about the categories of persons or entities specified in ''Categories of Individuals Covered by the system.'' The SAR System may also contain records pertaining to criminal prosecutions, civil actions, enforcement proceedings, and investigations resulting from or relating to SARs. Additionally, it will contain records pertaining to criminal prosecutions, civil actions, enforcement proceedings, and investigations relating to institutions required to file reports or under the supervision of one or more of the Federal Supervisory agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 31 U.S.C. 5318(g); 31 CFR Part 103; 31 U.S.C. 321; and Department of the Treasury Order 105–08.

PURPOSE(S):

The requirements of FinCEN and the Federal Supervisory Agencies create an integrated process for reporting suspicious activity and known or suspected crimes by, at, or through depository institutions and certain of their affiliates. The process is based on a single uniform SAR filed with FinCEN.

The SAR System has been created, as a key part of this integrated reporting process, to permit coordinated and enhanced analysis and tracking of such information, and rapid dissemination of SAR information to appropriate law enforcement and supervisory agencies. The provisions of 31 U.S.C. 5318(g)(4)(B) specifically require that the agency designated as repository for SARs refer those reports to any appropriate law enforcement or supervisory agency.

Data from the SAR System will be exchanged, retrieved, and disseminated, both manually and electronically among FinCEN, the Federal Supervisory Agencies, appropriate Federal, State, and local law enforcement agencies, and State banking supervisory agencies. Agencies to which information will be referred electronically, which in certain cases may involve electronic transfers of batch information, include the Federal Supervisory Agencies, the Federal Bureau of Investigation (FBI), the Criminal Investigation Division of the Internal Revenue Service, the United States Secret Service, the United States Customs Service, the Executive Office of the United States Attorneys and the Offices of the 93 United States Attorneys, and State bank supervisory agencies and certain State law enforcement agencies, which have entered into appropriate agreements with FinCEN. (The FBI and Secret Service may receive electronic transfers of batch information as forms are filed to permit those agencies more efficiently to carry out their investigative responsibilities.) Organizations to which information is regularly disseminated are referred to as SAR System Users. It is anticipated that information from the SAR System will also be disseminated to other appropriate Federal, State, or local law enforcement organizations and regulatory agencies that enter into appropriate agreements with FinCEN. In addition, information may be disseminated to non-United States financial regulatory and law enforcement agencies.

Routine uses of records maintained in the system, Including Categories of Users and the Purposes of Such Uses:

These records may be used to:

(1) Provide information or records, electronically or manually, to SAR System Users relevant to the enforcement and supervisory programs and operations of those Users;

(2) Provide SAR System Users and their Executive Departments with reports that indicate the number, amount, individual identity, and other details concerning potential violations of the law that have been the subject of Suspicious Activity Reports;

(3) Provide information or records to any appropriate domestic or non-United States governmental agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law, or charged with the responsibility of enforcing or implementing a statute, rule, regulation, order, or policy, or charged with the responsibility of issuing a license, security clearance, contract, grant, or benefit, when relevant to the responsibilities of these agencies or organizations;

(4) Provide information or records, when appropriate, to international and foreign governmental authorities in accordance with law and formal or informal international agreement;

(5) Disclose on behalf of a SAR System User, the existence, but not necessarily the content, of information or records to a third party, in cases where a SAR System User is a party or has a direct interest and where the SAR System User has concluded that such disclosure is necessary;

(6) Provide information or records to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the SAR System User is authorized to appear, when (a) the SAR System User, or any component thereof; or (b) any employee of the SAR System User in his or her official capacity; or (c) any employee of the SAR System User, where the Department of Justice or the SAR System User has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, when the SAR System User determines that litigation is likely to affect the SAR System User or any of its components and the use of such records by the Department of Justice or the SAR System User is deemed by the SAR System User to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected;

(7) Disclose information or records to individuals or entities to the extent necessary to elicit information pertinent to the investigation, prosecution, or enforcement of civil or criminal statutes, rules, regulations, or orders;

(8) In accordance with Executive Order 12968 (August 2, 1995), provide information or records to any appropriate government authority in connection with investigations and reinvestigations to determine eligibility for access to classified information to the extent relevant for matters that are by statute permissible subjects of inquiry;

(9) Provide, when appropriate, information or records to a bar association, or other trade or professional organization performing similar functions, for possible disciplinary action;

(10) Provide information or records to the Department of State and to the United States Intelligence Community, within the meaning of Executive Order 12333 (December 4, 1981) to further those agencies' efforts with respect to national security and international narcotics trafficking;

(11) Furnish analytic and statistical reports to government agencies and the public providing information about trends and patterns derived from information contained on Suspicious Activity Reports, in a form in which individual identities are not revealed; and

(12) Disclose information or records to any person with whom FinCEN, the DCC, or a SAR System User contracts to provide consulting, data processing, clerical, or secretarial functions relating to the official programs and operations of FinCEN, DCC, or the SAR System User.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in magnetic media and on hard paper copy.

RETRIEVABILITY:

Data in the SAR System may be retrieved by sectionalized data fields (i.e., name of financial institution or holding company, type of suspected violation, individual suspect name, witness name, and name of individual authorized to discuss the referral with government officials) or by the use of search and selection criteria.

SAFEGUARDS:

The system is located in a guarded building that has restricted access. Access to the computer facilities and any paper records is subject to additional physical safeguards that restrict access. Access to any electronic records in the system is restricted by means of passwords and non-transferable identifiers issued to authorized SAR System Users. The system complies with all applicable security requirements of the Department of the Treasury.

RETENTION AND DISPOSAL:

Records in this system will be updated periodically to reflect changes, and will be maintained in electronic form as long as needed for the purpose for which the information was collected. Records will then be disposed of in accordance with applicable law.

SYSTEM MANAGER AND ADDRESS:

Deputy Director, Financial Crimes Enforcement Network, United States Department of the Treasury, Vienna, Virginia 22182.

NOTIFICATION PROCEDURE:

This system is exempt from notification requirements, record access requirements, and requirements that an individual be permitted to contest its contents, pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Records in this system may be provided by or obtained from: individuals; financial institutions and certain of their affiliates; Federal Supervisory Agencies; State financial institution supervisory agencies; domestic or foreign governmental agencies; foreign or international organizations; and commercial sources. Pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2), this system is exempt from the requirement that the Record source categories be disclosed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

TREASURY/DO .213

SYSTEM NAME:

Bank Secrecy Act Reports System—Treasury/DO.

SYSTEM LOCATION:

Electronic Records: Currency and Banking Retrieval System, Internal Revenue Service Detroit Computing Center, 985 Michigan Avenue, Detroit, Michigan, 48226–1129 and Treasury Enforcement Communications System, United States Customs Service Newington, 7681 Boston Boulevard, Springfield, Virginia, 22153–3140. Paper Records: Form 4790—U.S. Customs Service, Newington, VA. All other forms, including, but not limited to, Form 4789, TDF 90.22–1 and Form 8362-Internal Revenue Service, Detroit, MI.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons identified in reports required to be filed under the Bank Secrecy Act and its implementing regulations (31 CFR part 103) including, but not limited to, reports made on IRS Form 4789 (Currency Transaction Report), IRS Form 8362 (Currency Transaction Report by Casinos), Customs Form 4790 (Report of International Transportation of Currency or Monetary Instruments), Treasury Form TDF 90–22.1 (Report of Foreign Bank and Financial Accounts), and forms filed by casinos located in the State of Nevada in lieu of Form 8362. (This system of records does not cover persons identified in Suspicious Activity Reports, TDF 90–22.47. Those reports are included in another system of records, ''Suspicious Activity Reporting System—Treasury/DO .212.'')

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports required to be filed under the Bank Secrecy Act and its implementing regulations (31 CFR part 103) including, but not limited to, reports made on IRS Form 4789 (Currency Transaction Report), IRS Form 8362 (Currency Transaction Report by Casinos), Customs Form 4790 (Report of International Transportation of Currency or Monetary Instruments), Treasury Form TDF 90–22.1 (Report of Foreign Bank and Financial Accounts), and forms filed by casinos located in the State of Nevada in lieu of Form 8362. (This system does not include Suspicious Activity Reports, TDF 90–22.47, required under 31 CFR part 103. Those reports are included in another system of records, ''Suspicious Activity Reporting System—Treasury/DO .212.'') These reports include names of individuals and other entities filing the reports, names of the owners of monetary instruments, the amounts and kinds of currency or other monetary instruments transported, reported, or in foreign banking accounts, account numbers, addresses, dates of birth, and other personal identifiers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314, 5316, *et seq.*; 5 U.S.C. 301; 31 CFR part 103; Treasury Department Order No. 105–08.

PURPOSE(S):

The Bank Secrecy Act, codified at 12 U.S.C. 1829b and 1951–1959 and 31 U.S.C. 5311–5314, 5316, *et seq* authorizes the Secretary of the Treasury to issue regulations requiring records and reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters. The Secretary's authority has been implemented through regulations promulgated at 31 CFR part 103. The purpose of this system of records is to maintain the information contained on the reports required under these regulations. This information is disseminated, both electronically and manually, in accordance with strict safeguards, to appropriate Federal, State, local, and foreign criminal law enforcement and regulatory personnel in the official performance of their duties. The information is used in a wide range of criminal investigations, including, but not limited to, investigation of international and domestic money laundering, tax evasion, fraud, and other financial crimes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES: THESE RECORDS MAY BE USED TO:

(1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose information to Federal, State, or local agencies, maintaining civil, criminal, or other relevant information, which has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose to appropriate Federal, State, or local agencies engaged in the identification, investigation, and

prosecution of violations or potential violations of criminal statutes, information, in a computerized format, to identify or to permit the identification of patterns of suspected criminal activity that fall within the jurisdiction of the agency requesting the information;

(4) Disclose information to Federal or State regulatory agencies or self-regulatory agencies responsible for supervising compliance with the Bank Secrecy Act, limited to information relevant to meeting supervisory or compliance responsibilities;

(5) Disclose relevant information on individuals to authorized Federal and State agencies through computer matching in order to help eliminate waste, fraud, and abuse in Government programs and identify individuals who are potentially in violation of civil law, criminal law, or regulation;

(6) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings;

(7) Provide information to the news media, in accordance with guidelines contained in 28 CFR 50.2, that relates to an agency's functions relating to civil and criminal proceedings; and

(8) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in magnetic media and on hard paper copy.

RETRIEVABILITY:

By name and other unique identifier.

SAFEGUARDS:

All persons with electronic access to records in the system will have successfully completed a background investigation. All State and local agency personnel, and all Federal personnel outside the U. S. Department of the Treasury with electronic access will have successfully completed appropriate training. Passwords and access controls will be utilized. Signed agreements outlining usage and dissemination rules are required of all non-Treasury agencies before electronic access is authorized. Procedural and physical safeguards include: The logging of all queries and periodic review of such query logs; compartmentalization of information to restrict access to authorized personnel; physical protection of sensitive hard copy documents and magnetic tapes; encryption of electronic communications; intruder alarms and other security devices; and 24-hour building guards. The system complies with all applicable security requirements of the Department of the Treasury.

RETENTION AND DISPOSAL:

Records in this system will be updated periodically to reflect changes, and will be maintained in electronic form as along as needed for the purposes for which the information was collected. Records will be disposed of in accordance with applicable law.

SYSTEM MANAGER(S) AND ADDRESS:

General Policy: Deputy Director, Financial Crimes Enforcement Network, Vienna, Virginia 22182–2536. Computer Systems Maintenance and Administration: Director, IRS Computing Center, 985 Michigan Avenue, Detroit, Michigan, 48226–1129 and Director, Office of Information Technology, U.S. Customs Service Newington, 7681 Boston Boulevard, Springfield, Virginia, 22153–3140.

NOTIFICATION PROCEDURE:

This system is exempt from notification requirements, record access requirements, and requirements that an individual be permitted to contest its contents, pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2), this system is exempt from the requirement that the Record source categories be disclosed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). *See* 31 CFR 1.36.

[FR Doc. 02–3417 Filed 2–15–02; 8:45 am]

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Federal Register

Tuesday,
February 19, 2002

Part II

Department of the Treasury

Privacy Act of 1974; System of Records; Notice

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of systems of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Departmental Offices (DO) is publishing its Privacy Act systems of records.

SUPPLEMENTARY INFORMATION: Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and the Office of Management and Budget (OMB) Circular No. A–130, the Department has completed a review of its Privacy Act systems of records notices to identify minor changes that will more accurately describe these records.

The following six systems of records have been added to the Department's inventory of Privacy Act notices since September 30, 1998:

1. DO .006—Treasury Child Care Tuition Assistance Records (Published August 31, 2000, at 65 FR 53083).
2. DO .015—Political Appointee Files. (Published September 8, 2000, at 65 FR 54599).
3. DO .204—Parking and Carpool Program Records (Published December 14, 2000, at 65 FR 78263).
4. DO .003—Law Enforcement Retirement Claims Records (Published January 16, 2001, at 66 FR 3648).
5. DO .195—Treasury Emergency Management System (Published February 6, 2001, at 66 FR 9136).
6. Treasury .011—Treasury Safety Incident Management Information System (Published August 16, 2001 at 66 FR 43041).

During the past three years, the Department has published several new or revised Privacy Act notices pertaining to records maintained by the Department involving two or more bureaus. Originally ten of these systems of records had been designated as a ''Treasury/DO'' system of records. As part of this republication, the designation of the systems of records that pertain to two or more Treasury bureaus is being changed. Rather than being identified as ''DO'' systems of records, those systems are being designated as ''Treasury'' systems and are being renumbered as well. In addition, titles of two Treasury-wide systems of records are being changed. The systems of records which are being designated as Treasury-wide systems of records are:

1. Treasury/DO .002—Treasury Integrated Management Information System (TIMIS), last published in its entirety on December 17, 1998, at 63 FR 69719, is designated as ''Treasury .001'' and is being renamed as ''Treasury Payroll and Personnel System'';
2. Treasury/DO .004—Personnel Security System, last published in its entirety on December 14, 2000, at 65 FR 78261, is designated as ''Treasury .007'';
3. Treasury/DO .005—Grievance Records, last published in its entirety August 21, 2000, at 65 FR 53085, is designated as ''Treasury .002'';
4. Treasury/DO .006—Treasury Child Care Tuition Assistance Records, published as a new Treasury-wide system of records on August 31, 2000, at 65 FR 53083, is designated as ''Treasury .003'';
5. Treasury/DO .150—Freedom of Information Act/Privacy Act Request Records, last published in its entirety on December 3, 1999, at 64 FR 67966, is designated as ''Treasury .004'';
6. Treasury/DO .195—Treasury Emergency Management System, published as a new Treasury-wide system of records on February 6, 2001, at 66 FR 9136, is designated as ''Treasury .008'';
7. Treasury/DO .203—Public Transportation Incentive Program Records, last published in its entirety on January 16, 2001, at 66 FR 3646, is designated as ''Treasury .005'';
8. Treasury/DO .204—Parking and Carpool Program Records, published as a new Treasury-wide system on December 14, 2000, at 65 FR 78263, is designated as ''Treasury .006'';
9. Treasury/DO .210—Integrated Financial Management and Revenue System, last published in its entirety on August 31, 2000, at 65 FR 53085, is designated as ''Treasury .009'' and is being renamed as ''Treasury Financial Management Systems'';
10. Treasury/DO .211—Telephone Call Detail Records, last published in its entirety on August 31, 2000, at 65 FR 53085, is designated as ''Treasury .010'';
11. Treasury .011—Treasury Safety Incident Management Information System (SIMIS), was published as a new Treasury-wide system on August 16, 2001, at 66 FR 43041.

Other changes throughout the document are editorial in nature and consist principally of changes to system locations and system manager addresses, retention and disposal schedules, revisions to organizational titles and transfers of functions.

On August 31, 2000, the Department changed the title of Treasury/DO .190 from ''General Allegations and Investigative Records'' to ''Investigation Data Management System,'' and the title of Treasury/DO .191 was changed from ''OIG Management Information System (MIS)'' to ''Human Resources and Administrative Records System.'' In addition, Treasury/DO .068—Time-In-Grade Exception Files was deleted effective August 31, 2000. (65 FR 53085) The following systems of records, ''Treasury/DO .206-Office Tracking System,'' and ''Treasury/DO .156—Tax Court Judge Applicants,'' are removed from the Department's inventory of Privacy Act systems of records.

The systems notices are reprinted in their entirety following the Table of Contents.

Systems Covered by This Notice

This notice covers all systems of records adopted up to September 30, 2001.

Dated: February 4, 2002.

W. Earl Wright, Jr.,

Chief Management and Administrative Programs Officer.

Table of Contents

Department of the Treasury

Treasury .001—Treasury Payroll and Personnel System (formerly Treasury/DO .002—Treasury Integrated Management Information System)
Treasury .002—Grievance Records (formerly Treasury/DO .005)
Treasury .003—Treasury Child Care Tuition Assistance Records (formerly Treasury/DO .006)
Treasury .004—Freedom of Information Act/Privacy Act Request Records (formerly Treasury/DO .150)
Treasury .005—Public Transportation Incentive Program Records (formerly Treasury/DO .203)
Treasury .006—Parking and Carpool Program Records (formerly Treasury/DO .204)
Treasury .007—Personnel Security System (formerly Treasury/DO .004)
Treasury .008—Treasury Emergency Management System (formerly Treasury/DO .195)
Treasury .009—Treasury Financial Management Systems (formerly Treasury/DO .210—Integrated Financial Management and Revenue System)
Treasury .010—Telephone Call Detail Records (formerly Treasury/DO .211)
Treasury .011—Treasury Safety Incident Management Information System (SIMIS)

Departmental Offices (DO)

DO .003—Law Enforcement Retirement Claims Records
DO .007—General Correspondence Files
DO .010—Office of Domestic Finance, Actuarial Valuation System
DO .015—Political Appointee Files.
DO .060—Correspondence Files and Records on Employee Complaints and/or Dissatisfaction
DO .111—Office of Foreign Assets Control Census Records
DO .114—Foreign Assets Control Enforcement Records
DO .118—Foreign Assets Control Licensing Records

DO .144—General Counsel Litigation Referral and Reporting System
DO .149—Foreign Assets Control Legal Files
DO .183—Private Relief Tax Bill Files-Office of the Assistant Secretary for Tax Policy
DO .190—Investigation Data Management System (formerly: General Allegations and Investigative Records)
DO .191—Human Resources and Administrative Records System (formerly: OIG Management Information System)
DO .193—Employee Locator and Automated Directory System
DO .194—Circulation System
DO .196—Security Information System
DO .200—FinCEN Data Base
DO .201—Fitness Center Records
DO .202—Drug-Free Workplace Program Records
DO .207—Waco Administrative Review Group Investigation
DO .209—Personal Services Contracts (PSC)
DO .212—Suspicious Activity Reporting System (SARS)
DO .213—Bank Secrecy Act Reports System

TREASURY .001

SYSTEM NAME:

Treasury Payroll and Personnel System-Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. The processing site is located at the United States Department of Agriculture National Finance Center, 13800 Old Gentilly Road, New Orleans, LA 70129.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and historical payroll/personnel data of employees of all Treasury bureaus and organizations, except the Office of Thrift Supervision (OTS).

CATEGORIES OF RECORDS IN THE SYSTEM:

Information contained in the records of the system include such data as:

(1) Employee identification and status data such as name, social security number, date of birth, sex, race and national origin designator, awards received, suggestions, work schedule, type of appointment, education, training courses attended, veterans preference, and military service.

(2) Employment data such as service computation for leave, date probationary period began, date of performance rating, and date of within-grade increases.

(3) Position and pay data such as position identification number, pay plan, step, salary and pay basis, occupational series, organization location, and accounting classification codes.

(4) Payroll data such as earnings (overtime and night differential), deductions (Federal, state and local taxes, bonds and allotments), and time and attendance data.

(5) Employee retirement and Thrift Savings Plan data.

(6) Tables of data for editing, reporting and processing personnel and pay actions. These include nature of action codes, civil service authority codes, standard remarks, signature block table, position title table, financial organization table, and salary tables.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Office of Personnel Management Manual, 50 U.S.C. App. 1705–1707; 31 U.S.C. and Departmental Circular 145 and 830. The Department of the Treasury Fiscal Requirements Manual; 5 U.S.C. 301; FPM Letter 298–10, Office of Personnel Management; Federal Personnel Manual (Chapter 713 Subchapter 3A).

PURPOSE(S):

The purposes of the system include, but are not limited to: (1) Maintaining current and historical payroll records which are used to compute and audit pay entitlement; to record history of pay transactions; to record deductions, leave accrued and taken, bonds due and issued, taxes paid; maintaining and distributing Leave and Earnings statements; commence and terminate allotments; answer inquiries and process claims, and (2) maintaining current and historical personnel records and preparing individual administrative transactions relating to education and training, classification; assignment; career development; evaluation; promotion, compensation, separation and retirement; making decisions on the rights, benefits, entitlements and the utilization of individuals; providing a data source for the production of reports, statistical surveys, rosters, documentation, and studies required for the orderly personnel administration within Treasury.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These Records may be used to:

(1) Furnish data to the Department of Agriculture, National Finance Center (which provides payroll/personnel processing services for TIMIS under a cross-servicing agreement) affecting the conversion of Treasury employee payroll and personnel processing services to TIMIS; the issuance of paychecks to employees and distribution of wages; and the distribution of allotments and deductions to financial and other institutions, some through electronic funds transfer;

(2) Furnish the Internal Revenue Service and other jurisdictions which are authorized to tax the employee's compensation with wage and tax information in accordance with a withholding agreement with the Department of the Treasury pursuant to 5 U.S.C. 5516, 5217, and 5520, for the purpose of furnishing employees with Forms W–2 which report such tax distributions;

(3) Provide records to the Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, and General Accounting Office for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations;

(4) Furnish another Federal agency information to effect interagency salary or administrative offset, except that addresses obtained from the Internal Revenue Service shall not be disclosed to other agencies; to furnish a consumer reporting agency information to obtain commercial credit reports; and to furnish a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services;

(5) Disclose information to a Federal, state, local or foreign agency maintaining civil, criminal or other relevant enforcement information or other pertinent information which has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(6) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(7) Disclose information to foreign governments in accordance with formal or informal international agreements;

(8) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(9) Provide information to the news media in accordance with guidelines

contained in 28 CFR 50.2 which relates to civil and criminal proceedings;

(10) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(11) Provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114;

(12) Provide wage and separation information to another agency, such as the Department of Labor or Social Security Administration, as required by law for payroll purposes;

(13) Provide information to a Federal, state, or local agency so that the agency may adjudicate an individual's eligibility for a benefit, such as a state employment compensation board, housing administration agency and Social Security Administration;

(14) Disclose pertinent information to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation of, or for implementing a statute, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil, or criminal law or regulation;

(15) Disclose information about particular Treasury employees to requesting agencies or non-Federal entities under approved computer matching efforts, limited to only those data elements considered relevant to making a determination of eligibility under particular benefit programs administered by those agencies or entities or by the Department of the Treasury or any constituent unit of the Department, to improve program integrity, and to collect debts and other monies owed under those programs (*i.e.,* matching for delinquent loans or other indebtedness to the government);

(16) Disclose to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, the names, social security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and State of hire of employees, for the purposes of locating individuals to establish paternity, establishing and modifying orders of child support, identifying sources of income, and for other child support enforcement activities as required by the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Law, Pub. L. 104–193).

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures may be made pursuant to 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982; debt information concerning a government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982 (Pub. L. 97–365), to consumer reporting agencies to encourage repayment of an overdue debt. Disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966, 31 U.S.C. 701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic media, microfiche, and hard copy. Disbursement records are stored at the Federal Records Center.

RETRIEVABILITY:

Records are retrieved generally by social security number, position identification number within a bureau and region, or employee name. Secondary identifiers are used to assure accuracy of data accessed, such as master record number or date of birth.

SAFEGUARDS:

Entrance to data centers and support organization offices are restricted to those employees whose work requires them to be there for the system to operate. Identification (ID) cards are verified to ensure that only authorized personnel are present. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols which are periodically changed. Reports produced from the remote printers are in the custody of personnel and financial management officers and are subject to the same privacy controls as other documents of like sensitivity.

RETENTION AND DISPOSAL:

The current payroll and personnel system and the Treasury Integrated Management Information Systems (TIMIS) master files are kept on magnetic media. Information rendered to hard copy in the form of reports and payroll information documentation is also retained in automated magnetic format. Employee records are retained in automated form for as long as the employee is active on the system (separated employee records are maintained in an ''inactive'' status). Files are purged in accordance with Treasury Directives Manual TD 25–02, ''Records Disposition Management Program.''

SYSTEM MANAGER(S) AND ADDRESS:

Director, Treasury Integrated Management Information Systems (System Manager for TIMIS), 740 15th Street NW., Suite 400, Washington, DC 20005.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The information contained in these records is provided by or verified by the subject of the record, supervisors, and non-Federal sources such as private employers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .002

SYSTEM NAME:

Grievance Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220. These records are located in personnel or designated offices in the bureaus in which the grievances were filed. The locations at which the system is maintained are:

(1) a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW., Washington, DC 20224.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW., Washington, DC 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW., Washington, DC 20219–0001.

(4) United States Customs Service (CUSTOMS): 1301 Constitution Avenue, NW., Washington DC 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, Ga 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(8) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(9) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(10) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(11) United States Secret Service (USSS): 950 H Street, NW., Washington, DC 20001.

(12) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances with their bureaus in accordance with part 771 of the Office of Personnel Management's (OPM) regulations (5 CFR part 771), the Treasury Employee Grievance System (TPM Chapter 771), or a negotiated procedure.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to grievances filed by Treasury employees under part 771 of the OPM's regulations. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that bureaus and/or the Department may establish through negotiations with recognized labor organizations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302; E.O. 10577; 3 CFR 1954–1958 Comp., p. 218; E.O. 10987; 3 CFR 1959–1963 Comp., p. 519; agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

PURPOSE(S):

To adjudicate employee administrative grievances filed under the authority of 5 CFR part 771 and the Department's Administrative Grievance Procedure.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used:

(1) To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) To disclose information to any source from which additional information is requested in the course of processing in a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested;

(3) To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an individual, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter;

(4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court;

(6) By the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908;

(7) By the bureau maintaining the records of the Department in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference;

(8) To disclose information to officials of the Merit Systems Protection Board, the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, the Equal Employment Opportunity Commission, or the Office of Personnel Management when requested in performance of their authorized duties;

(9) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing Counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena, or in connection with criminal law proceedings;

(10) To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders.

RETRIEVABILITY:

By the names of the individuals on whom they are maintained.

SAFEGUARDS:

Lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

Disposed of 3 years after closing of the case. Grievances filed against disciplinary adverse actions are retained by the United States Secret Service for 4 years. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Records pertaining to administrative grievances filed at the Departmental level: Director, Office of Personnel Policy, 1500 Pennsylvania Ave., NW, Metropolitan Square, Washington, DC 20220. Records pertaining to administrative grievances filed at the bureau level:

(1) a. DO: Chief, Personnel Resources, 1500 Pennsylvania Ave. NW, Metropolitan Square, Washington, DC 20220.

b. OIG: Personnel Officer, 740–15th St. NW, Rm. 510, Washington, DC 20220.

c. TIGTA: National Director, Human Resources, 1111 Constitution Ave. NW, Rm. 6408, TIGTA: MRS, Washington, DC 20224.

(2) ATF: Assistant Director, Office of Management, 650 Massachusetts Avenue, NW, Washington, DC 20226.

(3) OCC: Director, Human Resources, 250 E Street, SW, Washington, DC 20219.

(4) Customs: Assistant Commissioner, Office of Human Resources Management, Ronald Reagan Building, Room 2.4A, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

(5) BEP: Chief, Office of Human Resources, 14th & C Streets, SW, Room 202–13A, E&P Annex, Washington, DC 20228.

(6) FLETC: Human Resources Officer, Glynco, GA 31524.

(7) FMS: Director, Personnel Management Division, 3700 East West Hwy, Room 115–F, Hyattsville, MD 20782.

(8) IRS: Director, Office of Workforce Relations (M:S:L), 1111 Constitution Ave. NW, Room 1515IR, Washington, DC 20224.

(9) Mint: Assistant Director for Human Resources, 801 9th Street, NW, 6th Floor, Washington, DC 20220.

(10) BPD: Director, Human Resources Division, 200 Third Street, Parkersburg, WV 26106–1328.

(11) USSS: Chief, Personnel Division, 950 H Street, NW, Suite 7000, Washington, DC 20373–5802.

(12) OTS: Director, Human Resources Division, 2nd Floor, 1700 G Street, NW, Washington, DC 20552.

NOTIFICATION PROCEDURE:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. They may, however, contact the agency personnel or designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

RECORD ACCESS PROCEDURES:

It is required that individuals submitting grievances be provided a copy of the record under the grievance process. However, after the action has been closed, an individual may request access to the official copy of the grievance file by contacting the bureau personnel or designated office where the action was processed. Individuals must provide the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding.

Individuals wishing to request amendment to their records to correct factual errors should contact the bureau personnel or designated office where the grievance was processed. Individuals must furnish the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided: (1) By the individual on whom the record is maintained, (2) by testimony of witnesses, (3) by agency officials, (4) from related correspondence from organizations or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .003

SYSTEM NAME:

Treasury Child Care Tuition Assistance Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury,1500 Pennsylvania Ave., NW, Washington, DC 20220. The locations at which the system is maintained by Treasury components are:

1. a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

2. Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, DC 20226.

3. Office of the Comptroller of the Currency (OCC): 250 E Street, NW, Washington, DC 20219–0001.

4. United States Customs Service (CUSTOMS): 1300 Pennsylvania Avenue, NW, Washington DC 20229.

5. Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

6. Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

7. Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

8. Internal Revenue Service (IRS): 1111 Constitution Avenue, NW, Washington, DC 20224.

9. United States Mint (MINT): 801 9th Street, NW, Washington, DC 20220.

10. Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

11. United States Secret Service (USSS): 950 H Street, NW, Washington, DC 20001.

12. Office of Thrift Supervision (OTS): 1700 G Street, NW, Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department of the Treasury who voluntarily apply for child care tuition assistance, the employee's spouse, their children and their child care providers.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include application forms for child care tuition assistance containing personal information, including employee (parent) name, Social Security Number, pay grade, home and work numbers, addresses, telephone numbers, total family income, names of children on whose behalf the parent is applying for tuition assistance, each child's date of birth, information on child care providers used (including name, address, provider license number and State where issued, tuition cost, and provider tax identification number), and copies of IRS Form 1040 and 1040A for verification purposes. Other records may include the child's social security number, weekly expense, pay statements, records relating to direct deposits, verification of qualification and administration for the child care tuition assistance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 106–58, section 643 and E.O. 9397.

PURPOSE(S):

To establish and verify Department of the Treasury employees' eligibility for child care subsidies in order for the Department of the Treasury to provide monetary assistance to its employees. Records are also maintained so the Department can make payments to child care providers on an employee's behalf.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Department of the Treasury becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Provide information to a congressional office from the record of

an individual in response to an inquiry from that congressional office made at the request of that individual;

(3) Disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding. In those cases where the Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge;

(4) Disclose information to the National Archives and Records Administration for use in records management inspections;

(5) Disclose information to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury is authorized to appear, when: (a) The Department of the Treasury, or any component thereof; or (b) any employee of the Department of the Treasury in his or her official capacity; or (c) any employee of the Department of the Treasury in his or her individual capacity where the Department of Justice or the Department of the Treasury has agreed to represent the employee; or (d) the United States, when the Department of the Treasury determines that litigation is likely to affect the Department of the Treasury or any of its components; is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the Department of the Treasury is deemed by the Department of the Treasury to be relevant and necessary to the litigation; provided, however, that the disclosure is compatible with the purpose for which records were collected;

(6) Provide records to the Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Labor Relations Authority, the Office of Special Counsel, and General Accounting Office for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations;

(7) Disclose information to contractors, grantees, or volunteers performing or working on a contract, service, grant, or cooperative agreement, or job for the Federal Government;

(8) Disclose information to a court, magistrate, or administrative tribunal when necessary and relevant in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena;

(9) Disclose information to unions recognized as exclusive bargaining representatives under 5 U.S.C. chapter 71, and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information may be collected on paper or electronically and may be stored as paper forms or on computers.

RETRIEVABILITY:

By name; may also be cross-referenced to Social Security Number.

SAFEGUARDS:

When not in use by an authorized person, paper records are stored in lockable file cabinets or secured rooms. Electronic records are protected by the use of passwords.

RETENTION AND DISPOSAL:

Disposition of records is according to the National Archives and Records Administration (NARA) guidelines.

SYSTEM MANAGER(S) AND ADDRESS:

Treasury official prescribing policies and practices: Director, Office of Personnel Policy, Room 6018–Metropolitan Square, Department of the Treasury, Washington, DC 20220. Officials maintaining the system and records for the Treasury components are:

1. DO:

a. Director, Office of Personnel Resources, Department of the Treasury, Room 1462–MT, Washington, DC 20220.

b. Office of General Counsel: Administrative Officer, Department of the Treasury, Room 1417–MT, Washington, DC 20220.

c. OIG: Personnel Officer, 740 15th St., NW, Suite 510, Washington, DC 20220.

d. TIGTA: Director, Management Resources & Support, 1111 Constitution Ave., NW, TIGTA:IG:NS:HR, Room 6402, Washington, DC 20224.

2. ATF: Assistant Director, Office of Management, 650 Massachusetts Ave., NW, Washington, DC 20226.

3. OCC: Director, Human Resources Division Independence Square, 250 E St., SW, 4th Floor, Washington, DC 20219.

4. Customs: Personnel Director, HRM, 1300 Pennsylvania Ave., NW, Room 2.4a, International Trade Center, Washington, DC 20229.

5. BEP: Chief, Office of Human Resources. 14th & C St., SW, Room 202–13a, Washington, DC 20228.

6. FLETC: Human Resources Officer, Bldg 94, Room E–2, Glynco, GA 31524.

7. FMS: Director, Human Resources Division, PG Center II Bldg, Rm. 114f, 3700 East West Highway, Hyattsville, MD 20782.

8. IRS: Director Personnel Policy Division, 1111 Constitution Ave., Building CP6—M:S:P, Washington, DC 20224.

9. MINT: Assistant Director, Human Resources, 801 9th Street, NW, Room 6S34, Washington, DC 20220.

10. BPD: Child Care Assistance Program (CCAP) Coordinator, PO Box 1328, Room 302, Parkersburg, W. VA 26106–1328.

11. USSS: Chief, Personnel Division, 950 H St., NW, 7th Floor, Washington, DC 20223.

12. OTS: Director, Human Resources Division, 1700 G St., NW, 2nd Floor, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Information is provided by Department of the Treasury employees who apply for child care tuition assistance.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .004

SYSTEM NAME:

Freedom of Information Act/Privacy Act Request Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. The locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO), which includes the Office of Inspector General (OIG), the Treasury Inspector General

for Tax Administration (TIGTA), and Financial Crimes Enforcement Network (FinCEN);

(2) Bureau of Alcohol, Tobacco and Firearms (ATF);

(3) Office of the Comptroller of the Currency (OCC);

(4) United States Customs Service (CUSTOMS);

(5) Bureau of Engraving and Printing (BEP);

(6) Federal Law Enforcement Training Center (FLETC);

(7) Financial Management Service (FMS);

(8) United States Mint (MINT);

(9) Bureau of the Public Debt (BPD);

(10) United States Secret Service (USSS):

(11) Office of Thrift Supervision (OTS).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have: (1) Requested access to records pursuant to the Freedom of Information Act, 5 U.S.C. 552, (FOIA) or who have appealed initial denials of their requests; and/or (2) made a request for access, amendment or other action pursuant to the Privacy Act of 1974, 5 U.S.C. 552a (PA).

CATEGORIES OF RECORDS IN THE SYSTEM:

Requests for records or information pursuant to the FOIA and/or PA which includes the names of individuals making written requests for records under the FOIA or the PA, the mailing addresses of such individuals, and the dates of such requests and their receipt. Supporting records include the written correspondence received from requesters and responses made to such requests; internal processing documents and memoranda, referrals and copies of records provided or withheld, and may include legal memoranda and opinions. Comparable records are maintained in this system with respect to any appeals made from initial denials of access, refusal to amend records and lawsuits under the FOIA/PA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act, 5 U.S.C. 552; Privacy Act of 1974, 5 U.S.C. 552a; and 5 U.S.C. 301.

PURPOSE(S):

The system is used by officials to administratively control and/or process requests for records to ensure compliance with the FOIA/PA and to collect data for the annual and biennial reporting requirements of the FOIA/PA and other Department management report requirements.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, foreign, State, local, tribal or other public authorities or self-regulatory organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings;

(3) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) Disclose information to another Federal agency to (a) permit a decision as to access, amendment or correction of records to be made in consultation with or by that agency, or (b) verify the identity of an individual or the accuracy of information submitted by an individual who has requested access to or amendment or correction of records;

(5) The Department of Justice when seeking legal advice, or when (a) the agency or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation;

(6) Disclose information to the appropriate foreign, State, local, tribal, or other public authority or self-regulatory organization for the purpose of (a) consulting as to the propriety of access to or amendment or correction of information obtained from that authority or organization, or (b) verifying the identity of an individual who has requested access to or amendment or correction of records;

(7) Disclose information to contractors and other agents who have been engaged by the Department or one of its bureaus to provide products or services associated with the Department's or bureau's responsibility arising under the FOIA/PA;

(8) Disclose information to the National Archives and Records Administration for use in records management inspections.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic media, computer paper printout, index file cards, and paper records in file folders.

RETRIEVABILITY:

Retrieved by name, subject, request file number or other data element as may be permitted by an automated system.

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual bureaus. Access to the records is available only to employees responsible for the management of the system and/or employees of program offices who have a need for such information.

RETENTION AND DISPOSAL:

The records pertaining to Freedom of Information Act and Privacy Act requests are retained and disposed of in accordance with the National Archives and Records Administration's General Record Schedule 14—Information Services Records.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices—Departmental Disclosure Officer, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

The system managers for the Treasury components are:

1. DO: Assistant Director, Disclosure Services, Department of the Treasury, Washington, DC 20220.

2. ATF: Assistant Director, Liaison and Public Information, 650 Massachusetts Avenue, NW., Washington, DC 20226.

3. BEP: Disclosure Officer, FOIA Office, 14th & C Streets, SW., Washington, DC 20228.

4. FLETC: FOIA/PA Officer, Department of the Treasury, Building 94, Glynco, GA 31524.

5. FMS: Disclosure Officer, 401 14th Street, SW., Washington, DC 20227.

6. Mint: Disclosure Officer, Judiciary Square Building, 801 9th Street, NW., Washington, DC 20220.

7. OCC: Disclosure Officer, Communications Division, Washington, DC 20219.

8. CUSTOMS: Chief, Disclosure Law Branch, Office of Regulations and Rulings, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

9. BPD: Information Disclosure Officer, 999 E Street, NW., Washington, DC 20239.

10. USSS: FOIA/PA Officer, FOIA/PA Branch, 950 H Street, NW., Suite 3000, Washington, DC 20001.

11. OTS: Manager, Dissemination Branch, 1700 G Street, NW., Washington, DC 20552.

12. TIGTA: Supervisory Analyst, 1111 Constitution Ave., NW., IC:CC, Room 3039, Washington, DC 20224.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The information contained in these files originates from individuals who make FOIA/PA requests and agency officials responding to those requests.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None. The Department has claimed one or more exemptions (see 31 CFR 1.36) for a number of its other systems of records under 5 U.S.C. 552a (j)(2) and (k)(1), (2), (3), (4), (5), and (6). During the course of a FOIA/PA action, exempt materials from those other systems may become a part of the case records in this system. To the extent that copies of exempt records from those other systems have been recompiled and/or entered into these FOIA/PA case records, the Department claims the same exemptions for the records as they have in the original primary systems of records of which they are a part.

TREASURY .005

SYSTEM NAME:

Public Transportation Incentive Program Records-Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. The locations at which the system is maintained by Treasury bureaus and their associated field offices are:

1. a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC. 20220.

2. Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW., Washington, DC 20226.

3. Office of the Comptroller of the Currency (OCC): 250 E Street, SW., Washington, DC 20219–0001.

4. United States Customs Service (CUSTOMS): 1300 Pennsylvania Avenue, NW., Washington DC 20229.

5. Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

6. Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

7. Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

8. Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

9. United States Mint (MINT): 801 9th St. NW., Washington, Dc 20220.

10. Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

11. United States Secret Service (USSS): 950 H Street, NW., Washington, DC 20001.

12. Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have applied for or who participate in the Public Transportation Incentive Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Public Transportation Incentive Program application form containing the participant's name, last four digits of the social security number, place of residence, office address, office telephone, grade level, duty hours, previous method of transportation, costs of transportation, and the type of fare incentive requested. Incentives authorized under the Federal Workforce Transportation Program may be included in this program.

(2) Reports submitted to the Department of the Treasury in accordance with Treasury Directive 74–10.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 132(f), and Pub. L. 101–509.

PURPOSE(S):

The records are used to administer the public transportation incentive or subsidy programs provided by Treasury bureaus for eligible employees. The system also enables the Department to compare these records with other Federal agencies to ensure that employee transportation programs benefits are not abused.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information to:

(1) Appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license;

(2) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a court-ordered subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(3) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) Unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and/or 7114;

(5) Agencies, contractors, and others to administer Federal personnel or payroll systems, and for debt collection and employment or security investigations;

(6) Other Federal agencies for matching to ensure that employees receiving PTI Program benefits are not listed as a carpool or vanpool participant, the holder of a parking permit; and to prevent the program from being abused;

(7) The Department of Justice when seeking legal advice, or when (a) the Department of the Treasury (agency) or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by

the agency to be relevant and necessary to the litigation;

(8) The Office of Personnel Management, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, and the Federal Labor Relations Authority or other third parties when mandated or authorized by statute; and

(9) A contractor for the purpose of compiling, organizing, analyzing, programming, or otherwise refining records to accomplish an agency function subject to the same limitations applicable to U.S. Department of Treasury officers and employees under the Privacy Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, file folders and/or electronic media.

RETRIEVABILITY:

By name of individual, badge number or office.

SAFEGUARDS:

Access is limited to authorized employees. Files are maintained in locked safes and/or file cabinets. Electronic records are password-protected. During non-work hours, records are stored in locked safes and/or cabinets in locked room.

RETENTION AND DISPOSAL:

Active records are retained indefinitely. Inactive records are held for three years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for the Treasury bureaus are:

(1) Departmental Offices:

a. Director, Occupational Safety and Health Office, Room 6204 Annex, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. Office of Inspector General: Office of Assistant Inspector for Management Services, Office of Administrative Services, Suite 510, 740 15th St. NW., Washington, DC 20220.

(2) ATF: Assistant Director, Office of Management, 650 Massachusetts Ave., NW., Washington, DC 20226.

(3) BEP: Chief, Office of Administrative Services, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

(4) OCC: Building Manager, Building Services, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219–0001.

(5) CUSTOMS: Chief, Headquarters Facilities Service Branch, 1300 Pennsylvania Avenue, NW., Suite 3.2C, Washington, DC 20229.

(6) FLETC: Associate Director for Planning & Resources, Federal Law Enforcement Training Center, Glynco, GA 31524

(7) FMS: Director, Administrative Programs Division, Financial Management Service, 3700 East West Hwy., Room 144, Hyattsville, MD 20782.

(8) IRS: Official prescribing policies and practices—Chief, National Office, Protective Program Staff, Director, Personnel Policy Division, 2221 S. Clark Street–CP6, Arlington, VA 20224. Officials maintaining the system—Supervisor of local offices where the records reside. (See IRS Appendix A for addresses.)

(9) Mint: Office of Business Alignment, 801 9th St. NW., Washington, DC 20220.

(10) BPD: Executive Director, Administrative Resources Center, 200 Third Street, Parkersburg, WV 26106.

(11) USSS: Assistant Director, Office of Administration, 950 H Street, NW., Washington DC 20373–5802.

(12) OTS: Director, Planning, Budget and Finance, Office of Thrift Supervision, Department of the Treasury, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The source of the data are employees who have applied for the transportation incentive, the incentive program managers and other appropriate agency officials, or other Federal agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .006

SYSTEM NAME:

Parking and Carpool Program Records—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220. The locations at which the system is maintained by Treasury bureaus and their associated field offices are:

1. a. Departmental Offices (DO): 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

2. Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, DC 20226.

3. Office of the Comptroller of the Currency (OCC): 250 E Street, SW, Washington, DC 20219–0001.

4. United States Customs Service (CUSTOMS): 1300 Pennsylvania Avenue, NW, Washington DC 20229.

5. Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

6. Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

7. Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

8. Internal Revenue Service (IRS): 1111 Constitution Avenue, NW, Washington, DC 20224.

9. United States Mint (MINT): 801 9th Street, NW, Washington, DC 20220.

10. Bureau of the Public Debt (BPD): 999 E Street, NW, Washington, DC 20239.

11. United States Secret Service (USSS): 950 H Street, NW, Washington, DC 20001.

12. Office of Thrift Supervision (OTS): 1700 G Street, NW, Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees of the Department and individuals from other Government agencies or private sector organizations who may use, or apply to use, parking facilities or spaces controlled by the Department. Individuals utilizing handicapped or temporary guest parking controlled by the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records may include the name, position title, manager's name, organization, vehicle identification, arrival and departure time, home addresses, office telephone numbers, social security numbers, badge number, and service computation date or length of service with a component of an individual or principal carpool applicant. Contains name, place of employment, duty telephone, vehicle

license number and service computation date of applicants, individuals or carpool members. For parking spaces, permit number, priority group (handicapped, job requirements/ executive officials (SES) or carpool/ vanpool). Medical information may also be included when necessary to determine disability of applicant when applying for handicapped parking spaces.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101; Treasury Department Order No. 165, revised as amended. Federal Property and Administrative Services Act of 1949, as amended.

PURPOSE(S):

The records are used to administer parking, carpool and vanpool programs within the Department. The system enables the Department to allocate and check parking spaces assigned to government or privately-owned vehicles operated by visitors, handicapped personnel, key personnel, employees eligible to participate in a parking program and carpools or vanpools. The Department is also able to compare these records with other Federal agencies to ensure parking privileges or other employee transportation benefits are not abused.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information to:

(1) Appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) A Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(3) A physician for making a determination on a person's eligibility for handicapped parking;

(4) A contractor who needs to have access to this system of records to perform an assigned activity;

(5) Parking coordinators of Government agencies and private sector organizations for verification of employment and participation of pool members;

(6) Unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114;

(7) Department of Justice when seeking legal advice, or when (a) the Department of the Treasury (agency) or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation;

(8) Third parties when mandated or authorized by statute or when necessary to obtain information that is relevant to an inquiry concerned with the possible abuse of parking privileges or other employee transportation benefits;

(9) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena where relevant or potentially relevant to a proceeding, and

(10) Officials of the Merit Systems Protection Board, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission or the Office of Personnel Management when requested in the performance of their authorized duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy and/or electronic media.

RETRIEVABILITY:

Name, address, social security number, badge number, permit number, vehicle tag number, and agency name or organization code on either the applicant or pool members as needed by a bureau. Records are filed alphabetically by location.

SAFEGUARDS:

Paper records are maintained in locked file cabinets. Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a job-related purpose. Access to computerized records is limited, through use of a password, to those whose official duties require access. Protection and control of sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual bureaus. The IRS access controls will not be less than those provided by the Automated Information System Security Handbook, IRM 2(10)00, and the Manager's Security Handbook, IRM 1(16)12.

RETENTION AND DISPOSAL:

Generally, record maintenance and disposal is in accordance with NARA General Retention Schedule 11, and any supplemental guidance issued by individual components. Disposal of manual records is by shredding or burning; electronic data is erased. Destroyed upon change in, or revocation of, parking assignment.

For the IRS, records are maintained in accordance with Records Control Schedule 301—General Records Schedule 11, Space and Maintenance Records, Item 4(a), IRM 1(15)59.31.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for the Treasury components are:

(1) DO:

a. Director, Occupational Safety and Health Office, Room 6204 Annex, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. OIG: Director, Administrative Services Division, Office of Management Services, Room 510, 740 15th Street, NW, Washington, DC 20220.

c. TIGTA: Security Officer, 1111 Constitution Ave., NW, Washington, DC 20224.

(2) ATF: Assistant Director, Office of Management, 650 Massachusetts Ave., NW, Washington, DC 20226.

(3) OCC: Building Manager, Building Services, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219;

(4) CUSTOMS: Chief Financial Officer, U.S. Customs Service Headquarters, 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

(5) BEP: Chief, Office of Administrative Services, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

(6) FLETC: Associate Director for Planning & Resources, Federal Law Enforcement Training Center, Glynco, GA 31524

(7) FMS: Director, Administrative Programs Division, 3700 East West Highway, Hyattsville, MD 20782.

(8) IRS: Chief, Security and Safety Branch; Regional Commissioners, District Directors, Internal Revenue Service Center Directors, and Computing Center Directors. (See IRS Appendix A for addresses.)

(9) MINT: Associate Director, Protection SBU, 801 9th St. NW, Washington, DC 20220.

(10) BPD: Director, Washington Support Services, Bureau of the Public Debt, 999 E Street, NW, Washington, DC 0239.

(11) USSS: Assistant Director, Office of Administration, 950 H Street, NW, Washington, DC 20373–5802.

(12) OTS: Director, Procurement and Administrative Services, Office of Thrift Supervision, 1700 G Street, NW, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Parking permit applicants, members of carpools or vanpools, other Federal agencies, medical doctor if disability determination is requested.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .007

SYSTEM NAME:

Personnel Security System-Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue NW, Room 3180 Annex, Washington, DC 20220. Other locations at which the system is maintained by Treasury bureaus and their associated offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. Financial Crimes Enforcement Network (FinCEN), Vienna, VA 22182.

c. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, DC 20220.

d. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, DC 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, SW, Washington, DC 20219–0001.

(4) United States Customs Service (CUSTOMS): 1300 Pennsylvania Avenue, NW, Washington DC 20229

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

(8) United States Mint (MINT): 801 9th Street, NW, Washington, DC 20220.

(9) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(10) Office of Thrift Supervision (OTS): 1700 G Street, NW, Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current and former government employees, applicants and contractor employees occupying or applying for sensitive positions in the Department, (2) current and former senior officials of the Department and Treasury bureaus, and those within the Department who are involved in personnel security matters, and (3) current employees, applicants and contractor employees who are appealing a denial or a revocation of a security clearance.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Background investigations, (2) FBI and other agency name checks, (3) investigative information relating to personnel investigations conducted by the Department of the Treasury and other Federal agencies and departments on a pre-placement and post-placement basis to make suitability and employability determinations and for granting security clearances, (4) card records comprised of Notice of Personnel Security Investigation (TD F 67–32.2) or similar previously used card indexes, and (5) an automated data system reflecting identification data on applicants, incumbents and former employees, disclosure and authorization forms, and record of investigations, level and date of security clearance, if any, as well as status of investigations, and (6) records pertaining to the appeal of a denial or a revocation of a security clearance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450, sections 2 and 3, Executive Order 12958, and Executive Order 12968.

PURPOSE(S):

This system is used to maintain records that assure the Department is upholding the highest standards of integrity, loyalty, conduct, and security among its personnel and contract employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information to:

(1) Appropriate Federal, state, local and foreign agencies for the purpose of enforcing and investigating administrative, civil or criminal law relating to the hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit;

(2) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(3) The Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury is authorized to appear, when: (a) The Department of the Treasury, or any component thereof; or (b) any employee of the Department of the Treasury in his or her official capacity; or (c) any employee of the Department of the Treasury in his or her individual capacity where the Department of Justice or the Department of the Treasury has agreed to represent the employee; or (d) the United States, when the Department of the Treasury determines that litigation is likely to affect the Department of the Treasury or any of its components; is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or the Department of the Treasury is deemed by the Department of the Treasury to be relevant and necessary to the litigation; provided, however, that the disclosure is compatible with the purpose for which records were collected;

(4) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(6) The Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, Federal Labor Relations Authority, and the Office of Special Counsel for the purpose of properly administering Federal personnel

systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations; and

(7) Unions recognized as exclusive bargaining representatives under 5 U.S.C. chapter 71, and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, index cards, and magnetic media.

RETRIEVABILITY:

Records are retrieved by name.

SAFEGUARDS:

Paper records are stored in locked metal containers and in locked rooms. Electronic records are password protected. Access is limited to officials who have a need to know in the performance of their official duties and whose background investigations have been favorably adjudicated.

RETENTION AND DISPOSAL:

The records on government employees and contractor employees are retained for the duration of their employment at the Treasury Department. The records on applicants not selected and separated employees are destroyed or sent to the Federal Records Center in accordance with General Records Schedule 18.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices: Director of Security, 1500 Pennsylvania Avenue, NW., Room 3180 Annex, Washington, DC 20220.

The system managers for the Treasury components are:

(1) DO:

a. Director of Security, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

b. OIG: Personnel Officer, 740 15th St., NW., Suite 510, Washington, DC 20220.

c. TIGTA: Security Officer, 1111 Constitution Ave., NW., Washington, DC 20224.

d. FinCEN: Security Director, Vienna, VA 22182.

(2) ATF: Assistant Directors, Office of Management, and Office of Inspection, 650 Massachusetts Avenue, NW., Washington, DC 20226.

(3) BPD: Director, Division of Administrative Services, 200 Third Street, P.O. Box 1328, Parkersburg, WV 26106–1318.

(4) CUSTOMS: Chief, Security Management Branch, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

(5) FLETC: Associate Director for Planning & Resources, Glynco, GA 31524.

(6) OCC: Director, Administrative Services Division, 250 E Street, SW., Washington, DC 20219.

(7) BEP: Chief, Office of Security, 14th & C Streets, NW., Room 113M, Washington, DC 20228.

(8) FMS: Director, Administrative Programs Division, 3700 East West Highway, Hyattsville, MD 20782.

(9) Mint: Associate Director, Protection SBU, 801 9th Street, NW., Washington, DC 20220.

(10) OTS: Director, Procurement and Administrative Services, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

The information provided or verified by applicants or employees whose files are on record as authorized by those concerned, information obtained from current and former employers, co-workers, neighbors, acquaintances, educational records and instructors, and police and credit record checks.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (2), (3), and (4), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5). (See 31 CFR 1.36)

TREASURY .008

SYSTEM NAME:

Treasury Emergency Management System.

SYSTEM LOCATION:

Department of the Treasury, Annex Building, Room 3180, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Other locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW., Washington, DC 20224.

d. Financial Crimes Enforcement Network (FinCEN): Vienna, VA 22182.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW., Washington, DC 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, SW., Washington, DC 20219–0001.

(4) United States Customs Service (CUSTOMS): 1300 Pennsylvania Avenue, NW., Washington DC 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, GA. 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(8) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(9) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(10) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(11) United States Secret Service (USSS): 950 H Street, NW., Washington, DC 20001.

(12) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current Treasury employees, contractors, and Treasury Emergency Executive Reservists.

Categories of records in the system:

Treasury employees, contractors, or Treasury Emergency Executive Reservists identification number, social security number, first name and middle initial, last name, job title, government and home addresses (city, state, zip code, zip code extension), home telephone number, work telephone number, alternate telephone number (*e.g.*, pager, cellular phone), work shift, email addresses, office code, office name, gender and other employee attributes, date of birth, place of birth, and related personnel security clearance information, emergency team assignment and emergency team location.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Executive Order 12656, section 201 and part 15, Executive

Order 12472, Presidential Decision Directive 67.

PURPOSES(S):

The purpose of this system of records is to support the development of and maintain a continuity of operations plans (COOP) for the Department and its component bureaus. COOP activities involve ensuring the continuity of minimum essential Department of the Treasury functions through plans and procedures governing succession to office and the emergency delegation of authority (where permissible). Vital records and critical information pertaining to all current employees, contractors, and Treasury Emergency Executive Reservists will be gathered and stored in an emergency employee locator system. This data will be used for alert and notification purposes, determining team and task assignments, developing and maintaining an emergency contact system for general emergency preparedness programs and specific situations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose pertinent information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(3) Disclose information to the Federal Emergency Management Agency (FEMA) or other agency with national security and emergency preparedness responsibilities in order to carry out continuity of government activities;

(4) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(5) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury (agency) is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(6) Disclose information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(7) Disclose information to a contractor for the purpose of processing administrative records and/or compiling, organizing, analyzing, programming, or otherwise refining records subject to the same limitations applicable to U. S. Department of the Treasury officers and employees under the Privacy Act;

(8) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena where relevant or potentially relevant to a proceeding;

(9) Disclose information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor management program for the purpose of processing any corrective actions or grievances, or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties;

(10) Disclose information to a telecommunications company providing telecommunications support to permit servicing the account;

(11) Disclose information to representatives of the General Services Administration (GSA) or the National Archives and Records Administration (NARA) who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in hardcopy and electronic media.

RETRIEVABILITY:

Records can be retrieved by name, or by the categories listed above under ''Categories of records in the system.''

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual. The files and magnetic media are secured in locked rooms. Access to the records is available only to employees responsible for the management of the system and/or employees of program offices who have a need for such information and have been subject to a background check and/or have a security clearance.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices: Director, Office of Security, Department of the Treasury, Washington, DC 20220.

The system managers for the Treasury components are:

1. a. DO: Director of Security, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

b. OIG: Personnel Officer, 740 15th St., NW., Suite 510, Washington, DC 20220.

c. TIGTA: Security Officer, 1111 Constitution Ave., NW., Washington, DC 20224.

2. ATF: Assistant Director, Office of Management, 650 Massachusetts Avenue, NW., Washington, DC 20226.

3. CC: Director, Administrative Services Division, 250 E Street, SW., Washington, DC 20219.

4. CUSTOMS: Chief, Security Management Branch, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

5. BEP: Director of Security, 14th & C Streets, NW., Room 113M, Washington, DC 20228.

6. FLETC: Director, Glynco Facility, Glynco, GA 31524.

7. FMS: Director, Administrative Programs Division, 3700 East West Highway, Hyattsville, MD 20782.

8. IRS: Director, Security Standards and Evaluation, 5000 Ellin Road, Lanham, MD 20706.

9. BPD: Director, Division of Administration, 200 Third Street, P.O. Box 1328, Parkersburg, WV 26106–1328.

10. Mint: Associate Director, Protection SBU, 801 9th Street, NW., Washington, DC 20220.

11. USSS: Deputy Assistant Director, Office of Administration, 950 H Street NW., Washington, DC 20001.

12. OTS: Director, Procurement and Administrative Services, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A—M.

RECORD ACCESS PROCEDURES:

See ''Notification procedures'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedures'' above.

RECORD SOURCE CATEGORIES:

Information is obtained from current Treasury employees, contractors, Treasury Emergency Executive Reservists, and Management.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .009

SYSTEM NAME:

Treasury Financial Management Systems—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. The locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. Financial Management Division, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW., Washington, DC 20224.

d. Community Development Financial Institutions Fund (CDFI): 601 13th Street, NW., Suite 200 South, Washington, DC 20005.

e. Federal Financing Bank (FFB): 1500 Pennsylvania Avenue, NW., South Court One, Washington, DC 20220.

f. Financial Crimes Enforcement Network (FinCEN): Vienna, VA 22182.

g. Office of the Assistant Secretary for International Affairs (OASIA): 1500 Pennsylvania Avenue, NW., Room 5441D, Washington, DC 20220.

h. Treasury Forfeiture Fund: 740 15th Street, NW., Suite 700, Washington, DC 20220.

i. Treasury Franchise Fund: 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW., Washington, DC 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW., Washington, DC 20219–0001.

(4) United States Customs Service (CUSTOMS): 1301 Constitution Avenue, NW., Washington DC 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

(8) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(9) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(10) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(11) United States Secret Service (USSS): 950 H Street, NW., Washington, DC 20001.

(12) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current and former Treasury employees, non-Treasury personnel on detail to the Department, current and former vendors, all debtors including employees or former employees; (2) persons paying for goods or services, returning overpayment or otherwise delivering cash; (3) individuals, private institutions and business entities who are currently doing business with, or who have previously conducted business with the Department of the Treasury to provide various goods and services; (4) individuals who are now or were previously involved in tort claims with Treasury; (5) individuals who are now or have previously been involved in payments (accounts receivable/revenue) with Treasury; and (6) individuals who have been recipients of awards. Only records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities, and organizations whose records are not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The financial systems used by the Treasury components to collect, maintain and disseminate information include the following types of records: Routine billing, payment, property accountability, and travel information used in accounting and financial processing; administrative claims by employees for lost or damaged property; administrative accounting documents, such as relocation documents, purchase orders, vendor invoices, checks, reimbursement documents, transaction amounts, goods and services descriptions, returned overpayments, or otherwise delivering cash, reasons for payment and debt, travel-related documents, training records, uniform allowances, payroll information, student intern documents, etc., which reflect amount owed by or to an individual for payments to or receipt from business firms, private citizens and or institutions. Typically, these documents include the individual's name, social security number, address, and taxpayer identification number. Records in the system also include employment data, payroll data, position and pay data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3512, 31 U.S.C. 3711, 31 U.S.C. 3721, 5 U.S.C. 5701 et seq., 5 U.S.C. 4111(b), Pub. L. 97–365, 26 U.S.C. 6103(m)(2), 5 U.S.C. 5514, 31 U.S.C. 3716, 31 U.S.C. 321, 5 U.S.C. 301, 5 U.S.C. 4101 et seq., 41 CFR parts 301–304, EO 11348, and Treasury Order 140–01.

PURPOSE(S):

The Treasury Integrated Financial Management and Revenue System is to account for and control appropriated resources; maintain accounting and financial information associated with the normal operations of government organizations such as billing and follow-up, for paying creditors, to account for goods and services provided and received, to account for monies paid and received, process travel authorizations and claims, process training claims, and process employee claims for lost or damaged property. The records management and statistical analysis subsystems provide a data source for the production of reports, statistical surveys, documentation and studies required for integrated internal management reporting of costs associated with the Department's operation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information: (1) To appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) To the Department of Justice when seeking legal advice, or when (a) the agency or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records;

(3) To a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (4) in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when: (a) The agency, or (b) or any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (e) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(5) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(6) To the news media in accordance with guidelines contained in 28 CFR 50.2 which pertain to an agency's functions relating to civil and criminal proceedings;

(7) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(8) To a public or professional licensing organization when such information indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed;

(9) To a contractor for the purpose of compiling, organizing, analyzing, programming, processing, or otherwise refining records subject to the same limitations applicable to U.S. Department of the Treasury officers and employees under the Privacy Act;

(10) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena;

(11) Through a computer matching program, information on individuals owing debts to the Department of the Treasury, or any of its components, to other Federal agencies for the purpose of determining whether the debtor is a Federal employee or retiree receiving payments which may be used to collect the debt through administrative or salary offset;

(12) To other federal agencies to effect salary or administrative offset for the purpose of collecting debts, except that addresses obtained from the IRS shall not be disclosed to other agencies;

(13) To disclose information to a consumer reporting agency, including mailing addresses obtained from the Internal Revenue Service, to obtain credit reports;

(14) To a debt collection agency, including mailing addresses obtained from the Internal Revenue Service, for debt collection services;

(15) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor-management program for the purpose of processing any corrective actions, or grievances, or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties;

(16) To a public or professional auditing organization for the purpose of conducting financial audit and/or compliance audits;

(17) To a student participating in a Treasury student volunteer program, where such disclosure is necessary to support program functions of Treasury, and

(18) To insurance companies or other appropriate third parties, including common carriers and warehousemen, in the course of settling an employee's claim for lost or damaged property filed with the Department.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures made pursuant to 5 U.S.C. 552a(b)(12): Debt information concerning a government claim against an individual may be furnished in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982 (Pub. L. 97–365) to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, microform and electronic media.

RETRIEVABILITY:

Name, social security number, vendor ID number, and document number (travel form, training form, purchase order, check, invoice, etc.).

SAFEGUARDS:

Protection and control of sensitive but unclassified (SBU) records in this system is in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual components.

RETENTION AND DISPOSAL:

Record maintenance and disposal is in accordance with National Archives and Records Administration retention schedules, and any supplemental guidance issued by individual components.

SYSTEM MANAGER(S) AND ADDRESS:

(1) DO: a. Director, Financial Management Division, 1500 Pennsylvania Avenue, NW., Attn: 1310 G Street, 2nd floor, Washington, DC 20220.

b. OIG: Assistant Inspector General for Management Services, 740 15th St. NW., Suite 510, Washington, DC 20220.

c. FinCEN: Chief Financial Officer, Vienna, VA 22182.

d. CDFI Fund: Deputy Director for Management/CFO, 601 13th Street, NW., Suite 200 South, Washington, DC 20005.

e. FFB: Chief Financial Officer, 1500 Pennsylvania Avenue, NW., South Court One, Washington, DC 20220.

f. FinCEN: Associate Director, Office of Resource Management/CFO, Vienna, VA 22182.

g. OASIA: Financial Manager, 1500 Pennsylvania Avenue, NW., Room 5441D, Washington, DC 20220.

h. Treasury Forfeiture Fund: Assistant Director for Financial Management/CFO, 740 15th Street, NW., Suite 700, Washington, DC 20220.

i. Treasury Franchise Fund: Director, Office of Financial Management, 1500 Pennsylvania Avenue, NW. Attention: 1310 G Street, NW, 2nd Floor, Washington, DC 20220.

(2) ATF: Assistant Director, Office of Management, 650 Massachusetts Avenue, NW., Washington, DC 20226.

(3) IRS: Chief Financial Officer, Internal Revenue Service, 1111 Constitution Avenue, NW., Room 3013, Washington, DC 20224.

(4) BPD: Director, Division of Financial Management, Bureau of Public Debt, 200 Third Street, P.O. Box 1328, Parkersburg, WV 26106–1328.

(5) CUSTOMS: Chief Financial Officer, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Room 4.5–D, Washington, DC 20229.

(6) FLETC: Comptroller, Budget and Finance Division, Federal Law Enforcement Training Center, Glynco Facility, Bldg. 94, Glynco, GA 31524.

(7) CC: Chief Financial Officer, Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

(8) BEP: Chief Financial Officer, Bureau of Engraving and Printing, 14th and C Streets, NW., Room 113M, Washington, DC 20228.

(9) FMS: Chief Financial Officer, Financial Management Service, 3700 East West Highway, Room 106A, Hyattsville, MD 20782.

(10) Mint: Chief Financial Officer, U.S. Mint, 633 3rd Street, NW., Room 625, Washington, DC 20220.

(11) USSS: Financial Management Division, U.S. Secret Service, 1800 G Street, NW., Room 748, Washington, DC 20226.

(12) OTS: Controller, Office of Thrift Supervision, 1700 G Street, NW., Third Floor, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A—M.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individuals, private firms, other government agencies, contractors, documents submitted to or received from a budget, accounting, travel, training or other office maintaining the records in the performance of their duties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .010

SYSTEM NAME:

Telephone Call Detail Records-Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220. The locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW., Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW., Washington, DC 20220.

c. Treasury Inspector General for Tax Administration TIGTA): 1111 Constitution Ave., NW., Washington, DC 20224.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW., Washington, DC 20226.

(3) Office of the Comptroller of the Currency (OCC): 250 E Street, NW., Washington, DC 20219–0001.

(4) United States Customs Service (CUSTOMS): 1301 Constitution Avenue, NW., Washington DC 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW., Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, Ga. 31524.

(7) Financial Crimes Enforcement Network (FinCEN) Vienna, Virginia 22182.

(8) Financial Management Service (FMS): 401 14th Street, SW., Washington, DC 20227.

(9) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW., Washington, DC 20224.

(10) United States Mint (MINT): 801 9th Street, NW., Washington, DC 20220.

(11) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(12) United States Secret Service (USSS): 950 H Street, NW., Washington, DC 20001.

(13) Office of Thrift Supervision (OTS): 1700 G Street, NW., Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals (generally agency employees and contractor personnel) who make local and/or long distance calls, individuals who received telephone calls placed from or charged to agency telephones.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to the use of Department telephones to place local and/or long distance calls, whether through the Federal Telecommunications System (FTS), commercial systems, or similar systems; including voice, data, and videoconference usage; telephone calling card numbers assigned to employees; records of any charges billed to Department telephones; records relating to location of Department telephones; and the results of administrative inquiries to determine responsibility for the placement of specific local or long distance calls. Telephone calls made to any Treasury Office of Inspector General Hotline numbers are excluded from the records maintained in this system pursuant to the provisions of 5 U.S.C., Appendix 3, Section 7(b) (Inspector General Act of 1978).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1, 12 U.S.C. 93a, 12 U.S.C. 481, 5 U.S.C. 301 and 41 CFR 201–21.6.

PURPOSE(S):

The Department, in accordance with 41 CFR 201–21.6, Use of Government Telephone Systems, established the Telephone Call Detail program to enable it to analyze call detail information for verifying call usage, to determine responsibility for placement of specific long distance calls, and for detecting possible abuse of the government-provided long distance network.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information from these records may be disclosed:

(1) To representatives of the General Services Administration or the National Archives and Records Administration who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906;

(2) To employees or contractors of the agency to determine individual responsibility for telephone calls;

(3) To appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, or where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(4) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings where relevant and necessary;

(5) To a telecommunications company providing telecommunication support to permit servicing the account;

(6) To another Federal agency to effect an interagency salary offset, or an interagency administrative offset, or to a debt collection agency for debt collection services. Mailing addresses acquired from the Internal Revenue Service may be released to debt collection agencies for collection services, but shall not be disclosed to other government agencies;

(7) To the Department of Justice for the purpose of litigating an action or seeking legal advice;

(8) In a proceeding before a court, adjudicative body, or other administrative body, before which the agency is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to the litigation or has an interest in such litigation, and the use of such records by the agency is deemed relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(9) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(10) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor-management program for the purpose of processing any corrective actions or grievances or conducting administrative hearings or appeals or if needed in the performance of other authorized duties;

(11) To the Defense Manpower Data Center (DMDC), Department of Defense, the U.S. Postal Service, and other Federal agencies through authorized computer matching programs to identify and locate individuals who are delinquent in their repayment of debts owed to the Department, or one of its components, in order to collect a debt through salary or administrative offsets;

(12) In response to a Federal agency's request made in connection with the hiring or retention of an individual, issuance of a security clearance, license, contract, grant, or other benefit by the requesting agency, but only to the extent that the information disclosed is relevant and necessary to the requesting agency's decision on the matter.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 522a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collections Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Microform, electronic media, and/or hard copy media.

RETRIEVABILITY:

Records may be retrieved by: Individual name; component headquarters and field offices; by originating or terminating telephone number; telephone calling card numbers; time of day; identification number, or assigned telephone number.

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual components.

RETENTION AND DISPOSAL:

Records are maintained in accordance with National Archives and Records Administration General Records Schedule 3. Hard copy and microform media disposed by shredding or incineration. Electronic media erased electronically.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury: Official prescribing policies and practices—Director, Customer Services Infrastructure and Operations, Department of the Treasury, Room 2150, 1425 New York Avenue, NW, Washington, DC 20220. The system managers for the Treasury components are:

(1) a. DO: Chief, Telecommunications Branch, Automated Systems Division, Room 1121, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

b. OIG: Assistant Inspector General for Management Services, 740 15th St. NW, Suite 510, Washington, DC 20220.

c. FinCEN: Deputy Director, Vienna, Virginia 22182.

(2) ATF: Assistant Director, Office of Science and Technology, 650 Massachusetts Avenue, NW, Washington, DC 20226.

(3) CC: Associate Director, Telecommunications, Systems Support Division, Office of the Comptroller of the Currency, 835 Brightseat Road, Landover, MD 20785.

(4) CUSTOMS: Chief, Voice Communications, Office of Systems Engineering and Operations, Field Office Division, 7681 Boston Boulevard, Springfield, VA 22153.

(5) BEP: Deputy Associate Director (Chief Information Officer), Office of Information Systems, Bureau of Engraving and Printing, Room 711A, 14th and C Street, SW., Washington, DC 20228.

(6) FLETC: Information Systems Officer, Information Systems Division, ISD-Building 94, Glynco, GA 31524.

(7) FMS: Director, Platform and Support Management, Room 424E, 3700 East West Highway, Hyattsville, MD 20782.

(8) IRS: Official prescribing policies and practices: National Director, Operations and Customer Support, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC 20224. Office maintaining the system: Director, Detroit Computing Center, (DCC), 1300 John C. Lodge Drive, Detroit, MI 48226.

(9) Mint: Assistant Director for Information Resources Management, 633 3rd Street, NW, Washington, DC 20220.

(10) BPD: Official prescribing policies and practices: Assistant Commissioner

(Office of Automated Information Systems), 200 Third Street, Room 202, Parkersburg, WV 26106–1328. Office maintaining the system: Division of Communication, 200 Third Street, Room 107, Parkersburg, WV 26106–1328.

(11) USSS: Chief, Information Resources Management Division, 950 H Street, NW, Washington, DC 20001.

(12) OTS: Director, Office of Information Systems, 1700 G Street, NW, 2nd Floor, Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

RECORD ACCESS PROCEDURES:

Individuals seeking notification and access to any record contained in this system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–M.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Telephone assignment records, call detail listings, results of administrative inquiries to individual employees, contractors or offices relating to assignment of responsibility for placement of specific long distance or local calls.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY .011

SYSTEM NAME:

Treasury Safety Incident Management Information System (SIMIS)—Treasury.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. Other locations at which the system is maintained by Treasury components and their associated field offices are:

(1) Departmental Offices (DO):

a. 1500 Pennsylvania Ave., NW, Washington, DC 20220.

b. The Office of Inspector General (OIG): 740 15th Street, NW, Washington, DC 20220.

c. Treasury Inspector General for Tax Administration (TIGTA): 1111 Constitution Ave., NW, Washington, DC 20224.

d. Community Development Financial Institutions Fund (CDFI): 601 13th Street, NW, Washington, DC 20005.

e. Financial Crimes Enforcement Network (FinCEN): Vienna, VA 22182.

(2) Bureau of Alcohol, Tobacco and Firearms (ATF): 650 Massachusetts Avenue, NW, Washington, DC 20226.

(3) Office of the Comptroller of the currency (OCC): 250 E Street, SW, Washington, DC 20219–0001.

(4) United States Customs Service (CUSTOMS): 1300 Pennsylvania Avenue, NW, Washington, DC 20229.

(5) Bureau of Engraving and Printing (BEP): 14th & C Streets, SW, Washington, DC 20228.

(6) Federal Law Enforcement Training Center (FLETC): Glynco, GA 31524.

(7) Financial Management Service (FMS): 401 14th Street, SW, Washington, DC 20227.

(8) Internal Revenue Service (IRS): 1111 Constitution Avenue, NW, Washington, DC 20224.

(9) United States Mint (MINT): 801 9th Street, NW, Washington, DC 20220.

(10) Bureau of the Public Debt (BPD): 200 Third Street, Parkersburg, WV 26101.

(11) United States Secret Service (USSS): 950 H Street, NW, Washington, DC 20001.

(12) Office of Thrift Supervision (OTS): 1700 G Street, NW, Washington, DC 20552.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and past Treasury employees and contractors who are injured on Department of the Treasury property or while in the performance of their duties offsite. Members of the public who are injured on Department of the Treasury property are also included in the system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in this system pertain to medical injuries and occupational illnesses of employees which include social security numbers, full names, job titles, government and home addresses (city, state, zip code), home telephone numbers, work telephone numbers, work shifts, location codes, and gender. Mishap information on environmental incidents, vehicle accidents, property losses and tort claims will be included also. In addition, there will be records such as results of investigations, corrective actions, supervisory information, safety representatives names, data as to chemicals used, processes affected, causes of losses, etc. Records relating to contractors include full name, job title, work addresses (city, state, zip code), work telephone number, location codes, and gender. Records pertaining to a member of the public include full name, home address (city, state, zip code), home telephone number, location codes and gender. (Official compensation claim file, maintained by the Department of Labor's Office of Workers' Compensation Programs (OWCP) is part of that agency's system of records and not covered by this notice.)

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Executive Order 12196, section 1–2.

PURPOSE(S):

This system of records supports the development and maintenance of a Treasury-wide incident tracking and reporting system and will make it possible to streamline a cumbersome paper process. Current web technology will be employed and facilitate obtaining real-time data and reports related to injuries and illnesses. As an enterprise system for the Department and its component bureaus, incidents analyses can be performed instantly to affect a more immediate implementation of corrective actions and to prevent future occurrences. Information pertaining to past and all current employees and contractors injured on Treasury property or while in the performance of their duties offsite, as well as members of the public injured while on Federal property, will be gathered and stored in SIMIS. This data will be used for analytical purposes such as trend analysis, and the forecasting/projecting of incidents. The data will be used to generate graphical reports resulting from the analyses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose pertinent information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(3) Disclose information to the Office of Workers' Compensation Programs, Department of Labor, which is responsible for the administration of the Federal Employees' Worker Compensation Act (FECA);

(4) Disclose information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(5) Disclose information in a proceeding before a court, adjudicative body, or other administrative body before which the Department of the Treasury (agency) is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(6) Disclose information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(7) Disclose information to a contractor for the purpose of processing administrative records and/or compiling, organizing, analyzing, programming, or otherwise refining records subject to the same limitations applicable to U.S. Department of the Treasury officers and employees under the Privacy Act;

(8) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena where relevant or potentially relevant to a proceeding;

(9) Disclose information to unions recognized as exclusive bargaining representatives under 5 U.S.C. chapter 71, arbitrators, and other parties responsible for the administration of the Federal labor-management program if needed in the performance of their authorized duties;

(10) Disclose information to the Equal Employment Opportunity Commission, Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor management program for the purpose of processing any corrective actions or grievances or conducting administrative hearings or appeals, or if needed in the performance of other authorized duties;

(11) Disclose information to a Federal, State, or local public health service agency as required by applicable law, concerning individuals who have contracted or who have been exposed to certain communicable diseases or conditions. Such information is used to prevent further outbreak of the disease or condition;

(12) Disclose information to representatives of the General Services Administration (GSA) or the National Archives and Records Administration (NARA) who are conducting records management inspections under authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in hardcopy and electronic media.

RETRIEVABILITY:

Records can be retrieved by name, or by categories listed above under ''Categories of records in the system.''

SAFEGUARDS:

Protection and control of any sensitive but unclassified (SBU) records are in accordance with TD P 7110, Department of the Treasury Security Manual. The hardcopy files and electronic media are secured in locked rooms. Access to the records is available only to employees responsible for the management of the system and/or employees of program offices who have a need for such information and have been subject to a background check and/or security clearance.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the appropriate National Archives and Records Administration General Records Schedule No. 1.

SYSTEM MANAGER(S) AND ADDRESS:

Department of the Treasury official prescribing policies and practices: Director, Office of Safety, Health and Environment, Department of the Treasury, Washington, DC 20220. The system managers for the Treasury components are:

1. DO:

(a) Director, Occupational Safety and Health Office, Room 6204 Annex, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

(b) OIG: Safety and Occupational Health Manager, 740 15th Street, NW., Washington, DC 20220.

(c) TIGTA: Safety and Occupational Health Manager, 1111 Constitution Ave., NW., Washington, DC 20224

(d) CDFI: Safety and Occupational Health Manager, 601 13th Street, NW., Washington, DC 20005.

(e) FinCEN: Safety and Occupational Health Manager, Vienna, VA 22182.

2. ATF: Assistant Director, Office of Management, 650 Massachusetts Avenue, NW., Washington, DC 20226.

3. OCC: Safety and Occupational Health Manager, 250 E Street, SW, Washington, DC 20219–0001.

4. CUSTOMS: Safety and Occupational Health Manager, 1300 Pennsylvania Avenue, NW., Washington, DC 20229.

5. BEP: Safety and Occupational Health Manager, 14th & C Streets, SW, Washington, DC 20228.

6. FLETC: Safety and Occupational Health Manager, Glynco, GA. 31524.

7. FMS: Safety and Occupational Health Manager, PG 3700 East-West Highway, Hyattsville, MD 20782.

8. IRS: Safety and Occupational Health Manager, 1111 Constitution Avenue, NW., Washington, DC 20224.

9. MINT: Safety and Occupational Health Manager, 801 9th Street, NW., Washington, DC 20220.

10. BPD: Safety and Occupational Health Manager, 200 Third Street, Parkersburg, WV 26101.

11. USSS: Safety and Occupational Health Manager, 950 H Street, NW., Washington, DC 20001.

12. OTS: Safety and Occupational Health Manager, 1700 G Street, NW., Washington, DC 20552.

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices, A–L.

RECORD ACCESS PROCEDURES:

See ''Notification procedures'' above.

Contesting record procedures: See ''Notification procedures'' above.

RECORD SOURCE CATEGORIES:

Information is obtained from current Treasury employees, contractors, members of the public, witnesses, medical providers, and relevant industry experts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Departmental Offices
TREASURY/DO. 003

SYSTEM NAME:

Law Enforcement Retirement Claims Records—Treasury/DO.

SYSTEM LOCATION:

These records are located in the Office of Personnel Policy, Department of the Treasury, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted claims for law enforcement retirement coverage (claims) with their bureaus in accordance with 5 U.S.C. 8336(c)(1) and 5 U.S.C. 8412(d).

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records relating to claims filed by current and former Treasury employees under 5 U.S.C. 8336(c)(1) and 5 U.S.C. 8412(d). These case files contain all documents related to the claim including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8336(c)(1), 8412(d), 1302, 3301, and 3302; E.O. 10577; 3 CFR 1954–1958 Comp., p. 218 and 1959–1963 Comp., p. 519; and E.O. 10987.

PURPOSE(S):

The purpose of the system is to make determinations concerning requests by Treasury employees that the position he or she holds qualifies as a law enforcement position for the purpose of administering employment and retirement benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used:

(1) To Disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) To disclose information to any source from which additional information is requested in the course of processing a claim, to the extent necessary to identify the individual whose claim is being adjudicated, inform the source of the purpose(s) of the request, and identify the type of information requested;

(3) To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an individual, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter;

(4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) To Disclose information which is necessary and relevant to the Department of Justice or to a court when the Government is party to a judicial proceeding before the court;

(6) To provide information to the National Archives and Records Administration for use in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908;

(7) To disclose information to officials of the Merit Systems Protection Board, the Office of the Special Counsel, the Federal Labor Relations Authority, the Equal Employment Opportunity Commission, or the Office of Personnel Management when requested in performance of their authorized duties;

(8) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing Counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings; and

(9) To provide information to officials of labor organizations recognized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and electronic media.

RETRIEVABILITY:

By the names of the individuals on whom they are maintained.

SAFEGUARDS:

Lockable metal filing cabinets to which only authorized personnel have access. Automated databases are password protected.

RETENTION AND DISPOSAL:

Disposed of after closing of the case in accordance with General Records Schedule 1, Civilian Personnel Records, Category 7d.

SYSTEM MANAGER(S) AND ADDRESSES:

Director, Office of Personnel Policy, Room 6018-Metropolitan Square, Department of the Treasury, Washington, DC 20220.

NOTIFICATION PROCEDURE:

It is required that individuals submitting claims be provided a copy of the record under the claims process. They may, however, contact the agency personnel or designated office where the action was processed, regarding the existence of such records on them. They must furnish the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

RECORD ACCESS PROCEDURES:

It is required that individuals submitting claims be provided a copy of the record under the claims process. However, after the action has been closed, an individual may request access to the official copy of the claim file by contacting the system manager. Individuals must provide the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records which have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determining if the record accurately documents the action of the agency ruling on the case, and will not include a review of the merits of the action, determination, or finding. Individuals wishing to request amendment to their records to correct factual errors should contact the system manager. Individuals must furnish the following information for their records to be located and identified: (1) Name, (2) date of birth, (3) approximate date of closing of the case and kind of action taken, (4) organizational component involved.

RECORD SOURCE CATEGORIES:

Information in this system of records is provided: (1) By the individual on whom the record is maintained, (2) by

testimony of witnesses, (3) by agency officials, (4) from related correspondence from organizations or persons.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO. 007

SYSTEM NAME:

General Correspondence Files—Treasury/DO.

SYSTEM LOCATION:

Departmental Offices, Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220. Components of this record system are in the following offices within the Departmental Offices:

1. Office of Foreign Assets Control
2. Office of Tax Policy
3. Office of the Assistant Secretary for International Affairs
4. Office of the Executive Secretariat
5. Office of Public Correspondence
6. Office of Legislative Affairs

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of Congress, U.S. Foreign Service officials, officials and employees of the Treasury Department, officials of municipalities and state governments, and the general public, foreign nationals, members of the news media, businesses, officials and employees of other Federal Departments and agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Incoming correspondence and replies pertaining to the mission, function, and operation of the Department, tasking sheets, and internal Treasury memorandum.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The manual systems and/or electronic databases (e.g., Treasury Automated Document System (TADS)) used by the system managers are to manage the high volume of correspondence received by the Departmental Offices and to accurately respond to inquiries, suggestions, views and concerns expressed by the writers of the correspondence. It also provides the Secretary of the Treasury with sentiments and statistics on various topics and issues of interest to the Department.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(2) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings;

(3) Provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114;

(4) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(5) Provide information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license;

(6) Provide information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records, file folders and magnetic media.

RETRIEVABILITY:

By name of individual or letter number, address, assignment control number, or organizational relationship.

SAFEGUARDS:

Access is limited to authorized personnel with a direct need to know. Rooms containing the records are locked after business hours. Some folders are stored in locked file cabinets in areas of limited accessibility except to employees. Others are stored in electronically secured areas and vaults. Access to electronic records is by password.

RETENTION AND DISPOSAL:

Some records are maintained for three years, then destroyed by burning. Other records are updated periodically and maintained as long as needed. Some electronic records are periodically updated and maintained for two years after date of response; hard copies of those records are disposed of after three months in accordance with the NARA schedule. Paper records of the Office of the Executive Secretary are stored indefinitely at the Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESSES:

1. Director, Office of Foreign Assets Control, U.S. Treasury Department, Room 2233, Treasury Annex, 1500 Pennsylvania Ave., NW., Washington, DC 20220.
2. Freedom of Information Act Officer, Office of Tax Policy, U.S. Treasury Department, Room 1041–MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.
3. Director, OASIA Secretariat, U.S. Treasury Department, Room 5422–MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.
4. Director, VIP Correspondence, Office of the Executive Secretariat, U.S. Treasury Department, Room 3419–MT, Washington, DC 20220.
5. Office of Public Correspondence, U.S. Treasury Department, Washington, DC 20220.
6. Deputy to the Assistant Secretary, Office of Legislative Affairs, U.S. Treasury Department, Room 3025–MT, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in this system may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Individuals must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (see ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Members of Congress or other individuals who have corresponded with the Departmental Offices, other governmental agencies (Federal, state and local), foreign individuals and official sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .010

SYSTEM NAME:

Office of Domestic Finance, Actuarial Valuation System—Treasury/DO.

SYSTEM LOCATION:

Departmental Offices, Office of Government Financing, Office of the Government Actuary, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Participants and beneficiaries of the Foreign Service Retirement and Disability System and the Foreign Service Pension System. Covered employees are located in the following agencies: Department of State, Department of Agriculture, Agency for International Development, Peace Corps, and the Department of Commerce.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in the system is as follows: Active Records: Name; social security number; salary; category-grade; year of entry into system; service computation date; year of birth; year of resignation or year of death, and refund if any; indication of LWOP status (if any); Retired Records: same as actives; annuity; year of separation; cause of separation (optional, disability, deferred, etc.); years and months of service by type of service; single or married; spouse's year of birth; principal's year of death; number of children on annuity roll; children's years of birth and annuities.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

22 U.S.C. 1101.

PURPOSE(S):

Public Law 95–595 requires that annual actuarial valuations be conducted for Federal retirement systems. In order to satisfy this requirement, participant data must be collected so that liabilities for the Foreign Service Retirement and Disability System and the Foreign Service Pension System can be actuarially determined.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data regarding specific individuals is released only to the contributing agency for purposes of verification.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is stored electronically.

RETRIEVABILITY:

Alphabetically.

SAFEGUARDS:

Access is restricted to employees of the Office of the Government Actuary. Passwords are required to access the data.

RETENTION AND DISPOSAL:

Records are retained on a year-to-year basis. When agencies whose pension funds are valued forward new records for valuation, older records are discarded.

SYSTEM MANAGER(S) AND ADDRESS:

The Government Actuary, Departmental Offices, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (see ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Data for actuarial valuation are provided by organizations responsible for pension funds listed under ''category of individual,'' namely the Department of State, Department of Agriculture, United States Information Agency, Agency for International Development, Peace Corps, and the Department of Commerce.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .015

SYSTEM NAME:

Political Appointee Files—Treasury/DO.

SYSTEM LOCATION:

Department of the Treasury, Departmental Offices, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who may possibly be appointed to political positions in the Department of the Treasury, consisting of Presidential appointees requiring Senate confirmation; non-career Senior Executive Service appointees; and Schedule C appointees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files may consist of the following: Referral letters; White House clearance letters; information about an individual's professional licenses (if applicable); IRS results of inquiries; notation of National Agency Check (NAC) results (favorable or otherwise); internal memoranda concerning an individual; Financial Disclosure Statements (Standard Form 278); results of inquiries about the individual; Questionnaire for National Security Positions Standard Form 86; Personal Data Statement and General Counsel Interview sheets; published works including books, newspaper and magazine articles, and treatises by the individual; newspaper and magazine articles written about or referring to the individual; and or articles containing quotes by the individual, and other correspondence relating to the selection and appointment of political appointees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 3301, 3302 and E.O. 10577.

PURPOSE(S):

These records are used by authorized personnel within the Department to determine a potential candidate's suitability for appointment to non-career positions within the Department of the Treasury.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be disclosed to:

(1) The Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, and General Accounting Office for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations;

(2) A Federal, state, local or foreign agency maintaining civil, criminal or other relevant enforcement information or other pertinent information which has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or

issuance of a security clearance, license, contract, grant, or other benefit;

(3) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena where relevant or potentially relevant to a proceeding, or in connection with criminal law proceedings;

(4) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) Third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; and

(6) Appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violation of, or for implementing a statute, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Correspondence and forms in file folders. Records are also maintained in electronic media.

RETRIEVABILITY:

Information accessed by last name of individual and Social Security Number.

SAFEGUARDS:

Building employs security guards. Data is kept in locked file cabinets and is accessible to authorized personnel only. Electronic media is password protected.

RETENTION AND DISPOSAL:

Records are destroyed at the end of the Presidential administration during which the individual is hired. For non-selectees, records of individuals who are not hired are destroyed one year after the file is closed, but not later than the end of the Presidential administration during which the individual is considered.

SYSTEM MANAGER(S) AND ADDRESS:

Chief of Staff, Department of the Treasury, Rm 3420, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be informed if they are named in this system or gain access to records maintained in the system must submit a written, signed request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment, or similar information). Address inquiries to Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

RECORD ACCESS PROCEDURES:

See ''Record Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Record Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Records are submitted by the individuals and compiled from interviews with those individuals seeking non-career positions. Additional sources may include The White House, Office of Personnel Management, Internal Revenue Service, Department of Justice and international, state, and local jurisdiction law enforcement components for clearance documents, and other correspondence and public record sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .060

SYSTEM NAME:

Correspondence Files And Records On Employee Complaints and/or Dissatisfaction-Treasury/DO.

SYSTEM LOCATION:

Office of Personnel Policy, Room 4150-Annex, Pennsylvania Avenue at Madison Place, NW., Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former and current Department employees who have submitted complaints to the Office of Personnel or whose correspondence concerning a matter of dissatisfaction has been referred to the Office of Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence dealing with former and current employee complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

To maintain a record of correspondence related to employee complaints filed with the Departmental Office of Personnel Policy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, state, and local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential civil or criminal law or regulation;

(2) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(3) Provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114;

(4) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders, file cabinets.

RETRIEVABILITY:

By bureau and employee name.

SAFEGUARDS:

Maintained in filing cabinet and released only to Office of Personnel staff or other Treasury officials on a need-to-know basis.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with Department of the Treasury Directive 25–02, ''Records Disposition Management Program'' and the General Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel Policy, Department of the Treasury, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Persons inquiring as to the existence of a record on themselves may contact: Assistant Director, (Human Relations) Department of the Treasury, Room 4150-Annex, Pennsylvania Avenue at Madison Place, NW., Washington, DC 20220. The inquiry must include the individual's name and employing bureau.

RECORD ACCESS PROCEDURES:

Persons seeking access to records concerning themselves may contact: The

Director, Office of Personnel Policy, Department of the Treasury, Room 4150-Annex, Pennsylvania Avenue at Madison Place, NW., Washington, DC 20220. The inquiry must include the individual's name and employing bureau.

CONTESTING RECORD PROCEDURES:

Individuals wishing to request amendment to their records to correct factual error should contact the Director of Personnel at the address shown in Access, above. They must furnish the following information: (a) Name; (b) employing bureau; (c) the information being contested; (d) the reason why they believe information is untimely, inaccurate, incomplete, irrelevant, or unnecessary.

RECORD SOURCE CATEGORIES:

Current and former employees, and/or representatives, employees' relatives, Congressmen, the White House, management officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .111

SYSTEM NAME:

Office of Foreign Assets Control Census Records-Treasury/DO.

SYSTEM LOCATION:

Office of Foreign Assets Control Treasury Annex, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Although most reporters in the Census in this system of records are not individuals, such censuses reflect some small number of U.S. individuals as holders of assets subject to U.S. jurisdiction which are blocked under the various sets of Treasury Department regulations involved.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of several censuses of U.S.-based, foreign-owned assets which have been blocked at any time since 1940 under Treasury Department regulations found under 31 CFR part 1, subpart B, Chapter V.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C., App. 5(b); 22 U.S.C. 2370(a); 50 U.S.C. 1701 *et seq.*; and 31 CFR Ch. V.

PURPOSE(S):

This system of records is used to identify and administer assets of blocked foreign governments, groups or persons. Censuses are undertaken at various times for specific sanction programs to identify the location, type, and value of property frozen under OFAC administered programs. The information is obtained by requiring reports from all U.S. holders of blocked property subject to the reporting requirements. The reports normally contain information such as the name of the U.S. holder, the foreign account party, location of the property and a description of the type and value of the asset. In some instances, adverse claims by U.S. persons against the blocked property are also reported.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose information to appropriate state agencies which are concerned with or responsible for abandoned property;

(2) Disclose information to foreign governments in accordance with formal or informal international agreements;

(3) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(4) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(5) Provide certain information to appropriate senior foreign-policy-making officials in the Department of State.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records stored on magnetic media and/or as hard copy documents.

RETRIEVABILITY:

By name of holder or custodian or owner of blocked property.

SAFEGUARDS:

Locked room, or in locked file cabinets located in areas in which access is limited to Foreign Assets Control employees. Computerized records are password-protected.

RETENTION AND DISPOSAL:

Records are periodically updated and maintained as long as needed. When no longer needed, records are retired to Federal Records Center or destroyed in accordance with established procedures.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Foreign Assets Control, Room 2233-Annex, Department of the Treasury, NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in the system, must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of record sought; and (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (See ''Record access procedures'' below.)

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Custodians or other holders of blocked assets.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .114

SYSTEM NAME:

Foreign Assets Control Enforcement Records-Treasury/DO.

SYSTEM LOCATION:

Office of Foreign Assets Control, Treasury Annex, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have engaged in or who are suspected of having engaged in transactions and activities prohibited by Treasury Department regulations found at 31 CFR Part 1, subpart B, Chapter V.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents related to suspected or actual violations of relevant statutes and regulations administered by the Office of Foreign Assets Control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C., App. 5(b); 50 U.S.C. 1701 et. seq.; 22 U.S.C. 287(c); 22 U.S.C. 2370(a); and 31, CFR, Chapter V; 100 Stat. 1086, as amended by H.J. Res. 756, Pub. L. 99–631.

PURPOSE(S):

This system of records is used to document investigation and administrative action taken with respect to individuals and organizations

suspected of violating statutes and regulations administered and enforced by the Office of Foreign Assets Control. Possible violations may relate to financial, commercial or other transactions with foreign governments, entities or special designated nationals. Suspected criminal violations are investigated primarily by the U.S. Customs Service. Non-criminal cases are pursued administratively for civil penalty consideration. This system is also used to generate statistical information on the number of investigative, criminal and civil cases upon which action has been taken.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose information to appropriate Federal agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license;

(2) Disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement or other pertinent information, which has requested information relevant to or necessary to the requesting agency's official functions;

(3) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in response to a subpoena or in connection with criminal law proceedings;

(4) Disclose information to foreign governments in accordance with formal or informal international agreements;

(5) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(6) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and magnetic media.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Folders in locked file cabinets are located in areas of limited accessibility. Computerized records are password-protected.

RETENTION AND DISPOSAL:

Records are periodically updated and are maintained as long as necessary. When no longer needed, records are retired to Federal Records Center or destroyed in accordance with established procedures.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Foreign Assets Control, Room 2233-Annex, U.S. Treasury Department, Washington, DC 20220.

NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

From the individual, from the Office of Foreign Assets Control investigations, and from other federal, state or local agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4), (G), (H), (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/DO .118

SYSTEM NAME:

Foreign Assets Control Licensing Records-Treasury/DO.

SYSTEM LOCATION:

Office of Foreign Assets Control, Treasury Annex, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for permissive and authorizing licenses under Treasury Department regulations found at 31 CFR part 1 subpart B, Chapter V.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for Treasury licenses-together with related and supporting documentary material and copies of licenses issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C., App. 5(b); 22 U.S.C. 2370(a); 22 U.S.C. 287(c); 50 U.S.C. 1701 et seq. 31 CFR, Chapter V; 100 Stat. 1086, as amended by H.J. Res. 756, Pub. L. 99–631.

PURPOSE(S):

This system of records contains requests from U.S. and foreign persons or entities for licenses to engage in commercial transactions, travel to foreign countries, to unblock property and bank accounts or to engage in other activities otherwise prohibited under economic sanctions administered by the Office of Foreign Assets Control. This system is also used during enforcement investigations, when applicable, and to generate information used in required reports to the Congress by the President on the number and types of licenses granted or denied under particular sanction programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing or implementing, a statute, rule, regulation, order, or license;

(2) Disclose information to the Department of State, Commerce, Defense or other federal agencies, in connection with Treasury licensing policy or other matters of mutual interest or concern;

(3) Disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement or other pertinent information, which has requested information relevant to or necessary to the requesting agency's official functions;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or witnesses, in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena or in connection with criminal law proceedings;

(5) Disclose information to foreign governments in accordance with formal or informal international agreements;

(6) Provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File folders and magnetic media.

RETRIEVABILITY:

The records are retrieved by license or letter number.

SAFEGUARDS:

Folders in locked filed cabinets are located in areas of limited accessibility. Computerized records are password-protected.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed. When no longer needed, records are retired to Federal Records Center or destroyed in accordance with established procedures.

SYSTEM MANAGER(S) AND ADDRESSES:

Director, Office of Foreign Assets Control, Room 2233–Annex, Department of the Treasury, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in the system of records, must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (See ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Applicants for Treasury Department licenses under regulations administered by the Office of Foreign Assets Control.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .144

SYSTEM NAME:

General Counsel Litigation Referral and Reporting System-Treasury/DO.

SYSTEM LOCATION:

U.S. Department of the Treasury, Office of the General Counsel, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are parties, plaintiff or defendant, in civil litigation or administrative proceedings involving or concerning the Department of the Treasury or its officers or employees. The system does not include information on every civil litigation or administrative proceeding involving the Department of the Treasury or its officers and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of a computer data base containing information related to litigation or administrative proceedings involving or concerning the Department of the Treasury or its officers or employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 31 U.S.C. 301.

PURPOSE(S):

The purposes of this system are: (1) To record service of process and the receipt of other documents relating to litigation or administrative proceedings involving or concerning the Department of the Treasury or its officers or employees, and (2) to respond to inquiries from Treasury personnel, personnel from the Justice Department and other agencies, and other persons concerning whether service of process or other documents have been received by the Department in a particular litigation or proceeding.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose pertinent information to appropriate Federal, State, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena or in connection with criminal law proceedings;

(4) Disclose information to foreign governments in accordance with formal or informal international agreements;

(5) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(6) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings;

(7) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The computerized records are maintained in computer data banks. Printouts of the data may be made.

RETRIEVABILITY:

The computer information is accessible by the name of the non-government party involved in the case, and case number and docket number (when available).

SAFEGUARDS:

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel.

RETENTION AND DISPOSAL:

The computer information is maintained for up to ten years or more after a record is created.

SYSTEM MANAGER(S) AND ADDRESS:

Counselor to the General Counsel, Office of the General Counsel, Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) An identification of the record system; and (2) an identification of the category and type of records sought. This system contains records that are exempt under 31 CFR l.36; 5 U.S.C. 552a(j)(2); and (k)(2). Address inquiries to Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Treasury Department Legal Division, Department of Justice Legal Division.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(d), (e)(1), (e)(3), (e)(4)(G),(H), (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

TREASURY/DO .149

SYSTEM NAME:

Foreign Assets Control Legal Files-Treasury/DO

SYSTEM LOCATION:

U.S. Department of the Treasury, Room 3133-Annex, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are or who have been parties in litigation or other matters involving the Office of Foreign Assets Control or involving statutes and regulations administered by the agency found at 31 CFR part 1 subpart B, chapter V.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information and documents relating to litigation and other matters involving the Office of Foreign Assets Control or statutes and regulations administered by the agency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 301; 50 U.S.C. App. 5(b); 50 U.S.C. 1701 *et seq;* 22 U.S.C. 278(c); and other statutes relied upon by the President to impose economic sanctions.

PURPOSE(S):

These records are maintained to assist in providing legal advice to the Office of Foreign Assets Control and the agency regarding issues of compliance, enforcement, investigation, and implementation of matters related to the Office of Foreign Assets Control and the statutes and regulations administered by the agency. These records are also maintained to assist in litigation related to the Office of Foreign Assets Control and the statutes and regulations administered by the agency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Prosecute, defend, or intervene in litigation related to the Office of Foreign Assets Control and statutes and regulations administered by the agency,

(2) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license;

(3) Disclose information to a Federal, State, or local agency, maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's official functions;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings;

(5) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Folders in file cabinets and magnetic media.

RETRIEVABILITY:

By name of private plaintiff or defendant.

SAFEGUARDS:

Folders are in lockable file cabinets located in areas of limited public accessibility. Where records are maintained on computer hard drives, access to the files is password-protected.

RETENTION AND DISPOSAL:

Records are periodically updated and maintained as long as needed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Counsel, Foreign Assets Control, U.S. Treasury Department, 1500 Pennsylvania Ave., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

RECORD ACCESS PROCEDURES:

Address inquiries to Assistant Director, Disclosure Services, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Pleadings and other materials filed during course of a legal proceeding, discovery obtained pursuant to applicable court rules; materials obtained by Office of Foreign Assets Control investigation; material obtained pursuant to requests made to other Federal agencies; orders, opinions, and decisions of courts.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .183

SYSTEM NAME:

Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy—Treasury/DO.

SYSTEM LOCATION:

Room 4040–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have had private relief tax bills introduced in Congress on their behalf.

CATEGORIES OF RECORDS IN THE SYSTEM:

Congressional Committee or OMB request for Treasury views on proposed legislation, plus comments on proposal from offices or bureaus of Treasury, plus the Internal Revenue Service data concerning the issues involved and that unit's recommendation, and the report of the Treasury on the Bill.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The files of private relief tax bills contain records of policy positions and issues involved in Congressional private relief tax bills.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information from this system may be disclosed to OMB and Congress.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

File Folders.

RETRIEVABILITY:

By bill numbers or name of person for whom relief is sought.

SAFEGUARDS:

Access limited to Tax Policy personnel.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed until shipped to National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Management Services, Office of Tax Policy, Room 1041–MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (See ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Principally the Congress and the Internal Revenue Service.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .190

SYSTEM NAME:

Investigation Data Management System—Treasury/DO.

SYSTEM LOCATION:

Office of Inspector General (OIG), Assistant Inspector General for Investigations, 740 15th St., NW, Suite 500, Washington, DC 20220; Field Offices in Alexandria, VA; Marlton, NJ; Houston, TX; Los Angeles, CA; San Francisco, CA; Miramar, FL, and Chicago, IL. Addresses may be obtained from the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Current and former employees of the Department of the Treasury and persons whose association with current and former employees relate to the alleged violations of the rules of ethical conduct for employees of the Executive Branch, the Department's supplemental standards of ethical conduct, the Department's rules of conduct, merit system principles, or any other criminal or civil misconduct, which affects the integrity or facilities of the Department of Treasury. The names of individuals and the files in their names may be: (1) Received by referral; or (2) initiated at the discretion of the Office of the Inspector General in the conduct of assigned duties.

(B) Individuals who are: Witnesses; complainants; confidential or non-confidential informants; suspects; defendants; parties who have been identified by the Office of the Inspector General, constituent units of the Department of Treasury, other agencies, or members of the general public in connection with the authorized functions of the Inspector General.

(C) Current and former senior Treasury and bureau officials who are the subject of investigations initiated and conducted by the Office of the Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Letters, memoranda, and other documents citing complaints of alleged criminal or administrative misconduct.

(B) Investigative files which include: (1) Reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits, records or other pertinent documents obtained during investigations; (2) transcripts and documentation concerning requests and approval for consensual (telephone and consensual non-telephone) monitoring; (3) reports from or to other law enforcement bodies; (4) prior criminal or noncriminal records of individuals as they relate to the investigations; and (5) reports of actions taken by management personnel regarding misconduct and reports of legal actions resulting from violations of statutes referred to the Department of Justice for prosecution.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Inspector General Act of 1978, as Amended, 5 U.S.C.A. App.3; 5 U.S.C. 301; 31 U.S.C. 321.

PURPOSE(S):

The records and information collected and maintained in this system are used to (a) receive allegations of violations of the standards of ethical conduct for employees of the Executive Branch (5 CFR part 2635), the Treasury Department's supplemental standards of ethical conduct (5 CFR part 3101), the Treasury Department's rules of conduct (31 CFR part 0), the Office of Personnel Management merit system principles, or any other criminal or civil law; and to (b) prove or disprove allegations which the OIG receives that are made against Department of the Treasury employees, contractors and other individuals associated with the Department of the Treasury.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation;

(2) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, or where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(3) Disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena or in connection with criminal law proceedings;

(5) Provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(6) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings;

(7) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file jackets are maintained in a secured locked room. Electronic records are password protected; backup media are maintained in a locked room.

RETRIEVABILITY:

Paper: Alphabetically by name of subject or complainant, by case number, and by special agent name and/or employee identifying number. Electronic: by complainant, subject, victim, or witness case number, and by special agent name.

SAFEGUARDS:

Paper records and word processing disks are maintained in locked safes and all access doors are locked when offices are vacant. Automated records are controlled by computer security programs which limit access to authorized personnel who have a need for such information in the course of their duties. The records are available to Office of Inspector General personnel who have an appropriate security clearance on a need-to-know basis.

RETENTION AND DISPOSAL:

Investigative files are stored on-site for 3 years at which time they retired to the Federal Records Center, Suitland, Maryland, for temporary storage. In most instances, the files are destroyed when 10 years old. However, if the files have significant or historical value, they are retained on-site for 3 years, then retired to the Federal Records Center for 22 years, at which time they are transferred to the National Archives and Records Administration for permanent retention. In addition, an automated investigative case tracking system is maintained on-site; the case information deleted 15 years after the case is closed, or when no longer needed, whichever is later.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations, 740 15th St., NW, Suite 500, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual, or for contesting the contents of a record.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals'' above. This system contains investigatory material for which sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). See 31 CFR 1.36.

TREASURY/DO .191

SYSTEM NAME:

Human Resources and Administrative Records System.

SYSTEM LOCATION:

Office of Inspector General (OIG), all headquarters, regional and field offices. (See appendix A.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former employees of the Office of Inspector General.

Categories of records in the system:

(1) Personnel system records contain OIG employee name, office, start of employment, series/grade, title, separation date; (2) Tracking records contain status information on audits, investigations and other projects from point of request or annual planning through follow-up and closure; (3) Timekeeping records contain assigned projects and distribution of time; (4) Equipment inventory records contain assigned equipment; (5) Travel records contain dates, type of travel and costs; (6) Training records contain dates, title of training, and costs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended; (5 U.S.C. Appendix 3) 5 U.S.C. 301; and 31 U.S.C. 321.

PURPOSE(S):

The purpose of the system is to: (1) Manage effectively OIG resources and projects; (2) capture accurate statistical data for mandated reports to the Secretary of the Treasury, the Congress, the Office of Management and Budget, the General Accounting Office, the President's Council on Integrity and Efficiency and other Federal agencies; and (3) provide accurate information critical to the OIG's daily operation, including employee performance and conduct.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) A record from the system of records, which indicates, either by itself or in combination with other information, a violation or potential violation of law, whether civil or criminal, and whether arising by statute, regulation, rule or order issued pursuant thereto, may be disclosed to a Federal, State, local, or foreign agency or other public authority that investigates or prosecutes or assists in investigation or prosecution of such violation, or enforces or implements or assists in enforcement or implementation of the statute, rule, regulation or order.

(2) A record from the system of records may be disclosed to a Federal, State, local, or foreign agency or other public authority, or to private sector (*i.e.,* non-Federal, State, or local government) agencies, organizations, boards, bureaus, or commissions, which maintain civil, criminal, or other relevant enforcement records or other pertinent records, such as current licenses in order to obtain information relevant to an agency investigation, audit, or other inquiry, or relevant to a decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant or other benefit, the establishment of a claim, or the initiation of administrative, civil, or criminal action. Disclosure to the private sector may be made only when the records are properly constituted in accordance with agency requirements; are accurate, relevant, timely and complete; and the disclosure is in the best interest of the Government.

(3) A record from the system of records may be disclosed to a Federal, State, local, or foreign agency or other public authority, or private sector (i.e., non-Federal, State, or local government) agencies, organizations, boards, bureaus, or commissions, if relevant to the recipient's hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, the issuance of a license, grant or other benefit, the establishment of a claim, or the

initiation of administrative, civil, or criminal action. Disclosure to the private sector may be made only when the records are properly constituted in accordance with agency requirements; are accurate, relevant, timely and complete; and the disclosure is in the best interest of the Government.

(4) A record from the system of records may be disclosed to any source, private or public, to the extent necessary to secure from such source information relevant to a legitimate agency investigation, audit, or other inquiry.

(5) A record from the system of records may be disclosed to the Department of Justice when the agency or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

(6) A record from the system of records may be disclosed in a proceeding before a court or adjudicative body, when the agency, or any component thereof, or any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the agency has agreed to represent the employee, or the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the agency determines that use of such records is relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.

(7) A record from the system of records may be disclosed to a Member of Congress from the record of an individual in response to an inquiry from the Member of Congress made at the request of that individual.

(8) A record from the system of records may be disclosed to the Department of Justice and the Office of Government Ethics for the purpose of obtaining advice regarding a violation or possible violation of statute, regulation, rule or order or professional ethical standards.

(9) A record from the system of records may be disclosed to the Office of Management and Budget for the purpose of obtaining its advice regarding agency obligations under the Privacy Act, or in connection with the review of private relief legislation.

(10) A record from the system of records may be disclosed in response to a subpoena issued by a Federal agency having the power to subpoena records of other Federal agencies if, after careful review, the OIG determines that the records are both relevant and necessary to the requesting agency's needs and the purpose for which the records will be used is compatible with the purpose for which the records were collected.

(11) A record from the system of records may be disclosed to a private contractor for the purpose of compiling, organizing, analyzing, programming, or otherwise refining records subject to the same limitations applicable to U.S. Department of Treasury officers and employees under the Privacy Act.

(12) A record from the system of records may be disclosed to a grand jury agent pursuant either to a Federal or State grand jury subpoena, or to a prosecution request that such record be released for the purpose of its introduction to a grand jury provided that the Grand Jury channels its request through the cognizant U.S. Attorney, that the U.S. Attorney has been delegated the authority to make such requests by the Attorney General, that she or he actually signs the letter specifying both the information sought and the law enforcement purpose served. In the case of a State Grand Jury subpoena, the State equivalent of the U.S. Attorney and Attorney General shall be substituted.

(13) A record from the system of records may be disclosed to a Federal agency responsible for considering suspension or debarment action where such record would be relevant to such action.

(14) A record from the system of records may be disclosed to an entity or person, public or private, where disclosure of the record is needed to enable the recipient of the record to take action to recover money or property of the United States Department of the Treasury, where such recovery will accrue to the benefit of the United States, or where disclosure of the record is needed to enable the recipient of the record to take appropriate disciplinary action to maintain the integrity of the programs or operations of the Department of the Treasury.

(15) A record from the system of records may be disclosed to a Federal, state, local or foreign agency, or other public authority, for use in computer matching programs to prevent and detect fraud and abuse in benefit programs administered by an agency, to support civil and criminal law enforcement activities of any agency and its components, and to collect debts and over payments owed to any agency and its components.

(16) A record from the system of records may be disclosed to a public or professional licensing organization when such record indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed.

(17) A record from the system of records may be disclosed to the Office of Management and Budget, the General Accounting Office, the President's Council on Integrity and Efficiency and other Federal agencies for mandated reports.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Debtor information may also be furnished, in accordance with 5 U.S.C. 552a(b)(12) and 31 U.S.C. 3711(e) to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and electronic media.

RETRIEVABILITY:

Most files are accessed by OIG employee name, employee identifying number, office, or cost center. Some records may be accessed by entering equipment or project information.

SAFEGUARDS:

Access is limited to OIG employees who have a need for such information in the course of their work. A central network server is password protected by account name and user password. Access to records on electronic media is controlled by computer passwords. Access to specific system records is further limited and controlled by computer security programs limiting access to authorized personnel.

RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and are retained as long as necessary.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Management Services, 740 15th St. NW, Suite 510, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in this system may inquire in accordance with instructions appearing in 31 CFR part 1, subpart C, appendix A. Individuals must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identifying number, dates of employment or similar information). Address inquiries to Assistant Director, Disclosure Services (see ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CONTESTING RECORDS PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

Current and former employees of the OIG.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

Appendix A—Addresses of OIG Offices

HEADQUARTERS:

Department of the Treasury, Office of Inspector General, Office of the Assistant Inspector General for Management Services, 740 15th Street, NW, Suite 510, Washington, DC 20220.

FIELD LOCATIONS:

Contact System Manager for addresses.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, El Segundo, CA 90245–4341.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, San Francisco, CA 94105.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, Miramar, FL 33027.

Department of the Treasury, Offices of Audit and Investigations, Chicago, IL 60603.

Department of the Treasury, Office of Inspector General, Office of Audit, Indianapolis, IN 46278.

Department of the Treasury, Office of Inspector General, Office of Audit, Boston, MA 02110–3350.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, Marlton, NJ 08053.

Department of the Treasury, Office of Inspector General, Offices of Audit and Investigations, Houston, TX 77057.

Department of the Treasury, Office of Inspector General, Office of Investigations, Alexandria, VA 22314.

TREASURY/DO .193

SYSTEM NAME:

Employee Locator and Automated Directory System-Treasury/DO.

SYSTEM LOCATION:

Main Treasury Building, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Information on all employees of the Department is maintained in the system if the proper locator card is provided.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, office telephone number, bureau, office symbol, building, room number, home address and phone number, and person to be notified in case of emergency.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The Employee Locator and Automated Directory System is maintained for the purpose of providing current locator and emergency information on all DO employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosures are not made outside of the Department.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy and magnetic media.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

All records, including computer system and all terminals are located within secure space. Only authorized personnel have access.

RETENTION AND DISPOSAL:

Records are kept as long as needed, updated periodically and destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Manager, Telephone Operator Services Branch, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

NOTIFICATION PROCEDURE:

See ''System manager'' above.

RECORD ACCESS PROCEDURES:

See ''System manager'' above.

CONTESTING RECORD PROCEDURES:

See ''System manager'' above.

RECORD SOURCE CATEGORIES:

Information is provided by individual employees. Necessary changes made if requested.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .194

SYSTEM NAME:

Circulation System—Treasury.

SYSTEM LOCATION:

Department of the Treasury, Library and Information Services Division, Room 1428–MT, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who borrow library materials or receive library materials on distribution. The system also contains records concerning interlibrary loans to local libraries which are not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records of items borrowed from the Treasury Library collection and patron records are maintained on central computer. Records are maintained by name of borrower, office locator information, and title of publication.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

Track circulation of library materials and their borrowers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic media.

RETRIEVABILITY:

Data can be retrieved from the system by borrower name or bar code number and publication title or its associated bar code number.

SAFEGUARDS:

Access to the system requires knowledge of password identification codes and protocols for calling up the data files. Access to the records is limited to staff of the Readers Services Branch who have a need-to-know the information for the performance of their duties.

RETENTION AND DISPOSAL:

Only current data are maintained on-line. Records for borrowers are deleted when employee leaves Treasury.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Library and Information Services, Department of the Treasury, Room 1428–MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Inquiries should be addressed to Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington DC 20220.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Patron information records are completed by borrowers and library staff.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .196

SYSTEM NAME:

Security Information System-Treasury/DO.

SYSTEM LOCATION:

Components of this system are located in the following offices within the Departmental Offices: Office of Security, Room 3180 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220, and Room 3170 Treasury Annex, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Department of the Treasury officials who classify documents with a national security classification, *i.e.,* Top Secret, Secret, or Confidential.

(2) Each Department of the Treasury official, by name and position title, who has been delegated the authority to downgrade and declassify national security information and who is not otherwise authorized to classify a document at its present classification level.

(3) Each Department of the Treasury official, by name and position title, who has been delegated the authority for original classification of national security information, exclusive of officials specifically authorized original classification authority by Treasury Order 102–10.

(4) Each Department of the Treasury office by name and position title delegated the authority to derivatively classify national security information in accordance with an approved classification guide or on the basis of source documents.

(5) Each Department of the Treasury official who does not have original classification authority for national security information and who is not authorized to downgrade and declassify national security information, but who may control and/or decontrol limited official use information.

(6) An alphabetical listing of Department of the Treasury employees who have valid security violations as a result of the improper handling, safeguarding, or storage of classified national security and sensitive but unclassified information.

(7) Department of the Treasury personnel concerned with classified national security and sensitive but unclassified use information who have participated in a security orientation program regarding the salient features of the security requirements and procedures for the handling and safeguarding of such information.

CATEGORIES OF RECORDS IN THE SYSTEM:

The following records are maintained by the Director of Security: (1) Report of Authorized Downgrading and Declassification Officials, (2) Report of Authorized Classifiers, (3) Report of Authorized Derivative Classifiers, (4) Designation of Controlling/Decontrolling Officials, (5) Record of Security Violation, and (6) the Security Orientation Acknowledgment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order No. 12958, dated April 17, 1995, as amended, and Office of Security Manual, TDP 71–10.

PURPOSE(S):

The system is designed to (1) oversee compliance with Executive Order No. 12958 and Departmental programming and implementation, (2) ensure proper classification of national security information, (3) record details of valid security violations and (4) assist in determining the effectiveness of information security programs affecting classified and sensitive but unclassified information.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

These records may be used to disclose information to appropriate Federal agencies and for enforcing or implementing a statute, rule, regulation or order.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard Copy paper files.

RETRIEVABILITY:

Manually filed and indexed by office or bureau, date, name of official and position title, where appropriate.

SAFEGUARDS:

Secured in security equipment to which access is limited to personnel with the need to know.

RETENTION AND DISPOSAL:

With the exception of the Record of Security Violation, which is maintained for a period of two years, and the Security Orientation Acknowledgment, the remaining records are destroyed and/or updated on an annual basis. Destruction is effected by shredding or other comparable means.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Security, 3180 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in this system, must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and types of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information) to the Assistant Director, Disclosure Services. (See ''Record access procedures'' below).

RECORD ACCESS PROCEDURES:

Assistant Director, Disclosure Services, Department of the Treasury, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Record access procedures'' above.

RECORD SOURCE CATEGORIES:

The sources of the information are office and bureau employees of the Department of the Treasury. The information concerning any security violation is reported by Department of the Treasury security officials and Department of State security officials as concerns Treasury personnel attached to U.S. diplomatic posts or missions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .200

SYSTEM NAME:

FinCEN Data Base-Treasury/DO.

SYSTEM LOCATION:

The Financial Crimes Enforcement Network, Vienna, VA 22182.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals who relate in any manner to official FinCEN efforts in support of the enforcement of the Bank Secrecy Act and money-laundering and other financial crimes. Such individuals may include, but are not limited to, subjects of investigations and prosecutions; suspects in investigations; victims of such crimes; witnesses in such investigations and prosecutions; and close relatives and associates of any of these individuals who may be relevant to an investigation; (2) current and former FinCEN personnel whom FinCEN considers relevant to an investigation or inquiry; (3) individuals who are the subject of unsolicited information possibly relevant to violations of law or regulations, who offer unsolicited information relating to such violations, who request assistance from FinCEN, and who make inquiries of FinCEN.

CATEGORIES OF RECORDS IN THE SYSTEM:

Every possible type of information that contributes to effective law enforcement may be maintained in this system of records, including, but not limited to, subject files on individuals, corporations, and other legal entities; information provided pursuant to the Bank Secrecy Act; information gathered pursuant to search warrants; statements of witnesses; information relating to past queries of the FinCEN Data Base; criminal referral information; complaint information; identifying information regarding witnesses, relatives, and associates; investigative reports; and intelligence reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 31 U.S.C. 5311 *et seq.*; 31 CFR part 103; Treasury Department Order No. 105–08 (April 25, 1990).

PURPOSE(S):

The purpose of this system of records is to support FinCEN's efforts to provide a government-wide, multi-source intelligence and analytical network to support the detection, investigation, and prosecution of domestic and international money laundering and other financial crimes, and other domestic and international criminal, tax, and regulatory matters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be used to:

(1) Provide responses to queries from Federal, State, territorial, and local law enforcement and regulatory agencies, both foreign and domestic, regarding Bank Secrecy Act and other financial crime enforcement;

(2) Furnish information to other Federal, State, local, territorial, and foreign law enforcement and regulatory agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where FinCEN becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(3) Furnish information to the Department of Defense, to support its role in the detection and monitoring of aerial and maritime transit of illegal drugs into the United States and any other role in support of law enforcement that the law may mandate;

(4) Respond to queries from INTERPOL in accordance with agreed coordination procedures between FinCEN and INTERPOL;

(5) Furnish information to individuals and organizations, in the course of enforcement efforts, to the extent necessary to elicit information pertinent to financial law enforcement;

(6) Furnish information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with civil or criminal law proceedings;

(7) Furnish information to the news media in accordance with the guidelines contained in 28 CFR 50.2, which relate to civil and criminal proceedings; and

(8) Furnish information to the Department of State and the Intelligence Community to further those agencies' efforts with respect to national security and the foreign aspects of international narcotics trafficking.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic media and hard copy.

RETRIEVABILITY:

By name, address, or unique identifying number.

SAFEGUARDS:

All FinCEN personnel accessing the system will have successfully passed a background investigation. FinCEN will furnish information from the system of records to approved personnel only on a ''need to know'' basis using passwords and access control. Procedural and physical safeguards to be utilized include the logging of all queries and periodic review of such query logs; compartmentalization of information to restrict access to authorized personnel; physical protection of sensitive hard copy information; encryption of electronic communications; intruder alarms; and 24-hour building guards.

RETENTION AND DISPOSAL:

FinCEN personnel will review records each time a record is retrieved and on a periodic basis to see whether it should be retained or modified. FinCEN will dispose of all records after twenty years. Records will be disposed of by erasure of magnetic media and by shredding and/or burning of hard copy documents.

SYSTEM MANAGER(S) AND ADDRESSES:

Deputy Director, Financial Crimes Enforcement Network, Vienna, VA 22182.

NOTIFICATION PROCEDURE:

Pursuant to 5 U.S.C. 552a(j)(2), (k)(1), and (k)(2), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

See ''Categories of individuals covered by the system'' above. The

system contains material for which sources need not be reported.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H), and (I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2), (k)(1), and (k)(2).

TREASURY/DO .201

SYSTEM NAME:

Fitness Center Records—Treasury/DO.

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 22020.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Treasury Department employees who have applied for membership and participate in the Treasury fitness program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, job title, addresses, date of birth, age, sex; name, address, and telephone number of personal physician; name, and address and telephone number of emergency contact; health and exercise history; physician's clearance; informed consent form, waiver and release form, program interest survey form; fitness assessment results; and results of health tests taken by the Fitness Center members.

AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The records are collected and maintained to provide the Fitness Center contractor with written documentation of user's membership status. The records enable the contractor to identify the current fitness level and potential health risks faced by each user. The collection of these records provides essential baseline information allowing the contractor to prescribe the appropriate exercise program to each user.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

No disclosures will be made outside the Departmental Offices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and magnetic media.

RETRIEVABILITY:

By name and membership number.

SAFEGUARDS:

Records are stored in locked cabinets in a locked room. Access is limited to authorized employees of the contractor responsible for servicing the records in the performance of their duties.

RETENTION AND DISPOSAL:

Active records are retained indefinitely. Inactive records are held for three years, then are destroyed by shredding.

SYSTEM MANAGERS AND ADDRESS:

Director, Administrative Operations, Department of the Treasury, Room 1212–MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220. Name of the contractor will be provided by the system manager upon request.

NOTIFICATION PROCEDURE:

Individuals seeking access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Inquiries should be addressed to Assistant Director, Disclosure Services, Departmental Offices, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

RECORD ACCESS PROCEDURES:

Inquiries should be addressed to the Assistant Director, Disclosure Services, Departmental Offices, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

CONTESTING RECORD PROCEDURES:

See ''Notification procedures'' above.

RECORD SOURCE CATEGORIES:

The source of the data is the Treasury Department employee who has applied for membership, contractor personnel and the employee's personal physician.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .202

SYSTEM NAME:

Drug-Free Workplace Program Records—Treasury/DO.

SYSTEM LOCATION:

Records are located within Personnel Resources, Workforce Effectiveness, Room 1450–MT, Department of the Treasury, Departmental Offices, 1500 Pennsylvania Ave., NW, Washington, DC 20220

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of Departmental Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records related to selection, notification, testing of employees, drug test results, and related documentation concerning the administration of the Drug-Free Workplace Program within Departmental Offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 100–71; 5 U.S.C. 7301 and 7361; 21 U.S.C. 812; Executive Order 12564, ''Drug-Free Federal Workplace''.

PURPOSE(S):

The system will be established to maintain records relating to the selection, notification, and testing of Departmental Offices' employees for use of illegal drugs and drugs identified in Schedules I and II of 21 U.S.C. 812.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

These records may be disclosed to a court of competent jurisdiction where required by the United States Government to defend against any challenge against any adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records consist of paper records maintained in file folders and magnetic media.

RETRIEVABILITY:

Records are retrieved by name of employee, position, title, social security number, I.D. number (if assigned), or any combination of these.

SAFEGUARDS:

Records will be stored in secure containers, *e.g.*, safes, locked filing cabinets, etc. Access to such records is restricted to individuals having direct responsibility for the administration of the agency's Drug-Free Workplace Program. Procedural and documentary requirements of Pub. L. 100–71 and the Department of Health and Human Services Guidelines will be followed.

RETENTION AND DISPOSAL:

Records are retained for two years and then destroyed by shredding, burning, or, in case of magnetic media, erasure. Written records and test results may be retained up to five years or longer when necessary due to challenges or appeals of adverse action by the employee.

SYSTEM MANAGER(S) AND ADDRESS:

Departmental Offices, Office of Personnel Resources, Department of the Treasury, 1500 Pennsylvania Ave., Room 1450–MT, Washington, DC 20220.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the attention of the Assistant Director, Disclosure Services, Departmental Offices, 1500 Pennsylvania Ave., Washington, DC 20220. Individuals must furnish their full name, Social Security Number, the title, series, and grade of the position they occupied, the month and year of any drug test(s) taken, and verification of identity as required by 31 CFR part 1, subpart C, appendix A.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the attention of the Assistant Director, Disclosure Services, Departmental Offices, 1500 Pennsylvania Ave., Washington, DC 20220. Individuals must furnish their full name, Social Security Number, the title, series, and grade of the position they occupied, the month and year of any drug test(s) taken, and verification of identity as required by 31 CFR part 1, subpart C, appendix A.

CONTESTING RECORD PROCEDURES:

The Department of the Treasury rules for accessing records, for contesting contents, and appealing initial determinations by the individual concerned are published in 31 CFR part 1, subpart A, appendix A.

RECORD SOURCE CATEGORIES:

Records are obtained from the individual to whom the record pertains; Departmental Offices employees involved in the selection and notification of individuals to be tested; contractor laboratories that test urine samples for the presence of illegal drugs; Medical Review Officers; supervisors and managers and other Departmental Offices official engaged in administering the Drug-Free Workplace Program; the Employee Assistance Program, and processing adverse actions based on drug test results.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .207

SYSTEM NAME:

Waco Administrative Review Group Investigation-Treasury/DO.

SYSTEM LOCATION:

(a) Department of the Treasury, 1500 Pennsylvania Ave., NW Washington, DC 20220.

(b) Bureau of Alcohol, tobacco and Firearms (ATF), 650 Massachusetts Avenue, NW, Washington, DC 20226.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(A) Current and former employees of the Department of the Treasury and its bureaus and persons whose associations with current and former employees relate to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas on February 28, 1993, or any other criminal or civil misconduct, which affects the integrity or facilities of the Department of the Treasury. The names of individuals and the files in their names may be: (1) Received by referral; or (2) developed in the course of the investigation.

(B) Individuals who are: Witnesses; complainants; confidential or non-confidential informants; suspects; defendants who have been identified by the Office of Enforcement, constituent units of the Department of the Treasury, other agencies, or members of the general public in connection with the authorized functions of the Office of Enforcement.

(C) Members of the general public who provide information pertinent to the investigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

(A) Letters, memoranda, and other documents citing complaints of alleged criminal misconduct pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993.

(B) Investigative files which include:

(1) Reports of investigations to resolve allegations of misconduct or violations of law and to comply with the President's specific directive for a fact finding report on the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, with related exhibits, statements, affidavits, records or other pertinent documents obtained during investigation;

(2) Transcripts and documentation concerning requests and approval for consensual telephone and consensual nontelephone monitoring;

(3) Reports from or to other law enforcement bodies;

(4) Prior criminal or noncriminal records of individuals as they relate to the investigations; and

(5) Reports of actions taken by management personnel regarding misconduct and reports of legal actions resulting from violations of statutes referred to the Department of Justice for prosecution;

(6) Videotapes of events pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, or to the Department of Justice criminal prosecutions;

(7) Audiotapes with transcripts of events pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, or to the Department of Justice criminal prosecutions;

(8) Photographs and blueprints pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, or to the Department of Justice criminal prosecutions; and

(9) Drawings, sketches, models portraying events pertinent to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, or to the Department of Justice criminal prosecutions.

PURPOSE(S):

The purpose of the system of records is to implement a data base containing records of investigation conducted by the Waco Administrative Review Group, and other relevant information with regard to the events leading to the Bureau of Alcohol, Tobacco & Firearms execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993, and, where appropriate, to disclose to other law enforcement agencies which have an interest in the information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 31 U.S.C. 321.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to:

(1) Disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation;

(2) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or

implementing a statute, rule, regulation, order, or license, or where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(3) Disclose information to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit;

(4) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena, where relevant and necessary, or in connection with criminal law proceedings;

(5) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; and

(6) Provide a report to the President and the Secretary of the Treasury detailing the investigation and findings concerning the events leading to the Bureau of Alcohol, Tobacco & Firearms' execution of search and arrest warrants at the Branch Davidian compound, near Waco, Texas, on February 28, 1993.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in binders and file jackets and all multi-source media information are maintained in locked offices with access, through the administrative documents and records control personnel for the Department, available to personnel with a need to know. Records will be maintained in locked offices during non-business hours. Records will be maintained in the Departmental Offices, in the main Treasury building and ATF Headquarters which are subject to 24-hour security.

RETRIEVABILITY:

Alphabetically by name, and or by number, or other alpha-numeric identifiers.

SAFEGUARDS:

Records and word processing disks are maintained by administrative documents and records control personnel of the Department. All access doors are locked when office is vacant. The records are available on a need-to-know basis to the Office of Enforcement personnel and the ATF Office of Chief Counsel personnel upon verification of the substance and propriety of the request.

RETENTION AND DISPOSAL:

Investigative files are stored on-site for six years and indices to those files are stored on-site for ten years. The word processing disks will be retained indefinitely, and to the extent required they will be updated periodically to reflect changes and will be purged when the information is no longer required. Upon expiration of their respective retention periods, the investigative files and their indices are transferred to the Federal Records Center, Suitland, Maryland, for Storage and in most instances destroyed by burning, maceration or pulping when 20 years old.

SYSTEM MANAGER(S) AND ADDRESS:

(a) Department of the Treasury official prescribing policies and practices: Office of Enforcement, Room 4312–MT, 1500 Pennsylvania Ave. NW., Washington, DC 20220.

(b) Official maintaining records at the ATF: Chief Counsel, Bureau of Alcohol, tobacco and Firearms, 650 Massachusetts Ave., NW., Washington, DC 20226.

NOTIFICATION PROCEDURE:

Individuals seeking access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart c, appendix A. Inquiries should be directed to the Assistant Director, Disclosure Services, Department of the Treasury, Washington, DC 20220.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individuals who were witnesses; complainants; confidential or non-confidential informants; suspects; defendants, constituents of the Department of the Treasury, other Federal, State or local agencies and members of the public.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .209

SYSTEM NAME:

Personal Services Contracts (PCSs)—Treasury/DO.

SYSTEM LOCATION:

(1) Office of Technical Assistance, Department of the Treasury, 1730 K Street, NW., Suite 204, Washington, DC 20006.

(2) Procurement Services Division, Departmental Offices, Department of the Treasury, 1310 G St. NW., Suite 400 East, Washington, DC 20005.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have been candidates or who have been awarded a personal services contract (PSC) with the Department of the Treasury.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, telephone number, demographic data, education, contracts, supervisory notes, personnel related information, financial, payroll and medical data and documents pertaining to the individual contractors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Support for Eastern European Democracy (SEED) Act of 1989 (Pub L. 101–179), Freedom Support Act (Pub L. 102–511), Executive Order 12703.

PURPOSE(S):

To maintain records pertaining to the awarding of personal services contracts to individuals for the provision of technical services in support of the SEED Act and the FSA, and which establish an employer/employee relationship with the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used to disclose:

(1) Pertinent information to appropriate Federal, State, local, or foreign agencies, or other public authority, responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Information to the Department of Justice for the purpose of litigating an action or seeking legal advice;

(3) Information to a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(4) Information in a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when: (a) The agency, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (d) the United States, when the agency determines that litigation is likely to affect the agency, is party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged, and

(5) Information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders and on electronic media.

RETRIEVABILITY:

Retrieved by name of the individual contractor and contract number.

SAFEGUARDS:

Records are maintained in a secured vault with locked file cabinets with access limited to authorized personnel. Offices are locked during non-working hours with security provided on a 24-hour basis. Electronic media is password protected.

RETENTION AND DISPOSAL:

Records are periodically updated when a contract is modified. Contract records, including all biographical or other personal data, are retained for the contract period, with disposal after contract completion in accordance with the Federal Acquisition Regulation 4.805. Other records are retained for two years then are destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

(1) Director, Office of Technical Assistance, Department of the Treasury, 1730 K Street, NW, Suite 204, Washington, DC 20006.

(2) Director, Procurement Services Division, Departmental Offices, Department of the Treasury, 1310 G St. NW., Suite 400 East, Washington, DC 20005.

NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access or seek to contest its contents, may inquire in accordance with instructions appearing at 31 CFR part 1, subpart C, appendix A. Inquiries should be addressed to Assistant Director, Disclosure Services, Departmental Offices, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above

CONTESTING RECORD PROCEDURES:

See ''Notification procedures'' above.

RECORD SOURCE CATEGORIES:

Information is provided by the candidate, individual Personal Services Contractor, and Treasury employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

TREASURY/DO .212

SYSTEM NAME:

Suspicious Activity Reporting System (SARS).

SYSTEM LOCATION:

The SAR System is housed at the Internal Revenue Service Computing Center (''DCC'') in Detroit, Michigan, and is managed by the Financial Crimes Enforcement Network (''FinCEN''), Vienna, VA 22182, with the assistance of the staff of DCC.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The SAR System contains information about:

(1) Individuals or entities that are known perpetrators or suspected perpetrators of a known or suspected federal criminal violation, or pattern of criminal violations, committed or attempted against a financial institution, or participants in a transaction or transactions conducted through the financial institution, that has been reported by the financial institution, either voluntarily or because such a report is required under the rules of FinCEN, one or more of the Federal Supervisory Agencies (the Board of Governors of the Federal Reserve System (''the Board''), the Office of the Comptroller of the Currency (''OCC''), the Federal Deposit Insurance Corporation (''FDIC''), the Office of Thrift Supervision (''OTS''), and the National Credit Union Administration (''NCUA'') (collectively, the ''Federal Supervisory Agencies'')), or both.

(2) Individuals or entities that are participants in transactions, conducted or attempted by, at, or through a financial institution, that have been reported because the institution knows, suspects, or has reason to suspect that: (a) The transaction involves funds derived from illegal activities, the transaction is intended or conducted to hide or disguise funds or assets derived from illegal activities as part of a plan to violate or evade any law or regulation or to avoid any transaction reporting requirement under Federal law; (b) the transaction is designed to evade any regulations promulgated under the Bank Secrecy Act, Pub. L. 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311, *et seq.*; or (c) the transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the financial institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction;

(3) Individuals who are directors, officers, employees, agents, or otherwise affiliated with a financial institution;

(4) Individuals or entities that are actual or potential victims of a criminal violation or series of violations;

(5) Individuals who are named as possible witnesses in connection with matters arising from any such report;

(6) Individuals or entities named as preparers of any such report;

(7) Individuals or entities named as persons to be contacted for assistance by government agencies in connection with any such report;

(8) Individuals or entities who have or might have information about individuals or criminal violations described above; and

(9) Individuals or entities involved in evaluating or investigating any matters arising from any such report.

CATEGORIES OF RECORDS IN THE SYSTEM:

The SAR System contains information reported to FinCEN by financial institutions on a Suspicious Activity Report (''SAR'') required under the authority of FinCEN or one or more of the Federal Supervisory Agencies, or both. SARs contain information about the categories of persons or entities specified in ''Categories of Individuals Covered by the system.'' The SAR System may also contain records pertaining to criminal prosecutions, civil actions, enforcement proceedings, and investigations resulting from or relating to SARs. Additionally, it will contain records pertaining to criminal prosecutions, civil actions, enforcement proceedings, and investigations relating to institutions required to file reports or under the supervision of one or more of the Federal Supervisory agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 31 U.S.C. 5318(g); 31 CFR Part 103; 31 U.S.C. 321; and Department of the Treasury Order 105–08.

PURPOSE(S):

The requirements of FinCEN and the Federal Supervisory Agencies create an integrated process for reporting suspicious activity and known or suspected crimes by, at, or through depository institutions and certain of their affiliates. The process is based on a single uniform SAR filed with FinCEN.

The SAR System has been created, as a key part of this integrated reporting process, to permit coordinated and enhanced analysis and tracking of such information, and rapid dissemination of SAR information to appropriate law enforcement and supervisory agencies. The provisions of 31 U.S.C. 5318(g)(4)(B) specifically require that the agency designated as repository for SARs refer those reports to any appropriate law enforcement or supervisory agency.

Data from the SAR System will be exchanged, retrieved, and disseminated, both manually and electronically among FinCEN, the Federal Supervisory Agencies, appropriate Federal, State, and local law enforcement agencies, and State banking supervisory agencies. Agencies to which information will be referred electronically, which in certain cases may involve electronic transfers of batch information, include the Federal Supervisory Agencies, the Federal Bureau of Investigation (FBI), the Criminal Investigation Division of the Internal Revenue Service, the United States Secret Service, the United States Customs Service, the Executive Office of the United States Attorneys and the Offices of the 93 United States Attorneys, and State bank supervisory agencies and certain State law enforcement agencies, which have entered into appropriate agreements with FinCEN. (The FBI and Secret Service may receive electronic transfers of batch information as forms are filed to permit those agencies more efficiently to carry out their investigative responsibilities.) Organizations to which information is regularly disseminated are referred to as SAR System Users. It is anticipated that information from the SAR System will also be disseminated to other appropriate Federal, State, or local law enforcement organizations and regulatory agencies that enter into appropriate agreements with FinCEN. In addition, information may be disseminated to non-United States financial regulatory and law enforcement agencies.

Routine uses of records maintained in the system, Including Categories of Users and the Purposes of Such Uses:

These records may be used to:

(1) Provide information or records, electronically or manually, to SAR System Users relevant to the enforcement and supervisory programs and operations of those Users;

(2) Provide SAR System Users and their Executive Departments with reports that indicate the number, amount, individual identity, and other details concerning potential violations of the law that have been the subject of Suspicious Activity Reports;

(3) Provide information or records to any appropriate domestic or non-United States governmental agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law, or charged with the responsibility of enforcing or implementing a statute, rule, regulation, order, or policy, or charged with the responsibility of issuing a license, security clearance, contract, grant, or benefit, when relevant to the responsibilities of these agencies or organizations;

(4) Provide information or records, when appropriate, to international and foreign governmental authorities in accordance with law and formal or informal international agreement;

(5) Disclose on behalf of a SAR System User, the existence, but not necessarily the content, of information or records to a third party, in cases where a SAR System User is a party or has a direct interest and where the SAR System User has concluded that such disclosure is necessary;

(6) Provide information or records to the Department of Justice, or in a proceeding before a court, adjudicative body, or other administrative body before which the SAR System User is authorized to appear, when (a) the SAR System User, or any component thereof; or (b) any employee of the SAR System User in his or her official capacity; or (c) any employee of the SAR System User, where the Department of Justice or the SAR System User has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, when the SAR System User determines that litigation is likely to affect the SAR System User or any of its components and the use of such records by the Department of Justice or the SAR System User is deemed by the SAR System User to be relevant and necessary to the litigation, provided, however, that in each case it has been determined that the disclosure is compatible with the purpose for which the records were collected;

(7) Disclose information or records to individuals or entities to the extent necessary to elicit information pertinent to the investigation, prosecution, or enforcement of civil or criminal statutes, rules, regulations, or orders;

(8) In accordance with Executive Order 12968 (August 2, 1995), provide information or records to any appropriate government authority in connection with investigations and reinvestigations to determine eligibility for access to classified information to the extent relevant for matters that are by statute permissible subjects of inquiry;

(9) Provide, when appropriate, information or records to a bar association, or other trade or professional organization performing similar functions, for possible disciplinary action;

(10) Provide information or records to the Department of State and to the United States Intelligence Community, within the meaning of Executive Order 12333 (December 4, 1981) to further those agencies' efforts with respect to national security and international narcotics trafficking;

(11) Furnish analytic and statistical reports to government agencies and the public providing information about trends and patterns derived from information contained on Suspicious Activity Reports, in a form in which individual identities are not revealed; and

(12) Disclose information or records to any person with whom FinCEN, the DCC, or a SAR System User contracts to provide consulting, data processing, clerical, or secretarial functions relating to the official programs and operations of FinCEN, DCC, or the SAR System User.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in magnetic media and on hard paper copy.

RETRIEVABILITY:

Data in the SAR System may be retrieved by sectionalized data fields (i.e., name of financial institution or holding company, type of suspected violation, individual suspect name, witness name, and name of individual authorized to discuss the referral with government officials) or by the use of search and selection criteria.

SAFEGUARDS:

The system is located in a guarded building that has restricted access. Access to the computer facilities and any paper records is subject to additional physical safeguards that restrict access. Access to any electronic records in the system is restricted by means of passwords and non-transferable identifiers issued to authorized SAR System Users. The system complies with all applicable security requirements of the Department of the Treasury.

RETENTION AND DISPOSAL:

Records in this system will be updated periodically to reflect changes, and will be maintained in electronic form as long as needed for the purpose for which the information was collected. Records will then be disposed of in accordance with applicable law.

SYSTEM MANAGER AND ADDRESS:

Deputy Director, Financial Crimes Enforcement Network, United States Department of the Treasury, Vienna, Virginia 22182.

NOTIFICATION PROCEDURE:

This system is exempt from notification requirements, record access requirements, and requirements that an individual be permitted to contest its contents, pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Records in this system may be provided by or obtained from: individuals; financial institutions and certain of their affiliates; Federal Supervisory Agencies; State financial institution supervisory agencies; domestic or foreign governmental agencies; foreign or international organizations; and commercial sources. Pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2), this system is exempt from the requirement that the Record source categories be disclosed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

TREASURY/DO .213

SYSTEM NAME:

Bank Secrecy Act Reports System—Treasury/DO.

SYSTEM LOCATION:

Electronic Records: Currency and Banking Retrieval System, Internal Revenue Service Detroit Computing Center, 985 Michigan Avenue, Detroit, Michigan, 48226–1129 and Treasury Enforcement Communications System, United States Customs Service Newington, 7681 Boston Boulevard, Springfield, Virginia, 22153–3140. Paper Records: Form 4790—U.S. Customs Service, Newington, VA. All other forms, including, but not limited to, Form 4789, TDF 90.22–1 and Form 8362-Internal Revenue Service, Detroit, MI.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons identified in reports required to be filed under the Bank Secrecy Act and its implementing regulations (31 CFR part 103) including, but not limited to, reports made on IRS Form 4789 (Currency Transaction Report), IRS Form 8362 (Currency Transaction Report by Casinos), Customs Form 4790 (Report of International Transportation of Currency or Monetary Instruments), Treasury Form TDF 90–22.1 (Report of Foreign Bank and Financial Accounts), and forms filed by casinos located in the State of Nevada in lieu of Form 8362. (This system of records does not cover persons identified in Suspicious Activity Reports, TDF 90–22.47. Those reports are included in another system of records, ''Suspicious Activity Reporting System—Treasury/DO .212.'')

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports required to be filed under the Bank Secrecy Act and its implementing regulations (31 CFR part 103) including, but not limited to, reports made on IRS Form 4789 (Currency Transaction Report), IRS Form 8362 (Currency Transaction Report by Casinos), Customs Form 4790 (Report of International Transportation of Currency or Monetary Instruments), Treasury Form TDF 90–22.1 (Report of Foreign Bank and Financial Accounts), and forms filed by casinos located in the State of Nevada in lieu of Form 8362. (This system does not include Suspicious Activity Reports, TDF 90–22.47, required under 31 CFR part 103. Those reports are included in another system of records, ''Suspicious Activity Reporting System—Treasury/DO .212.'') These reports include names of individuals and other entities filing the reports, names of the owners of monetary instruments, the amounts and kinds of currency or other monetary instruments transported, reported, or in foreign banking accounts, account numbers, addresses, dates of birth, and other personal identifiers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1829b and 1951–1959; 31 U.S.C. 5311–5314, 5316, *et seq.*; 5 U.S.C. 301; 31 CFR part 103; Treasury Department Order No. 105–08.

PURPOSE(S):

The Bank Secrecy Act, codified at 12 U.S.C. 1829b and 1951–1959 and 31 U.S.C. 5311–5314, 5316, *et seq* authorizes the Secretary of the Treasury to issue regulations requiring records and reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters. The Secretary's authority has been implemented through regulations promulgated at 31 CFR part 103. The purpose of this system of records is to maintain the information contained on the reports required under these regulations. This information is disseminated, both electronically and manually, in accordance with strict safeguards, to appropriate Federal, State, local, and foreign criminal law enforcement and regulatory personnel in the official performance of their duties. The information is used in a wide range of criminal investigations, including, but not limited to, investigation of international and domestic money laundering, tax evasion, fraud, and other financial crimes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES: THESE RECORDS MAY BE USED TO:

(1) Disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) Disclose information to Federal, State, or local agencies, maintaining civil, criminal, or other relevant information, which has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) Disclose to appropriate Federal, State, or local agencies engaged in the identification, investigation, and

prosecution of violations or potential violations of criminal statutes, information, in a computerized format, to identify or to permit the identification of patterns of suspected criminal activity that fall within the jurisdiction of the agency requesting the information;

(4) Disclose information to Federal or State regulatory agencies or self-regulatory agencies responsible for supervising compliance with the Bank Secrecy Act, limited to information relevant to meeting supervisory or compliance responsibilities;

(5) Disclose relevant information on individuals to authorized Federal and State agencies through computer matching in order to help eliminate waste, fraud, and abuse in Government programs and identify individuals who are potentially in violation of civil law, criminal law, or regulation;

(6) Disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings;

(7) Provide information to the news media, in accordance with guidelines contained in 28 CFR 50.2, that relates to an agency's functions relating to civil and criminal proceedings; and

(8) Provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in magnetic media and on hard paper copy.

RETRIEVABILITY:

By name and other unique identifier.

SAFEGUARDS:

All persons with electronic access to records in the system will have successfully completed a background investigation. All State and local agency personnel, and all Federal personnel outside the U. S. Department of the Treasury with electronic access will have successfully completed appropriate training. Passwords and access controls will be utilized. Signed agreements outlining usage and dissemination rules are required of all non-Treasury agencies before electronic access is authorized. Procedural and physical safeguards include: The logging of all queries and periodic review of such query logs; compartmentalization of information to restrict access to authorized personnel; physical protection of sensitive hard copy documents and magnetic tapes; encryption of electronic communications; intruder alarms and other security devices; and 24-hour building guards. The system complies with all applicable security requirements of the Department of the Treasury.

RETENTION AND DISPOSAL:

Records in this system will be updated periodically to reflect changes, and will be maintained in electronic form as along as needed for the purposes for which the information was collected. Records will be disposed of in accordance with applicable law.

SYSTEM MANAGER(S) AND ADDRESS:

General Policy: Deputy Director, Financial Crimes Enforcement Network, Vienna, Virginia 22182–2536. Computer Systems Maintenance and Administration: Director, IRS Computing Center, 985 Michigan Avenue, Detroit, Michigan, 48226–1129 and Director, Office of Information Technology, U.S. Customs Service Newington, 7681 Boston Boulevard, Springfield, Virginia, 22153–3140.

NOTIFICATION PROCEDURE:

This system is exempt from notification requirements, record access requirements, and requirements that an individual be permitted to contest its contents, pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2).

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Pursuant to the provisions of 5 U.S.C. 552a(j)(2) and (k)(2), this system is exempt from the requirement that the Record source categories be disclosed.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

This system is exempt from 5 U.S.C. 552a(c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). *See* 31 CFR 1.36.

[FR Doc. 02–3417 Filed 2–15–02; 8:45 am]

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Federal Register

Tuesday,
February 19, 2002

Part III

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4730–N–07]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD reviewed in 2001 for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

In accordance with 24 CFR part 581.3(b) landholding agencies are required to notify HUD by December 31, 2001, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8(d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *U.S. Army:* Julie Jones-Conte, Headquarters, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, Attn: DAIM–MD, Room 1E677, 600 Army Pentagon, Washington, DC 20310–0600; (703) 692–9223; *Corps of Engineers:* Shirley Middleswarth, Army Corps of Engineers, Management and Disposal Division, 441 G Street, Washington, DC 20314–1000; (202) 761–7425; *U.S. Navy:* Charles C. Cocks, Dept. of Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9200; *U.S. Air Force:* Barbara Jenkins, Air Force Real Estate Agency (Area/MI), Bolling AFB, 112 Luke Avenue, Suite 104, Washington, DC 20332–8020; (202) 767–4184; *GSA:* Brian K. Polly, Office of Property Disposal, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 501–0386; *Dept. of Veterans Affairs:* Anatolij Kushnir, Asset & Enterprise Development Service, Dept. of Veterans Affairs, room 419, Lafayette Bldg., 811 Vermont Ave. NW., Washington, DC 20420; (202) 565–5491; *Dept. of Energy:* Tom Knox, Office of Engineering & Construction Management, CR–80, Washington, DC 20585; (202) 586–8715; *Dept. of Transportation:* Rugene Spruill, Space Management, Transportation Administrative Service Center, DOT, 400 Seventh St. SW., room 2310, Washington, DC 20590; (202) 366–4246; *Dept. of Interior:* Linda Tribby, Acquisition & Property Management, Dept. of Interior, 1849 C St. NW., MS 5512, Washington, DC 20240; (202) 219–0728; (These are not toll-free numbers).

Dated: February 8, 2002.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

TITLE V PROPERTIES REPORTED IN YEAR 2001 WHICH ARE SUITABLE AND AVAILABLE

Air Force

Nebraska

Land

Hastings Radar Bomb Scoring
Hastings Co: Adams NE 68901–
Property #: 18199810027
Status: Unutilized
Comment: 11 acres

New York

Building

Bldg. 1452 & 297 acres
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Property #: 18199920030
Status: Unutilized
Comment: 11,000 sq. ft. on 297 acres (67 acres of wetland), most recent use—electronic research testing, presence of asbestos/lead paint

Bldg. 1453
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Property #: 18199920031
Status: Unutilized
Comment: 266 sq. ft., most recent use—generator bldg., presence of asbestos

Bldg. 1454
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Property #: 18199920032
Status: Unutilized
Comment: 53 sq. ft., most recent use—switch station, presence of asbestos

Lockport Comm. Facility
Shawnee Road
Lockport Co: Niagara NY
Property #: 18200040004
Status: Excess
Comment: 2 concrete block bldgs., (415 & 2929 sq. ft.) on 7.68 acres

South Dakota

Building

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Property #: 18199340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage

Army

Alabama

Building

Bldg. 60113
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Property #: 21199520156
Status: Unutilized

Comment: 4000 sq. ft., 1-story, most recent use—admin., off-site use only

Alaska

Building

Bldgs. 09100, 09104–09106
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020158
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

5 Bldgs.
Fort Richardson
09108, 09110–09112, 09114
Ft. Richardson Co: AK 99505–6500
Property #: 21200020159
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldgs. 09128, 09129
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020160
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldgs. 09151, 09155, 09156
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020161
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldg. 09158
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020162
Status: Unutilized
Comment: 672 sq. ft., most recent use—storage shed, off-site use only

Bldgs. 09160–09162
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020163
Status: Unutilized
Comment: 11520 sq. ft., concrete, most recent use—NCO–ENL FH, off-site use only

Bldgs. 09164, 09165
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020164
Status: Unutilized
Comment: 2304 & 2880 sq. ft., most recent use—storage, off-site use only

Bldg. 10100
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020165
Status: Unutilized
Comment: 4688 sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldg. 00390
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030067
Status: Excess
Comment: 13,632 sq. ft., off-site use only

Bldgs. 01200, 01202
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030068
Status: Excess
Comment: 4508 & 6366 sq. ft., most recent use-hazard bldg., off-site use only

Bldg. 01204
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030069
Status: Excess
Comment: 5578 sq. ft., most recent use—VOQ transient, off-site use only

Bldgs. 01205–01207
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030070
Status: Excess
Comment: various sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. 01208, 01210, 01212
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030071
Status: Excess
Comment: various sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. 01213, 01214
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030072
Status: Excess
Comment: 11964 & 13740 sq. ft., most recent use—transient UPH, off-site use only

Bldgs. 01218, 01230
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030073
Status: Excess
Comment: 480 & 188 sq. ft., recent use—hazard bldgs., off—site use only

Bldgs. 01231, 01232
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030074
Status: Excess
Comment: 458 & 4260 sq. ft., most recent use—hazard bldgs., off-site use only

Bldg. 01234
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030075
Status: Excess
Comment: 615 sq. ft., most recent use—admin., off-site use only

Bldg. 01237
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030076
Status: Excess
Comment: 408 sq. ft., most recent use—fuel/pol bldg., off-site use only

Bldg. 01272
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030077
Status: Excess
Comment: 308 sq. ft., most recent use—storage, off-site use only

Bldg. 08109
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030080
Status: Excess
Comment: 1920 sq. ft., most recent use—storage, off-site use only

Bldg. 21001
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030081
Status: Excess
Comment: 3200 sq. ft., most recent use—family housing, off-site use only

Bldg. 22001
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030082
Status: Excess
Comment: 1448 sq. ft., most recent use—family housing, off-site use only

Bldg. 22002
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030083
Status: Excess
Comment: 1508 sq. ft., most recent use—family housing, off-site use only

Armory
NG Noorvik
Noorvik Co: AK 99763–
Property #: 21200110075
Status: Unutilized
Comment: 1200 sq. ft., most recent use—armory, off-site use only

Bldg. 00229
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200120085
Status: Excess
Comment: 13,056 sq. ft., off-site use only

Arizona

Building

Bldg. 30012, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Property #: 21199310298
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage

Bldg. S–306
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Property #: 21199420346
Status: Unutilized
Comment: 4103 sq. ft., 2-story, needs major rehab, off-site use only

Bldg. 503, Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Property #: 21199520073
Status: Underutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos, off-site use only

2 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15542, 15546
Property #: 21200010082
Status: Unutilized
Comment: 552 & 400 sq. ft., presence of asbestos/lead paint, most recent use—restrooms, off-site use only

2 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15544, 15552
Property #: 21200010083
Status: Unutilized
Comment: 9713 & 2895 sq. ft., presence of asbestos/lead paint, most recent use—classrooms, off-site use only

Bldg. 15543
Fort Huachuca

Sierra Vista Co: Cochise AZ 85635–
Property #: 21200010084
Status: Unutilized
Comment: 416 sq. ft., presence of asbestos/lead paint, most recent use—rec. shelter, off-site use only

34 Bldgs.
Fort Huachuca
62001–62022, 64001–64012
Sierra Vista Co: Cochise AZ 85635–
Property #: 21200020166
Status: Unutilized
Comment: 658 & 587 sq. ft., presence of asbestos/lead point, most recent use—one bedroom family housing, off-site use only

22 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: #63002–63018, 64014–64018
Property #: 21200110076
Status: Excess
Comment: 2 & 3 bedroom family housing, presence of asbestos/lead paint, off-site use only

Bldg. 76910
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Property #: 21200110077
Status: Excess
Comment: 2001 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 22523
Fort Huachuca
Sierra Vista Co: Cochise AZ 85613–
Property #: 21200120086
Status: Excess
Comment: 63 sq. ft., most recent use—storage, off-site use only

15 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 44116, 44305, 44306, 44409, 44410, 44411, 44415, 44416, 44501, 44502, 44503, 44504, 44505, 44506, 44507
Property #: 21200140074
Status: Excess
Comment: family housing, duplex, triplex, fourplex, sixplex, (2–3 bedrooms), presence of asbestos/lead paint, off-site use only

California

Building

Bldg. 104
Presidio of Monterey
Monterey Co: CA 93944–
Property #: 21199910088
Status: Unutilized
Comment: 8039 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 106
Presidio of Monterey
Monterey Co: Ca 93944–
Property #: 21199910089
Status: Unutilized
Comment: 1950 sq. ft., presence of asbestos/lead paint, most recent use—office/storage, off-site use only

Bldg. 125
Presidio of Monterey
Monterey Co: CA 93944–
Property #: 21199910090
Status: Unutilized
Comment: 371 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 340
Presidio of Monterey
Monterey Co: CA 93944–
Property #: 21199910093
Status: Unutilized
Comment: 6500 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 341
Presidio of Monterey
Monterey Co: CA 93944–
Property #: 21199910094
Status: Unutilized
Comment: 371 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 4214
Presidio of Monterey
Monterey Co: CA 93944–
Property #: 21199910095
Status: Unutilized
Comment: 3168 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 204–207, 517
Presidio of Monterey
Monterey Co: CA 93944–5006
Property #: 21200020167
Status: Unutilized
Comment: 4780 & 10950 sq. ft., presence of asbestos/lead paint, most recent use—classroom/admin/storage, off-site use only

Bldg. 251
Army Reserve
6357 Woodly Ave.
Van Nuys Co: Los Angeles CA 91406–6496
Property #: 21200040043
Status: Excess
Comment: 800 sq. ft., needs repair, presence of asbestos, most recent use—storage, off-site use only

Bldg. 18026, 18028
Camp Roberts
Monterey Co: CA 93451–5000
Property #: 21200130081
Status: Excess
Comment: 2024 sq. ft., & 487 ft., concrete, poor condition, off-site use only

Colorado

Building

Bldg. 107
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130082
Status: Unutilized
Comment: 10,126 sq. ft., poor condition, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–108
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130083
Status: Unutilized
Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T209
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130084
Status: Unutilized
Comment: 400 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldg. T–217
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130085
Status: Unutilized
Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint., off-site use only

Bldg. T–218
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130086
Status: Unutilized
Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint., off-site use only

Bldg. T–220
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130087
Status: Unutilized
Comment: 690 sq. ft., poor condition, possible asbestos/lead paint, most recent use—heat off-site use only

Bldg. T–6001
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130088
Status: Unutilized
Comment: 4372 sq. ft., poor condition, possible asbestos/lead paint, most recent use—vet clinic, off-site use only

Georgia

Building

Bldg. 2285
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Property #: 21199011704
Status: Unutilized
Comment: 4574 sq. ft., most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 1252, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220694
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4881, Fort Benning
Ft. Benning Co: Muscogee GA 319905–
Property #: 21199220707
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only.

Bldg. 4963, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220710
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site only removal.

Bldg. 2396, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220712
Status: Unutilized

Comment: 9786 sq. ft., 1 story, most recent use—dining facility, need major rehab, off-site removal only.

Bldg. 4882, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220727
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4967, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220728
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4977, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220736
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, need repairs, off-site removal only.

Bldg. 4944, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220747
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only.

Bldg. 4960, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220752
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4969, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220753
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4884, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220762
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4964, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220763
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4966, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220764
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4965, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only.

Bldg. 4945, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220779
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only.

Bldg. 4979, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220780
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, need repairs, off-site removal only.

Bldg. 4023, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199310461
Status: Unutilized
Comment: 2269 sq. ft., 1 story, needs rehab, most recent use—maintenance shop, off-site removal only.

Bldg. 4024, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199310462
Status: Unutilized
Comment: 3281 sq. ft., 1 story, needs rehab, most recent use—maintenance shop, off-site removal only.

Bldg. 11813
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property #: 21199410269
Status: Unutilized
Comment: 70 sq. ft., 1 story; metal; needs rehab.; most recent use—storage; off-site use only.

Bldg. 21314
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property #: 21199410270
Status: Unutilized
Comment: 85 sq. ft., 1 story; needs rehab.; most recent use—storage; off-site use only

Bldg. 12809
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property #: 21199410272
Status: Unutilized
Comment: 2788 sq. ft., 1 story; wood; needs rehab.; most recent use—maintenance shop; off-site use only

Bldg. 10306
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property #: 21199410273
Status: Unutilized
Comment: 195 sq. ft., 1 story; wood; most recent use—oil shed; off-site use only

Bldg. 4051
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199520175
Status: Unutilized
Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 322
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720156
Status: Unutilized
Comment: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 1737
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720161
Status: Unutilized
Comment: 1500 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 2593
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720167
Status: Unutilized
Comment: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only

Bldg. 2595
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720168
Status: Unutilized
Comment: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only

Bldgs. 2865, 2869, 2872
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720169
Status: Unutilized
Comment: approx. 1100 sq. ft. each, needs rehab, most recent use—shower fac., off-site use only

Bldg. 4476
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720184
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—vehicle maint: shop, off-site use only

8 Bldgs.
Ft. Benning
4700–4701, 4704–4707, 4710–4711
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720189
Status: Unutilized
Comment: 6433 sq. ft. each, needs rehab, most recent use—unaccompanied personnel housing, off-site use only

Bldg. 4714
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720191
Status: Unutilized
Comment: 1983 sq. ft., needs rehab, most recent use—battalion headquarters bldg., off-site use only

Bldg. 4702
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720192
Status: Unutilized
Comment: 3690 sq. ft., needs rehab, most recent use—dining facility off-site use only

Bldg. 4712–4713
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720193
Status: Unutilized
Comment: 1983 sq. ft. and 10270 sq. ft., needs rehab, most recent use—company headquarters bldg., off-site use only

Bldg. 305
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199810268
Status: Unutilized
Comment: 4083 sq. ft., most recent use—recreation center, off-site use only

Bldg. 318
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199810269
Status: Unutilized
Comment: 374 sq. ft., poor condition, most recent use—maint shop, off-site use only

Bldg. 1792
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199810274
Status: Unutilized
Comment: 10,200 sq. ft., most recent use—storage, off-site use only

Bldg. 1836
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199810276
Status: Unutilized
Comment: 2998 sq. ft., recent use—admin., off-site use only

Bldg. 4373
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199810286
Status: Unutilized
Comment: 409 sq. ft., poor condition, most recent use—station bldg., off-site use only

Bldg. 4628
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199810287
Status: Unutilized
Comment: 5483 sq. ft., most recent use—admin., off-site use only

Bldg. 92
Fort Benning
Co: Muscogee GA 31905–
Property #: 21199810278
Status: Unutilized
Comment: 637 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2445
Fort Benning
Co: Muscogee GA 31905–
Property #: 21199810279
Status: Unutilized
Comment: 2385 sq. ft., needs rehab, most recent use—fire station off-site use only

Bldg. 4232
Fort Benning
Co: Muscogee GA 31905–
Property #: 21199830291
Status: Unutilized
Comment: 3720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only

Bldg. 39720
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property #: 21199930119
Status: Unutilized
Comment: 1520 sq. ft., concrete block, possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. 492
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930120
Status: Unutilized
Comment: 720 sq. ft., most recent use—admin/maint, off-site use only

Bldg. 880
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930121
Status: Unutilized
Comment: 57,110 sq. ft., most recent use—instruction, off-site use only

Bldg. 1370
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930122
Status: Unutilized
Comment: 5204 sq. ft., most recent use—hdgts. bldg., off-site use only

Bldg. 2288
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930123
Status: Unutilized
Comment: 2482 sq. ft., most recent use—admin., off-site use only

Bldg. 2290
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930124
Status: Unutilized
Comment: 455 sq. ft., most recent use—storage, off-site use only

Bldg. 2293
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930125
Status: Unutilized
Comment: 2600 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 2297
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930126
Status: Unutilized
Comment: 5156 sq. ft., most recent use—admin.

Bldg. 2505
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930127
Status: Unutilized
Comment: 10,257 sq. ft., most recent use—repair shop, off-site use only

Bldg. 2508
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930128
Status: Unutilized
Comment: 2434 sq. ft., most recent use—storage, off-site use only

Bldg. 2815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930129
Status: Unutilized
Comment: 2578 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 3815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930130
Status: Unutilized
Comment: 7575 sq. ft., most recent use—storage, off-site use only

Bldg. 3816
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930131
Status: Unutilized
Comment: 7514 sq. ft., most recent use—storage, off-site use only

Bldg. 5886
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930134
Status: Unutilized
Comment: 67 sq. ft., most recent use—storage, off-site use only

Bldgs. 5974–5978
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930135
Status: Unutilized
Comment: 400 sq. ft., most recent use—storage, off-site use only

Bldg. 5993
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930136
Status: Unutilized
Comment: 960 sq. ft., most recent use—storage, off-site use only

Bldg. 5994
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930137
Status: Unutilized
Comment: 2016 sq. ft., most recent use—storage, off-site use only

Bldg. T–1003
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030085
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—admin., off-site use only

Bldgs. T–1005, T–1006, T–1007
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030086
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1015, T–1016, T–1017
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030087
Status: Excess
Comment: 7496 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1018, T–1019
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030088
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1020, T–1021
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030089
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. T–1022
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030090
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—supply center, off-site use only

Bldg. T–1027
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030091

Status: Excess
Comment: 9024 sq. ft., poor condition, most recent use—supply center, off-site use only

Bldg. T–1028
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030092
Status: Excess
Comment: 7496 sq. ft., poor condition, most recent use—supply center, off-site use only

Bldgs. T–1035, T–1036, T–1037
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030093
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1038, T–1039
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030094
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1040, T–1042
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030095
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1086, T–1087, T–1088
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030096
Status: Excess
Comment: 7680 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 223
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21200040044
Status: Unutilized
Comment: 21,556 sq. ft., most recent use—gen. purpose

Bldg. 228
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21200040045
Status: Unutilized
Comment: 20,220 sq. ft., most recent use—gen. purpose

Bldg. 2051
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21200040046
Status: Unutilized
Comment: 6077 sq. ft., most recent use—storage

Bldg. 2053
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21200040047
Status: Unutilized
Comment: 14,520 sq. ft., most recent use—storage

Bldg. 2677
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21200040048
Status: Unutilized
Comment: 19,326 sq. ft., most recent use—maint. shop

Bldg. 02301
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property #: 21200140075
Status: Unutilized
Comment: 8484 sq. ft., needs major rehab, potential asbestos/lead paint, most recent use—storage, off-site use only

Land

Land (Railbed)
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199440440
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential

Hawaii

Building

P–88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818–
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Property #: 21199030324
Status: Unutilized
Comment: 45,216 sq. ft., underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations

Bldg. T–337
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Property #: 21199640203
Status: Unutilized
Comment: 132 sq. ft., most recent use—storage, off-site use only

Illinois

Building

Bldg. 54
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–
Property #: 21199620666
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only

Bldg. AR112
Sheridan Reserve
Arlington Heights Co: IL 60052–2475
Property #: 21200110081
Status: Unutilized
Comment: 1000 sq. ft., off-site use only

Kansas

Building

Bldg. P–390
Fort Leavenworth
Leavenworth Co: KS 66027–
Property #: 21199740295
Status: Unutilized
Comment: 4713 sq. ft., presence of lead based paint, most recent use—swine house, off-site use only

Bldg. P–68
Fort Leavenworth
Leavenworth KS 66027–
Property #: 21199820153
Status: Unutilized
Comment: 2236 sq. ft., most recent use—vehicle storage, off-site use only

Bldg. P–321
Fort Leavenworth
Leavenworth KS 66027–
Property #: 21199820157
Status: Unutilized
Comment: 600 sq. ft., most recent use—picnic shelter, off-site use only

Bldg. S–809
Fort Leavenworth
Leavenworth KS 66027–
Property #: 21199820160
Status: Unutilized
Comment: 39 sq. ft., most recent use—access control, off-site use only

Bldg. S–830
Fort Leavenworth
Leavenworth KS 66027–
Property #: 21199820161
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only

Bldg. S–831
Fort Leavenworth
Leavenworth KS 66027–
Property #: 21199820162
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only

Bldg. P–243
Fort Leavenworth
Leavenworth KS 66027–
Property #: 21199830321
Status: Unutilized
Comment: 242 sq. ft., most recent use—industrial, off-site use only

Bldg. P–242
Fort Leavenworth
Leavenworth Co: KS 66027–
Property #: 21199920202
Status: Unutilized
Comment: 4680 sq. ft., most recent use—storage, off-site use only

Bldg. P–223
Fort Leavenworth
Leavenworth Co: KS 66027–
Property #: 21199930146
Status: Unutilized
Comment: 7,174 sq. ft., most recent use—storage, off-site use only

Bldg. T–236
Fort Leavenworth
Leavenworth Co: KS 66027–
Property #: 21199930147
Status: Unutilized
Comment: 4563 sq. ft., most recent use—storage off-site use only

Bldg. P–241
Fort Leavenworth
Leavenworth Co: KS 66027–
Property #: 21199930148
Status: Unutilized
Comment: 5920 sq. ft., most recent use—storage, off-site use only

Bldg. T–257
Fort Leavenworth
Leavenworth Co: KS 66027–
Property #: 21199930149
Status: Unutilized
Comment: 5920 sq. ft., most recent use—storage, off-site use only

Kentucky

Building

Bldg. 02813
Fort Knox
Ft. Knox Co: Hardin KY 40121–

Property #: 21200030102
Status: Unutilized
Comment: 60 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—shed, off-site use only

Louisiana

Building

Bldg. 8423, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640528
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8449, For Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640539
Status: Underutilized
Comment: 2093 sq. ft., most recent use—office

Maryland

Building

Bldg. 2831
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200030103
Status: Unutilized
Comment: 9652 sq. ft., presence of asbestos/lead paint, most recent use—dental clinic, off-site use only

Bldg. 618A
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120087
Status: Unutilized
Comment: 400 sq. ft., presence of asbestos/lead paint, most recent use—heat plant bldg., off-site use only

Bldg. 901
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120088
Status: Unutilized
Comment: 2740 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. 902, 932, 937
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120089
Status: Unutilized
Comment: 2208 sq. ft., presence of asbestos/lead paint, most recent use—admin/dining, off-site use only

4 Bldgs.
Ft. George G. Meade
#903, 906, 933, 936
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120090
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin/storage/dayrooom, off-site use only

10 Bldgs.
Ft. George G. Meade
#904, 905, 913, 916, 923–926, 934, 935
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120091
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 907
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120092
Status: Unutilized
Comment: 2306 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 908
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120093
Status: Unutilized
Comment: 3663 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 912, 917, 922, 927
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120094
Status: Unutilized
Comment: 1297 sq. ft., presence of asbestos/lead paint, most recent use—admin/storage, off-site use only

Bldg. 918
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120095
Status: Unutilized
Comment: 2331 sq. ft., presence of asbestos/lead paint, most recent use—admin/classroom, off-site use only

4 Bldgs.
Ft. George G. Meade
#928, 929, 2832, 2834
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120096
Status: Unutilized
Comment: 2284 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 930
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120097
Status: Unutilized
Comment: 3108 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 938
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120098
Status: Unutilized
Comment: 1676 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2810
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120099
Status: Unutilized
Comment: 2441 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2811
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120100
Status: Unutilized
Comment: 4720 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2837
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120101
Status: Unutilized
Comment: 7670 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 0310A
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120103
Status: Unutilized
Comment: 120 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 00313
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120104
Status: Unutilized
Comment: 983 sq. ft., most recent use—storage, off-site use only

Bldg. 00340
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120105
Status: Unutilized
Comment: 384 sq. ft., most recent use—storage, off-site use only

Bldg. 0459B
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120106
Status: Unutilized
Comment: 225 sq. ft., poor condition, most recent use—equipment bldg., off-site use only

Bldg. 00785
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120107
Status: Unutilized
Comment: 160 sq. ft., poor condition, most recent use—shelter, off-site use only

Bldg. E3728
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120109
Status: Unutilized
Comment: 2596 sq. ft., presence of asbestos/lead paint, most recent use—testing facility, off-site use only

Bldg. 05213
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120112
Status: Unutilized
Comment: 200 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. E5239
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120113
Status: Unutilized
Comment: 230 sq. ft., most recent use—storage, off-site use only

Bldg. E5317
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120114
Status: Unutilized
Comment: 3158 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. E5637

Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120115
Status: Unutilized
Comment: 312 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. 503
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200130092
Status: Unutilized
Comment: 14,244 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—training, off-site use only

Bldg. 2222A
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200130095
Status: Unutilized
Comment: 66 sq. ft., most recent use—storage, off-site use only

Bldg. 2222B
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200130096
Status: Unutilized
Comment: most recent use—storage, off-site use only

Bldg. 2478
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200130097
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—medical clinic, off-site use only

Bldg. 8481
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200130098
Status: Unutilized
Comment: 7718 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—heat plant, off-site use only

Bldgs. 187, 239, 999
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140077
Status: Unutilized
Comment: 2284 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 219
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140078
Status: Unutilized
Comment: 8142 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 229
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140079
Status: Unutilized
Comment: 2250 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 287
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140080
Status: Unutilized
Comment: 8924 sq. ft., presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 294
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140081
Status: Unutilized
Comment: 3148 sq. ft., presence of asbestos/lead paint, most recent use—entomology facility, off-site use only

Bldg. 942
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140082
Status: Unutilized
Comment: 3557 sq. ft., presence of asbestos/lead paint, most recent use—chapel, off-site use only

Bldg. 949
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140083
Status: Unutilized
Comment: 2441 sq. ft., presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 979
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140084
Status: Unutilized
Comment: 2331 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1007
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140085
Status: Unutilized
Comment: 3108 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2212
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140086
Status: Unutilized
Comment: 9092 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 3000
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140087
Status: Unutilized
Comment: 10,663 sq. ft., presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 4283
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140088
Status: Unutilized
Comment: 2609 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Missouri

Building

Bldg. T599
Ft. Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199230260
Status: Underutilized
Comment: 18270 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only

Bldg. T2171
Ft. Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199340212
Status: Unutilized
Comment: 1296 sq. ft., 1-story wood frame, most recent use—administrative, no handicap fixtures, lead base paint, off-site use only

Bldg. T6822
Ft. Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199340219
Status: Underutilized
Comment: 4000 sq. ft., 1-story wood frame, most recent use—storage, no handicap fixtures, off-site use only

Bldg. T1497
Ft. Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199420441
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199420446
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T–2191
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199440334
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2197
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199440335
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T590
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199510110
Status: Excess
Comment: 3263 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T2385
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000

Property #: 21199510115
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldgs. T–2340 thru T2343
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199710138
Status: Underutilized
Comment: 9267 sq. ft., each, most recent use—storage/general purpose

Bldg. 1226
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730275
Status: Unutilized
Comment: 1600 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1271
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730276
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1280
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730277
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 1281
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730278
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 1282
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730279
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 1283
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730280
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1284
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730281
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1285
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730282
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 1286
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730283
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1287
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730284
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 1288
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730285
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—dining facility, off-site use only

Bldg. 1289
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730286
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 430
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810305
Status: Unutilized
Comment: 4100 sq. ft., presence of asbestos/lead paint, most recent use—Red Cross facility, off-site use only

Bldg. 758
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810306
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 759
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810307
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 760
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810308
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, off-site use only

Bldgs. 761–766
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810309
Status: Unutilized
Comment: 2400 sq. ft., each, presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 1650
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810311
Status: Unutilized
Comment: 1676 sq. ft., presence of asbestos/lead paint, most recent use—union hall, off-site use only

Bldg. 2170
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810313
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2204
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810315
Status: Unutilized
Comment: 3525 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2225
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810316
Status: Unutilized
Comment: 820 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. 2271
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810317
Status: Unutilized
Comment: 256 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. 2275
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810318
Status: Unutilized
Comment: 225 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. 2318
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810322
Status: Unutilized

Comment: 9267 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 4199
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810327
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 401
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820164
Status: Unutilized
Comment: 9567 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 856
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820166
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 859
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820167
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1242
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820168
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1265
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820169
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1267
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820170
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1272
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820171
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1277
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820172
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2142, 2145, 2151–2153
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820174
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 2150
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820175
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldg. 2155
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820176
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2156, 2157, 2163, 2164
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820177
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 2165
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820178
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldg. 2167
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820179
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2169, 2181, 2182, 2183
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820180
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 2186
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820181
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2187
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820182
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldgs. 2192, 2196, 2198
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820183
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldgs. 2304, 2306
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820184
Status: Unutilized
Comment: 1625 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 12651
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820186
Status: Unutilized
Comment: 240 sq. ft., presence of lead paint, off-site use only.

Bldg. 1448
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Property #: 21199830327
Status: Unutilized
Comment: 8450 sq. ft., presence of asbestos/lead paint, most recent use—training, off-site use only.

Bldg. 2210
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Property #: 21199830328
Status: Unutilized
Comment: 808 sq. ft., concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 2270
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Property #: 21199830329
Status: Unutilized
Comment: 256 sq. ft., concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 6036
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Property #: 21199910101
Status: Underutilized
Comment: 240 sq. ft., off-site use only.

Bldg. 9110
Fort Leonard Wood

Pulaski Co: MO 65473–8994
Property #: 21199910108
Status: Underutilized
Comment: 6498 sq. ft., presence of asbestos/lead paint, most recent use—family quarters, off-site use only.

Bldgs. 9113, 9115, 9117
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Property #: 21199910109
Status: Underutilized
Comment: 4332 sq. ft., presence of asbestos/lead paint, most recent use—family quarters, off-site use only.

Bldg. 493
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Property #: 21199930158
Status: Unutilized
Comment: 26,936 sq. ft., concrete, presence of asbestos/lead paint, most recent use—store, off-site use only.

Bldg. 1178
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Property #: 21200040058
Status: Unutilized
Comment: 3203 sq. ft., most recent use—fire station, off-site use only.

Montana

Building

Bldg. 00405
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636–
Property #: 21200130099
Status: Unutilized
Comment: 3467 sq. ft., most recent use—storage, security limitations.

Bldg. T0066
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636–
Property #: 21200130100
Status: Unutilized
Comment: 528 sq. ft., needs rehab, presence of asbestos, security limitations.

New Hampshire

Building

Bldg. KG001
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Property #: 21200030104
Status: Excess
Comment: 18,994 sq. ft., presence of asbestos, most recent use—classroom, off-site use only.

Bldg. KG002
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Property #: 21200030105
Status: Excess
Comment: 20,014 sq. ft., presence of asbestos, most recent use—storage/store, off-site use only.

Bldg. KG003
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Property #: 21200030106
Status: Excess
Comment: 3,458 sq. ft., presence of asbestos, most recent use—veh. maint., off-site use only.

New Jersey

Building

Bldg. 178
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property #: 21199740312
Status: Unutilized
Comment: 2067 sq. ft., most recent use—research, off-site use only

Bldg. 732
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property #: 21199740315
Status: Unutilized
Comment: 9077 sq. ft., needs rehab, most recent use—storage off-site use only

Bldg. 3219
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property #: 21199740326
Status: Unutilized
Comment: 288 sq. ft., most recent use—snack bar, off-site use only

Bldg. 816C
Armament R, D, & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property #: 21200130103
Status: Unutilized
Comment: 144 sq. ft., most recent use—storage, off-site use only

New Mexico

Building

9 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Location: 11201, 11210, 11214, 11217, 11220, 11223, 11244, 11247, 11264
Property #: 21200040062
Status: Unutilized
Comment: 1620 sq. ft., each, major repairs required, presence of asbestos, most recent use—housing, off-site use only

19 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Location: 11202, 11209, 11212, 11216, 11219, 11222, 11224, 11227, 11236, 11241, 11242, 11245, 11249, 11253, 11257, 11260, 11263, 11270, 11273
Property #: 21200040063
Status: Unutilized
Comment: 1606 sq. ft., each, major repairs required, presence of asbestos, most recent use—housing, off-site use only

34 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200040064
Status: Unutilized
Comment: 1512 sq. ft., each, major repairs required, presence of asbestos, most recent use—housing, off-site use only

12 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Location: 11204, 11207, 11226, 11229, 11235, 11238, 11251, 11255, 11258, 11261, 11266
Property #: 21200040065
Status: Unutilized
Comment: 1590 sq. ft., each, major repairs required, presence of asbestos, most recent use—housing, off-site use only

Bldg. 20451
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200130108
Status: Unutilized
Comment: 186 sq. ft., needs rehab, presence of asbestos, off-site use only

Bldg. 20452
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200130109
Status: Unutilized
Comment: 168 sq. ft., needs rehab, presence of asbestos, off-site use only

Bldg. 20453
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200130110
Status: Unutilized
Comment: 168 sq. ft., needs rehab, presence of asbestos, off-site use only

Bldg. 20454
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200130111
Status: Unutilized
Comment: 151 sq. ft., needs rehab, presence of asbestos, off-site use only

Bldg. 20455
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200130112
Status: Unutilized
Comment: 266 sq. ft., needs rehab, presence of asbestos, off-site use only

Bldg. 20457
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200130113
Status: Unutilized
Comment: 166 sq. ft., needs rehab, presence of asbestos, off-site use only

New York

Building

Bldg. 801
US Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200030108
Status: Unutilized
Comment: 27,726 sq. ft., needs repair, possible lead paint, most recent use—warehouse, off-site use only

Bldg. T–181
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130129
Status: Unutilized
Comment: 3151 sq. ft., needs rehab, most recent use—housing mnt., off-site use only

Bldg. T–201
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130131
Status: Unutilized
Comment: 2305 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. T–203
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130132
Status: Unutilized
Comment: 2284 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. T–252

Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130133
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldgs. T–253, T–256, T–257
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130134
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldgs. T–271, T–272, T–273
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130135
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldg. T–274
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130136
Status: Unutilized
Comment: 2750 sq. ft., needs rehab, most recent use—BN HQ, off-site use only

Bldgs. T–276, T–277, T–278
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130137
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldgs. T–744, T–745
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130138
Status: Unutilized
Comment: 5310 sq. ft., needs rehab, most recent use—barracks, off-site use only

Bldg. T–1030
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130139
Status: Unutilized
Comment: 15606 sq. ft., needs rehab, most recent use—simulator bldg., off-site use only

Bldg. P–2159
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130140
Status: Unutilized
Comment: 1948 sq. ft., needs rehab, most recent use—waste/water treatment, off-site use only

Bldg. T–2442
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130141
Status: Unutilized
Comment: 4340 sq. ft., needs rehab, most recent use—vet facility, off-site use only

Bldg. T–2443
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130142
Status: Unutilized
Comment: 793 sq. ft., needs rehab, most recent use—vet facility, off-site use only

Quarters 372
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130143
Status: Unutilized
Comment: 1248 sq. ft., needs repair, presence of asbestos, most recent use—quarters

Quarters 1000
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130144
Status: Unutilized
Comment: 2800 sq. ft., needs repair, presence of asbestos, most recent use—quarters

Quarters 691
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130145
Status: Unutilized
Comment: 2561 sq. ft., needs repair, possible asbestos/lead paint, most recent use—storage, off-site use only

Quarters 709
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130146
Status: Unutilized
Comment: 1666 sq. ft., needs repair, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 759
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130147
Status: Unutilized
Comment: 11,942 sq. ft., needs repair, possible asbestos/lead paint, most recent use—community center, off-site use only

Bldg. 1280
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130148
Status: Unutilized
Comment: 2760 sq. ft., needs repair, presence of asbestos, most recent use—quarters

Bldg. 1664
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130149
Status: Unutilized
Comment: 800 sq. ft., needs repair, possible asbestos/lead paint, most recent use—storage, off-site use only

Land

Land—6.965 Acres
Dix Avenue
Queensbury Co: Warren NY 12801—
Property #: 21199540018
Status: Unutilized
Comment: 6.96 acres of vacant land, located in industrial area, potential utilities

300 acres
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200040070
Status: Unutilized
Comment: Approx. 300 acres, contains wetlands and rare flora

North Carolina

Building

Bldgs. A2864, A3164
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–5000
Property #: 21200110085
Status: Excess
Comment: 3056 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. O–3551, O–3552
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–5000
Property #: 21200110086
Status: Excess
Comment: 1584 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

3 Bldgs.
Fort Bragg
#8–7003, 2–7404, O–9030
Ft. Bragg Co: Cumberland NC 28310–5000
Property #: 21200110087
Status: Excess
Comment: Small bldgs., needs rehab, presence of asbestos/lead paint, most recent use—storage/pumphouse, off-site use only

Bldg. C5536
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–5000
Property #: 21200130150
Status: Unutilized
Comment: 600 sq. ft., single wide trailer w/metal storage shed, needs major repair, presence of asbestos/lead paint, off-site use only

Ohio

Building

Quarters 120
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Property #: 21200140089
Status: Unutilized
Comment: 5670 sq. ft., needs repair, presence of lead paint, most recent use—residence, off-site use only

Oklahoma

Building

Bldg. T–838, Fort Sill
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Property #: 21199220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable)

Bldg. T–954, Fort Sill
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Property #: 21199240659
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop

Bldg. T–3325, Fort Sill
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Property #: 21199240681
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse

Bldg. T1652, Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199330380
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T5637 Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199330419
Status: Unutilized
Comment: 1606 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only

Bldg. T–4226
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199440384
Status: Unutilized
Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. P–1015
Fort Sill
Lawton Co: Comanche OK 73501–5100
Property #: 21199520197
Status: Unutilized
Comment: 15402 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–366
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199610740
Status: Unutilized
Comment: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only

Building T–2952
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199710047
Status: Unutilized
Comment: 4,327 sq. ft., possible asbestos and lead paint, most recent use—motor repair shop, off-site use only

Bldg. P–5042
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199710066
Status: Unutilized
Comment: 119 sq. ft., possible asbestos and lead paint, most recent use—heatplant, off-site use only

4 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: T–6465, T–6466, T–6467, T–6468
Property #: 21199710086
Status: Unutilized
Comment: Various sq. ft., possible asbestos and lead paint, most recent use—range support, off site use only

Building P–6539
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199710087
Status: Unutilized
Comment: 1,483 sq. ft., possible asbestos and lead paint, most recent use—office, off-site use only

Bldg. T–208
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730344
Status: Unutilized
Comment: 20525 sq. ft., possible asbestos/lead paint, most recent use training center, off-site use only

Bldg. T–214
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730346
Status: Unutilized
Comment: 6332 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only

Bldg. T–215, T–216
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730347
Status: Unutilized
Comment: 6300 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–217
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730348
Status: Unutilized
Comment: 6394 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only

Bldg. T–810
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730350
Status: Unutilized
Comment: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only

Bldgs. T–837, T–839
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730351
Status: Unutilized
Comment: Approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–934
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730353
Status: Unutilized
Comment: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1177
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730356
Status: Unutilized
Comment: 183 sq. ft., possible asbestos/lead paint, most recent use—snack bar, off-site use only

Bldgs. T–1468, T–1469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730357
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1470
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730358
Status: Unutilized
Comment: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1940
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730360
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1954, T–2022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730362
Status: Unutilized
Comment: Approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2184
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730364
Status: Unutilized
Comment: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2185
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730365
Status: Unutilized
Comment: 151 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldgs. T–2186, T–2188, T–2189
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730366
Status: Unutilized
Comment: 1656–3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. T–2187
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730367
Status: Unutilized
Comment: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2209
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730368
Status: Unutilized
Comment: 1257 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2240, T–2241
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730369
Status: Unutilized
Comment: Approx. 9500 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2262, T–2263
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730370
Status: Unutilized
Comment: Approx. 3100 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldgs. T–2271, T–2272
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730371
Status: Unutilized
Comment: 232 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2291 thru T–2296
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730372
Status: Unutilized
Comment: 400 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–3001, T–3006
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730383
Status: Unutilized
Comment: 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3025
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730384
Status: Unutilized
Comment: 5259 sq. ft., possible asbestos/lead paint, most recent use—museum, off-site use only

Bldg. T–3314
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730385
Status: Unutilized
Comment: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–3323
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730387
Status: Unutilized
Comment: 8832 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–4281
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730392
Status: Unutilized
Comment: 9405 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–4401, T–4402
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730393
Status: Unutilized
Comment: 2260 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–4407
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730395
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining facility, off-site use only

4 Bldgs.
Fort Sill
#T–4410, T–4414, T–4415, T–4418
Lawton Co: Comanche OK 73503–5100
Property #: 21199730396
Status: Unutilized
Comment: 1311 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

5 Bldgs.
Fort Sill
#T–4411 thru T–4413, T–4416 thru T–4417
Lawton Co: Comanche OK 73503–5100
Property #: 21199730397
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only

Bldg. T–4421
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730398
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only

10 Bldgs.
Fort Sill
#T–4422 thru T–4427, T–4431 thru T–4434
Lawton Co: Comanche OK 73503–5100
Property #: 21199730399
Status: Unutilized
Comment: 2263 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

6 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4436, T–4440, T–4444, T–4445, T–4448, T–4449
Property #: 21199730400
Status: Unutilized
Comment: 1311–2263 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

5 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4441, T–4442, T–4443, T–4446, T–4447
Property #: 21199730401
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only

Bldg. T–5041
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730409
Status: Unutilized
Comment: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. #T–5044, T–5045
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730410
Status: Unutilized
Comment: 1798/1806 sq. ft., possible asbestos/lead paint, most recent use—class rooms, off-site use only

Bldg. T–5420
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730414
Status: Unutilized
Comment: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldgs. T–7290, T–7291
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730417
Status: Unutilized
Comment: 224/840 sq. ft., possible asbestos/lead paint, most recent use—kennel, off-site use only

Bldg. T–7775
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730419
Status: Unutilized
Comment: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only

Bldg. T–207
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910130
Status: Unutilized
Comment: 19,531 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–599
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910132
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—clubhouse, off-site use only

4 Bldgs.
Fort Sill
P–617, P–1114, P–1386,
P–1608
Lawton Co: Comanche OK 73503–5100
Property #: 21199910133
Status: Unutilized
Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. P–746
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910135
Status: Unutilized
Comment: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. T–2183
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910139
Status: Unutilized
Comment: 14,530 sq. ft., possible asbestos/lead paint, most recent use—repair shop, off-site use only

Bldgs. P–2581, P–2773
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910140
Status: Unutilized
Comment: 4093 and 4129 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–2582
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910141
Status: Unutilized
Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. P–2912, P–2921, P–2944
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910144
Status: Unutilized

Comment: 1390 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. S–3169
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910145
Status: Unutilized
Comment: 6437 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–2914
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910146
Status: Unutilized
Comment: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–3469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910147
Status: Unutilized
Comment: 3930 sq. ft., possible asbestos/lead paint, most recent use—car wash, off-site use only

Bldg. S–3559
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910148
Status: Unutilized
Comment: 9462 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. S–4064
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910149
Status: Unutilized
Comment: 1389 sq. ft., possible asbestos/lead paint, off-site use only

Bldg. S–5086
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910152
Status: Unutilized
Comment: 6453 sq. ft., possible asbestos/lead paint, most recent use—maintenance, off-site use only

Bldg. P–5101
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910153
Status: Unutilized
Comment: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only

Bldg. S–6430
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910156
Status: Unutilized
Comment: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6461
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910157
Status: Unutilized
Comment: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6462
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910158
Status: Unutilized
Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. P–7230
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910159
Status: Unutilized
Comment: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only

Bldg. S–4023
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200010128
Status: Unutilized
Comment: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–706
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120119
Status: Unutilized
Comment: 103 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–747
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120120
Status: Unutilized
Comment: 9232 sq. ft., possible asbestos/lead paint, most recent use—lab, off-site use only

Bldg. S–830
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120121
Status: Unutilized
Comment: 7356 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint., off-site use only

Bldg. S–831
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120122
Status: Unutilized
Comment: 7344 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. P–842
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120123
Status: Unutilized
Comment: 192 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–911
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120124
Status: Unutilized
Comment: 3080 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–1390
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120125
Status: Unutilized
Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. P–1672
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120126
Status: Unutilized
Comment: 1056 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. S–2362
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120127
Status: Unutilized
Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—gatehouse, off-site use only

Bldg. P–2589
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120129
Status: Unutilized
Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3043
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120130
Status: Unutilized
Comment: 80 sq. ft., possible asbestos/lead paint, most recent use—guard shack, off-site use only

Bldg. S–4636
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200130151
Status: Unutilized
Comment: 1389 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. S–4749
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200130152
Status: Unutilized
Comment: 1438 sq. ft., possible asbestos/lead paint, most recent use—weather station, off-site use only

South Carolina

Building

Bldg. 3499
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Property #: 21199730310
Status: Unutilized
Comment: 3724 sq. ft., needs repair, most recent use—admin.

Bldg. 2441
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Property #: 21199820187
Status: Unutilized
Comment: 2160 sq. ft., needs repair, most recent use—admin.

Bldg. 3605
Fort Jackson
Ft. Jackson Co: Richland SC 29207–

Property #: 21199820188
Status: Unutilized
Comment: 711 sq. ft., needs repair, most recent use—storage

Bldg. 1765
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Property #: 21200030109
Status: Unutilized
Comment: 1700 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—training bldg., off-site use only

Land

One Acre
Fort Jackson
Columbia Co: Richland SC 29207–
Property #: 21200110089
Status: Underutilized
Comment: Approx. 1 acre

Texas

Building

Bldg. T–5901
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199330486
Status: Unutilized
Comment: 742 sq. ft., 1-story wood frame, most recent use—admin., off-site use only.

Bldg. P–6615
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199440454
Status: Excess
Comment: 400 sq. ft., 1 story concrete frame, off-site removal only, most recent use—detached garage

Bldg. 7137, Fort Bliss
El Paso Co: El Paso TX 79916–
Property #: 21199640564
Status: Unutilized
Comment: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only

Bldgs. P–605A & P–606A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199730316
Status: Unutilized
Comment: 2418 sq. ft., poor condition, presence of asbestos/lead paint, historical category, most recent use—indoor firing range, off-site use only

Bldg. T–5122
Fort Sam Houston
San Antonio Co: Bexar Tx 78234–5000
Property #: 21199730331
Status: Unutilized
Comment: 3602 sq. ft., presence of asbestos/lead paint, historical category, most recent use—instruction bldg., off-site use only

Bldg. T–5903
Fort Sam Houston
Sam Antonio Co: Bexar TX 78234–5000
Property #: 21199730332
Status: Unutilized
Comment: 5200 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only

Bldg. T–5907
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199730333
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only

Bldg. T–5906
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199730420
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. P–1382
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199810365
Status: Unutilized
Comment: 30,082 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only

Bldg. T–5123
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830350
Status: Unutilized
Comment: 2596 sq. ft., fair, hazard abatement required, most recent use—instruction, off-site use only, historical significance

Bldg. P–6150
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830351
Status: Unutilized
Comment: 48 sq. ft., fair, hazard abatement required, most recent use—pumphouse, off-site use only

Bldgs. P–6331, P–6335, P–6495
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830353
Status: Unutilized
Comment: 36 sq. ft., fair hazard abatement required, most recent use—pumping station, off-site use only

Bldg. P–8000
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830354
Status: Unutilized
Comment: 1766 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

9 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8001, P8008, 8014, 8027, 8033, 8035, 8127, 8229, 8265
Property #: 21199830355
Status: Unutilized
Comment: 2456 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

11 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8003, P8011, 8012, 8019, 8043, 8202, 8204, 8216, 8235, 8241, 8261
Property #: 21199830356
Status: Unutilized
Comment: 2358 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

Bldgs. P–8003C, P–8220C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830357
Status: Unutilized
Comment: 1174 sq. ft., fair hazard abatement required, most recent use—detached garage, off-site use only

Bldg. P–8004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830358
Status: Unutilized
Comment: 2243 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8005, 8101, 8107, 8141, 8143, 8146, 8150
Property #: 21199830359
Status: Unutilized
Comment: 1804 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8009, 8024, 8207, 8214, 8217, 8226, 8256
Property #: 21199830361
Status: Unutilized
Comment: 2253 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8009C, 8027C, 8248C, 8256C
Property #: 21199830362
Status: Unutilized
Comment: 681 sq. ft., fair hazard abatement required, most recent use—detached garage, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8012C, 8039C, 8224C,
Property #: 21199830363
Status: Unutilized
Comment: 1185 sq. ft., fair hazard abatement required, most recent use—detached garage, off-site use only

Bldg. P8016
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830364
Status: Unutilized
Comment: 2347 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8012, 8211, 8244, 8270, 8213, 8223, 8243, 8266
Property #: 21199830365
Status: Unutilized
Comment: 249 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

Bldg. P–8022
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830366
Status: Unutilized

Comment: 1849 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

5 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #8022C, 8023C, 8106C, 8127C, 8206C
Property #: 21199830367
Status: Unutilized
Comment: 513 sq. ft., fair hazard abatement required, most recent use—detached garage, off-site use only

Bldgs. P8026, P8028
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830369
Status: Unutilized
Comment: Approx. 1850 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8028C, P8143C, P8150C
Property #: 21199830370
Status: Unutilized
Comment: 833 sq. ft., fair hazard abatement required, most recent use—detached garage, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8035C, P8104C, 8236C
Property #: 21199830372
Status: Unutilized
Comment: 1017 sq. ft., fair hazard abatement required, most recent use—detached garage, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8102, 8106, 8108
Property #: 21199830375
Status: Unutilized
Comment: Approx. 2700 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8109, P8137
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830330376
Status: Unutilized
Comment: 1540 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8112, P8228
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830378
Status: Unutilized
Comment: 1807 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: P8116, 8151, 8158
Property #: 21199830380
Status: Unutilized
Comment: 1691 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8117
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830381
Status: Unutilized
Comment: 1581 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8118, 8121, 8125, 8153, 8119, 8120, 8124, 8168
Property #: 21199830382
Status: Unutilized
Comment: Various sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8122, P8123
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830383
Status: Unutilized
Comment: Approx. 1400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8126
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830384
Status: Unutilized
Comment: 1331 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: P8131C, 8139C, 8203C, 8211C, 8231C, 8243C, 8249C, 8261C
Property #: 21199830386
Status: Unutilized
Comment: 849 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldgs. P8133, P8134
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830387
Status: Unutilized
Comment: Approx. 2000 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8135, P8136
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830388
Status: Unutilized
Comment: Approx. 1500 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8144, 8267, 8148, 8149
Property #: 21199830389
Status: Unutilized
Comment: Approx. 2200 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8171
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830392
Status: Unutilized
Comment: 1289 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8172
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830393
Status: Unutilized
Comment: 1597 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. Pl8173, P8174
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830394
Status: Unutilized
Comment: Approx. 2200 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8174C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830395
Status: Unutilized
Comment: 670 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldg. P8175
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830396
Status: Unutilized
Comment: 2220 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P8200
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830397
Status: Unutilized
Comment: 892 sq. ft., hazard abatement required, most recent use—officers quarters, off-site use only

Bldg. P8205
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830399
Status: Unutilized
Comment: 1745 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8206, 8232, 8233
Property #: 21199830400
Status: Unutilized
Comment: Approx. 2400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P8245
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830401
Status: Unutilized
Comment: 2876 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8262C, 8271C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830403
Status: Unutilized

Comment: 1006 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldg. P8269
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830404
Status: Unutilized
Comment: 2396 sq. ft. fair, hazard abatement required, most recent use—housing, off-site use only

20 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8271, 8002, 8018, 8025, 8037, 8100, 8130, 8130, 8132, 8138, 8140, 8142, 8145, 8147, 8210, 8212, 8221, 8242, 8247, 8264, 8257
Property #: 21199830405
Status: Unutilized
Comment: 2777 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. 919
Fort Hood
Ft. Hood Co: Coryell, TX 76544–
Property #: 21199920212
Status: Unutilized
Comment: 11,800 sq. ft., needs repair, most recent use—Bde. Hq. Bldg., off-site use only

Bldg. 3959
Fort Hood
Ft. Hood Co: Coryell, TX 76544–
Property #: 21199920224
Status: Unutilized
Comment: 3373 sq. ft., needs repair, most recent use—admin., off-site use only

Bldgs. 3967–3969
Fort Hood
Ft. Hood Co: Coryell, TX 76544–
Property #: 21199920228
Status: Unutilized
Comment: 5310 sq. ft., needs repair, most recent use—admin., off-site use only

Bldgs. 3970–3971
Fort Hood
Ft. Hood Co: Coryell, TX 76544–
Property #: 21199920229
Status: Unutilized
Comment: 3241 sq. ft., needs repair, most recent use—admin., off-site use only

4 Bldgs.
Fort Sam Houston
S6161, S6162, S6167, S6168
San Antonio Co: Bexar TX 78234–5000
Property #: 21200010132
Status: Unutilized
Comment: 900 sq. ft., needs major repairs, most recent use—admin., off-site use only

Bldg. S1448
Fort Sam Houston
San Antonio Co: Bexar TX
Property #: 21200010133
Status: Unutilized
Comment: 4200 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. T5001
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21200010134
Status: Unutilized
Comment: 1186 sq. ft., needs major repairs, possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. S6163
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21200010136
Status: Unutilized
Comment: 3200 sq. ft., needs major repairs, most recent use—admin., off-site use only

Bldg. S6169
Fort Sam Houston
San Antonoio Co: Bexar TX 78234–5000
Property #: 21200010137
Status: Unutilized
Comment: 1800 sq. ft., needs major repairs, most recent use—admin., off-site use only

Bldg. P–2375A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21200020202
Status: Unutilized
Comment: 108 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. T–5004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21200020203
Status: Unutilized
Comment: 4489 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 92043
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property #: 21200020206
Status: Unutilized
Comment: 450 sq. ft., most recent use—storage, off-site use only

Bldg. 92044
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property #: 21200020207
Status: Unutilized
Comment: 1920 sq. ft., most recent use—admin., off-site use only

Bldg. 92045
Fort Hood
Ft. Hood Co: Bell TX76544–
Property #: 21200020208
Status: Unutilized
Comment: 2108 sq. ft., most recent use—maint., off-site use only

Bldg. P–8219
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21200030110
Status: Excess
Comment: 2456 sq. ft., presence of asbestos/lead paint, most recent use—family house, off-site use only

Bldg. 4469
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property #: 21200030116
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only

Bldg. P–376
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21200110090
Status: Excess
Comment: 2529 sq. ft., presence of asbestos/lead paint, most recent use—post exchange services, historic preservation requirements, off-site use only

Bldg. 1281
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110091
Status: Unutilized
Comment: 25,027 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3656
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110093
Status: Unutilized
Comment: 1806 sq. ft., most recent use—igloo str. inst., off-site use only

Bldg. 7113
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110094
Status: Unutilized
Comment: 14,807 sq. ft., most recent use—nursery school, off-site use only

Bldg. 7133
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110095
Status: Unutilized
Comment: 11,650 sq. ft., most recent use—storage, off-site use only

Bldg. 7136
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110096
Status: Unutilized
Comment: 11,755 sq. ft., most recent use—vet facility, off-site use only

Bldg. 7146
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110097
Status: Unutilized
Comment: Most recent use—oil storage, off-site use only

Bldg. 7147
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110098
Status: Unutilized
Comment: Most recent use—oil storage, off-site use only

Bldg. 7153
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110099
Status: Unutilized
Comment: 11924 sq. ft., most recent use—bowling center, off-site use only

Bldg. 7162
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110100
Status: Unutilized
Comment: 3956 sq. ft. most recent use—development center, off-site use only

Bldg. 11116
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110101
Status: Unutilized
Comment: 20,100 sq. ft., most recent use—storage, off-site use only

Land

Bldg. Old Camp Bullis Road

Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property#: 21199420461
Status: Unutilized
Comment: 7.16 acres, rural gravel road

Virginia

Building

Bldg. 178
Fort Monroe
Ft. Monroe Co: VA 23651–
Property #: 21199940046
Status: Unutilized
Comment: 1180 sq. ft., needs repair, most recent use—storage, off-site use only

Bldg. T246
Fort Monroe
Ft. Monroe Co: VA 23651–
Property #: 21199940047
Status: Unutilized
Comment: 756 sq. ft., needs repair, possible lead paint, most recent use—scout meetings, off-site use only

Bldgs. 1630, 1633, 1636
Fort Eustis
Ft. Eustis Co: VA 23604–
Property #: 21200030119
Status: Unutilized
Comment: 720 sq. ft., most recent use—storehouse, off-site use only

Bldgs. SS0305, SS0306
Fort A.P. Hill
Bowling Green Co: Caroline VA 22428—
Property #: 21200120132
Status: Unutilized
Comment: 1250 sq. ft., concrete block, off-site use only

Bldgs. 1516, 1517, 1552, 1567
Fort Eustis
Ft. Eustis Co: VA 23604–
Property #: 21200130154
Status: Unutilized
Comment: 2892 & 4720 sq. ft., most recent use—dining/barracks/admin, off-site use only

Bldg. 1559
Fort Eustis
Ft. Eustis Co: VA 23604–
Property #: 21200130156
Status: Unutilized
Comment: 2892 sq. ft., most recent use—storage, off-site use only

Bldg. P00151
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Property #: 21200130157
Status: Unutilized
Comment: 1098 sq. ft., most recent use—housing maint., off-site use only

Bldg. TT0135
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Property #: 21200130158
Status: Unutilized
Comment: 2144 sq. ft., needs major rehab, most recent use—thrift shop, off-site use only

Washington

Building

13 Bldgs. Fort Lewis
A0402, CO723, CO726, CO727, CO90
CO907, CO922, CO923, CO926, CO92
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630199
Status: Unutilized
Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

7 Bldgs., Fort Lewis
AO438, AO439, CO901, CO910, CO91
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630200
Status: Unutilized
Comment: 1141 sq. ft., possible asbestos/lead paint, most recent use—dayroom bldgs., off-site use only

6 Bldgs. Fort Lewis
CO908, CO728, CO921, CO928, C100
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630204
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, most recent use—dayroom bldgs., off-site use only

Bldg. CO909, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630205
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. C0920, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630206
Status: Unutilized
Comment: 1948 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. C1249, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630207
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1164, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630213
Status: Unutilized
Comment: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 1307, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630216
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1309, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630217
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2167, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630218
Status: Unutilized
Comment: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 4078, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630219
Status: Unutilized
Comment: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 9599, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630220
Status: Unutilized
Comment: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. A1404, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199640570
Status: Unutilized
Comment: 557 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. A1419, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #:21199640571
Status: Unutilized
Comment: 1307 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E0202, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199710149
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. E0347, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199710156
Status: Unutilized
Comment: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. B1008, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199720216
Status: Unutilized
Comment: 7387 sq. ft., 2-story, needs rehab, possible asbestos/lead paint, most recent use—medical clinic, off-site use only

Bldgs. B1011–B1012, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199720217
Status: Unutilized
Comment: 992 sq. ft., and 1144 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. C0509, C0709, C0720
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199810372
Status: Unutilized
Comment: 1948 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—storage, off-site use only

4 Bldgs.
Fort Lewis
C0511, C0710, C0711, C0719
Ft. Lewis Co: Pierce WA 98443–
Property #: 21199810373
Status: Unutilized
Comment: 1,144 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—dayrooms, off-site use only

11 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: CO528, CO701, CO708, CO721, CO526, CO527, CO702, CO703, CO706, CO707, CO722
Property #: 21199810374

Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, needs rehab, morst recent use—dining, off-site use only

Bldg. 5162
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199830419
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. A0631
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199830422
Status: Unutilized
Comment: 2207 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldg. B0813
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199830427
Status: Unutilized
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. B0812
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199830428
Status: Unutilized
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldg. 5224
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199830433
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—educ. fac., off-site use only

Bldg. U001B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920237
Status: Excess
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U001C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920238
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

10 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U002B, U002C, U005C, U015I, U016E, U019C, U022A, U028B, 0091A, U093C
Property #: 21199920239
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U003A, U004B, U006C, U015B, U016B, U019B
Property #: 21199920240
Status: Unutilized
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U004D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920241
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

Bldg. U005A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920242
Status: Unutilized
Comment: 360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldgs. U006A, U024A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920243
Status: Excess
Comment: 1440 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldgs. U007A, U021A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920244
Status: Excess
Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U014A, U022B, U023A, U043B, U059B, U060A, U101A
Property #: 21199920245
Status: Excess
Comment: Needs repair, presence of asbestos/lead paint, most recent use—ofc/tower/support, off-site use only

Bldg. U015J
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920246
Status: Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U018B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920247
Status: Unutilized
Comment: 121 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldg. U018C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920248
Status: Unutilized
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—off-site use only.

Bldg. U024B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920249
Status: Unutilized
Comment: 168 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U024D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920250
Status: Unutilized
Comment: 120 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—ammo bldg., off-site use only.

Bldg. U027A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920251
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tire house, off-site use only.

Bldgs. U028A–U032A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920252
Status: Unutilized
Comment: 72 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U031A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920253
Status: Excess
Comment: 3456 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only.

Bldg. U031C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920254
Status: Unutilized
Comment: 32 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. U040D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920255
Status: Excess
Comment: 800 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldgs. U052C, U052H
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920256
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldgs. U035A, U035B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920257
Status: Excess
Comment: 192 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. U035C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920258

Status: Excess
Comment: 242 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldg. U039A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920259
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U039B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920260
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—grandstand/bleachers, off-site use only.

Bldg. U039C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920261
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only.

Bldg. U043A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920262
Status: Excess
Comment: 132 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldg. U052A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920263
Status: Excess
Comment: 69 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldg. U052E
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920264
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. U052G
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920265
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

3 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U058A, U103A, U018A
Property #: 21199920266
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U059A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920267
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldg. U093B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920268
Status: Excess
Comment: 680 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

4 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920269
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. U102B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920270
Status: Excess
Comment: 1058 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. U108A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920271
Status: Excess
Comment: 31,320 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only.

Bldg. U110B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920272
Status: Excess
Comment: 138 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only.

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U111A, U015A, U024E, U052F, U109A, U110A
Property #: 21199920273
Status: Excess
Comment: 1000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support/shelter/mess, off-site use only.

Bldg. U112A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920274
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. U115A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920275
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldg. U507A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920276
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only.

Bldg. U516B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920277
Status: Excess
Comment: 5000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only.

Bldg. F0022A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920279
Status: Excess
Comment: 4373 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gen. inst., off-site use only.

Bldg. F0022B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920280
Status: Excess
Comment; 3100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. C0120
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920281
Status: Excess
Comment: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only.

Bldg. A0220
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Property #: 21199920282
Status: Excess
Comment: 2284 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—club facility, off-site use only.

Bldg. A0334
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920284
Status: Excess
Comment: 1092 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only.

12 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: C1002, C1003, C1006, C1007, C1022, C1023, C1026, C1027, C1207, C1301, C1333, C1334
Property #: 21199920287
Status: Excess
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. D1154
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920289
Status: Excess
Comment: 1165 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—day room, off-site use only.

Bldg. 01205
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920290

Status: Excess
Comment: 87 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only.

Bldg. 01259
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920291
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 01266
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920292
Status: Excess
Comment: 45 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. 1445
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920294
Status: Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only.

Bldg. 02082
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920295
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 03091, 03099
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920296
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only.

Bldg. 03100, 3101
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920297
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 4040
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920298
Status: Excess
Comment: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only.

Bldg. 4072, 5104
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920299
Status: Excess
Comment: 24/36 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. 4295
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920300
Status: Excess
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 5170
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920301
Status: Excess
Comment: 19,411 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—store, off-site use only.

Bldg. 6191
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920303
Status: Excess
Comment: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only.

Bldgs. 08076, 08080
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920304
Status: Excess
Comment: 3660/412 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. 08093
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920305
Status: Excess
Comment: 289 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—boat storage, off-site use only.

Bldg. 8279
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920306
Status: Excess
Comment: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—fuel disp. fac., off-site use only.

Bldgs. 8280, 8291
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920307
Status: Excess
Comment: 800/464 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 8956
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920308
Status: Excess
Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 9530
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920309
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only.

Bldg. 9574
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920310
Status: Excess
Comment: 6005 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. shop., off-site use only.

Bldg. 9596
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920311
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only.

Bldg. 9939
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920313
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—recreation, off-site use only.

COE

Arkansas

Land

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark AR 71923–9361
Property #: 31199010071
Status: Unutilized
Comment: 77.6 acres.

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Property #: 31199010072
Status: Unutilized
Comment: 198.5 acres.

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: Clark AR 71923–9361
Property #: 31199010073
Status: Unutilized
Comment: 50.46 acres.

Parcel 04
DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia Co: Clark AR 71923–9361
Property #: 31199010074
Status: Unutilized
Comment: 236.37 acres.

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark AR 71923–9361
Property #: 31199010075
Status: Unutilized
Comment: 187.30 acres.

Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Property #: 31199010076
Status: Unutilized
Comment: 13.0 acres.

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Spring AR 71923–9361
Property #: 31199010077
Status: Unutilized
Comment: 0.27 acres.

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361

Property #: 31199010078
Status: Unutilized
Comment: 14.6 acres.

Parcel 09
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Property #: 31199010079
Status: Unutilized
Comment: 6.60 acres.

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Property #: 31199010080
Status: Unutilized
Comment: 4.5 acres.

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring AR 71923–9361
Property #: 31199010081
Status: Unutilized
Comment: 19.50 acres.

Lake Greeson
Section 7, 8 and 18
Murfreesboro Co: Pike AR 71958–9720
Property #: 31199010083
Status: Unutilized
Comment: 46 acres.

Kansas

Land

Parcel 1
El Dorado Lake
Section 13, 24, and 18
(See County) Co: Butler KS
Property #: 31199010064
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Kentucky

Building

Green River Lock & Dam #3
Rochester Co: Butler KY 42273–
Location: SR 70 west from Morgantown, KY., approximatley 7 miles to site.
Property #: 31199010022
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame, two story residence; potential utiliites; needs major rehab.

Land

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: Adjoining the village of Rockcastle.
Property #: 31199010025
Status: Excess
Comment: 2.57 acreas; rolling and wooded.

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Property #: 31199010026
Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle
Property #: 31199010027
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Property #: 31199010028
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 6½ miles west of Cadiz.
Property #: 31199010029
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211—
Location: 1 mile in a southerly direction from the village of Rockcastle.
Property #: 31199010031
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212—
Location: Trigg Co. adjoining the city of Canton, KY. on the waters of Hopson Creek.
Property #: 31199010032
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212—
Location: 3½ mile in a southerly direction from Canton, KY.
Property #: 31199010033
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212—
Location: 5 miles south of Canton, KY.
Property #: 31199010034
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212—
Location: 4½ miles south of Canton, KY.
Property #: 31199010035
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212—
Location: 6½ miles south of Canton, KY.
Property #: 31199010036
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: On the north side of the Illinois Central Railroad.
Property #: 31199010042
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: Approximately 4 miles east of Eddyville, KY.
Property #: 31199010044
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038—
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY.
Property #: 31199010045
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: Approximately 4½ miles east of Eddyville, KY.
Property #: 31199010046
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: Approximately 4½ miles east of Eddyville, KY.
Property #: 31199010047
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: Approximately 5½ miles east of Eddyville, KY.
Property #: 31199010048
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Property #: 31199010049
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: 7 miles southeasterly of Eddyville, KY.
Property #: 31199010050
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: 9 miles southeasterly of Eddyville, KY.
Property #: 31199010051
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045—
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Property #: 31199010052
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Property #: 31199010053
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Property #: 31199010054
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Property #: 31199010055
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Location: 6½ miles southeasterly of Eddyville, KY.
Property #: 31199010056
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: Village of Linton, KY state highway 1254.
Property #: 31199010058
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: 1 mile northwest of Linton, KY.
Property #: 31199010059
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ mile south from Canton, KY.
Property #: 31199011621
Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Property #: 31199011622
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Location: 7 miles southeasterly from Eddyville, KY.
Property #: 31199011623
Status: Unutilized
Comment: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of Old Henson FerryRoad, 6 miles west of Kuttawa, KY.
Property #: 31199011624
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Property #: 31199011625
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Property #: 31199011626
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Property #: 31199011627
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601–
Property #: 31199140009
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements.

Portion of Lock & Dam No. 1
Kentucky River
Carrolton Co: Carroll KY 41008–0305
Property #: 31199320003
Status: Unutilized
Comment: approx. 3.5 acres (sloping), access monitored.

Louisiana Land

Wallace Lake Dam and Reservoir
Shreveport Co: Caddo LA 71103–
Property #: 31199011009
Status: Unutilized
Comment: 10.81 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Haughton Co: Caddo LA 71037–9707
Location: 35 miles Northeast of Shreveport, La.
Property #: 31199011010
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Massachusetts Building

Storage Bldg.
Knightville Dam Road
Huntington Co: Hampshire MA 01050–
Property #: 31200030005
Status: Unutilized
Comment: 480 sq. ft., needs rehab, off-site use only.

Mississippi Land

Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011019
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011020
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Grenada Lake
Section 20, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011021
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Grenada Lake
Sections 16, 17, 18 T24N R8E
Grenada Co: Calhoun MS 38901–0903
Property #: 31100011022
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Grenada Lake
Section 20 and T23N, R5E
Grenada Co: Grenada MS 38901–0903
Property #: 31199011023
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Grenada Lake
Section 4, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011024
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4
Grenada Lake
Section 2, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011025
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Grenada Lake
Section 7, T24N, R6E

Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011026
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Grenada Lake
Section 9, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011027
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Grenada Lake
Section 20, T24N, R8E
Grenada Co: Calhoun MS 38901–0903
Property #: 31199011028
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Grenada Lake
Section 25, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011029
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13
Grenada Lake
Section 34, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011030
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Grenada Lake
Section 3, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011031
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15
Grenada Lake
Section 4, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011032
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Grenada Lake
Section 9, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Grenada Lake
Section 17, T23N, R7E
Grenada Co: Grenada MS 28901–0903
Property #: 31199011034
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Grenada Lake
Section 22, T23N, R7E
Grenada Co: Grenada MS 28902–0903
Property #: 31199011035
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Grenada Lake
Section 9, T22N, R7E/Grenada Co: Grenada MS 38901–0903
Property #: 31199011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Missouri

Land

Harry S Truman Dam & Reservoir
Warsaw Co: Benton MO 65355–
Location: Triangular shaped parcel southwest of access road ''B'', part of Bledsoe Ferry Park Tract 150.
Property #: 31199030014
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Montana

Building

Bldg. 1
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property #: 31200040010
Status: Unutilized
Comment: 22799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only

Bldg. 2
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property #: 31200040011
Status: Unutilized
Comment: 3292 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property #: 31200040012
Status: Unutilized
Comment: 964 sq. ft., most recent use—cold storage, off-site use only

Bldg. 4
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property #: 31200040013
Status: Unutilized
Comment: 72 sq. ft., most recent use—cold storage, off-site use only

Bldg. 5
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property #: 31200040014
Status: Unutilized
Comment: 1286 sq. ft., most recent use—cold storage, off-site use only

North Dakota

Building

Office Bldg.
3rd & Main
Ft. Yates Co: Sioux ND 58538–
Property #: 31200020001
Status: Unutilized
Comment: 1200 sq. ft., 2-story wood, off-site use only

Ohio

Building

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Property #: 31199120018
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only

Oklahoma

Land

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Property #: 31199010923
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Building

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242–
Property #: 3119921008
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only.

Dwelling
Lock & Dam 6, Allegheny
River, 1260 River Rd.
Freeport Co: Armstrong PA 16229–2023
Property #: 31199620008
Status: Unutilized
Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes.

Govt. Dwelling
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Property #: 31199640002
Status: Unutilized
Comment: 1421 sq. ft., 2-story brick w/ basement, most recent use—residential.

Dwelling
Lock & Dam 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Property #: 31199640009
Status: Unutilized
Comment: 1664 sq. ft. 2-story brick residence, needs repair, off-site use only.

Dwelling #1
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Property #: 31199740002
Status: Excess
Comment: 2030 sq. ft. most recent use—residential, good condition, off-site use only.

Dwelling #2
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Property #: 31199740003
Status: Excess
Comment: 3045 sq. ft. most recent use—residential, good condition, off-site use only.

Govt. Dwelling
East Branch Lake

Wilcox Co: Elk PA 15870–9709
Property #: 31199740005
Status: Underutilized
Comment: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only.

Dwelling #1
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Property #: 31199740006
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Property #: 31199740007
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #1
Saegertown Co: Crawford PA 16433–0629
Property #: 31199740008
Status: Excess
Comment: 2106 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Lock & Dam 6, 1260 River Road
Freeport Co: Armstrong PA 16229–2023
Property #: 31199740009
Status: Excess
Comment: 2652 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Property #: 31199830003
Status: Excess
Comment: 1421 sq. ft., 2-story + basement, most recent use—residential.

Residence/Office
Cowanesque Lake Project
Lawrenceville Co: Tioga PA 16929–
Property #: 31199940002
Status: Unutilized
Comment: 1653 sq. ft., residence, and 2,640 sq. ft. storage bldg., need major repairs, no operating sanitary facilities.

Land

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Location: Route 28 north to Belknap, Road #4
Property #: 31199010018
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150–
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Property #: 31199011001
Status; Excess
Comment; 24.09 acres; subject to flowage easement.

Tracts L24, L26
Crooked Creek Lake
Co: Armstrong PA 03051–
Location: Left bank—55 miles downstream of dam.
Property #: 31199011011
Status: Unutilized
Comment: 7.59 acres; potential for utilities.

Portion of Tract L–21A
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226–
Property #: 31199430012
Status: Unutilized
Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights.

Portion of Tract 119
State Rt 969
Curwensville Co: Clearfield PA 16833–
Property #: 31200010005
Status: Unutilized
Comment: approx. 17 acres, hilly wooded terrain.

Tennessee

Land

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles west of Dover, TN.
Property #: 31199010927
Status: Excess
Comment: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3½ miles south of village of Tabaccoport.
Property #: 31199010928
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015–
Location: ½ mile downstream from Cheatham Dam
Property #: 31199010929
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: West of Buckeye Bottom Road
Property #: 31199010930
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Old Jefferson Pike
Property #: 31199010931
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Across Fall Creek near Fall Creek camping area.
Property #: 31199010932
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 56
Property #: 31199010933
Status: Unutilized
Comment: 11 acres; subject to existing easements.

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: East of Lamar Road
Property #: 31199010934
Status: Excess
Comment: 6.92 acres; subject to existing easements.

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: South of Old Jefferson Pike
Property #: 31199010935
Status: Excess
Comment: 12 acres; subject to existing easements.

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles SE of Dover, TN.
Property #: 31199010936
Status: Excess
Comment: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Barkely Lake
Cumberland Co: Stewart TN 37050—
Location: 1½ miles East of Cumberland City.
Property #: 31199010937
Status: Excess
Comment: 96 acres; subject to existing easements.

Tracts 8911
Brakely Lake
Cumberland City Co: Montgomery TN 37050—
Location: 4 miles east of Cumberland City.
Property #: 31199010938
Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tracts 11503
Barkely Lake
Ashland City Co: Cheatham TN 37015—
Location: 2 miles downstream from Cheatham Dam.
Property #: 31199010939
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Barkely Lake
Ashland City Co: Cheatham TN 37015—
Location: 2½ miles downstream from Cheatham Dam.
Property #: 31199010940
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tracts 6410
Barkely Lake
Bumpus Mills Co: Stewart TN 37028—
Location: 4½ miles SW. of Bumpus Mills
Property #: 31199010941
Status: Excess
Comment: 17 acres; subject to existing easements.

Tracts 9707
Barkely Lake
Palmyer Co: Montgomery TN 37142—
Location: 3 miles NE of Palmyer, TN. Highway 149
Property #: 31199010943
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tracts 6949
Barkely Lake
Dover Co: Stewart TN 37058—
Location: 1½ miles SE of Dover, TN.
Property #: 31199010944
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Barkely Lake
Dover Co: Stewart TN 37058—
Location: 3 miles south of Village of Tabaccoport.
Property #: 31199011173
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074—
Property #: 31199130007
Status: Underutilized
Comment: 54 acres; (portion in floodway), most recent use—recreation

Tracts A–102
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551–
Property #: 311991400006
Status: Underutilized

Comment: 351 acres; most use—hunting, subject to existing easements.

Tracts A–120
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Property #: 31199140007
Status: underutilized
Comment: 883 acres; most recent use–hunting, subject to existing easements.

Tracts D–185
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570–
Property #: 31199140010
Status: Underutilized
Comment: 97 acres; must recent use—hunting, subject to existing easements.

Virginia

Building

Metal Bldg.
John H. Kerr Dam & Reservior
Co: Boydton VA
Property #: 31199620009
Status: Excess
Comment: 800 sq. ft., most recent use—storage, off-site use only

Wisconsin

Building

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie WI 54911–
Property #: 31199011524
Status: Unutilized
Comment: 1224 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton Co: Outagamie WI 54911–
Property #: 31199011525
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna Co: Outagamie WI 54131–
Property #: 31199011527
Status: Unutilized
Comment: 1290 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton Co: Outagamie WI 54911–
Property #: 31199011531
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown Co: Outagamie WI 54180–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Property #: 31199011533
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Little KauKauna Lock
Little KauKauna
Lawrence Co: Brown WI 54130–
Property #: 31199011535
Status: Unutilized
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway ''D'') and River Street.
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute Co: Outagamie WI 54140–
Property #: 31199011536
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

Energy

Idaho

Building

Bldg. CF603
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Property #: 41200020004
Status: Excess
Comment: 15,005 sq ft. cinder block, presence of asbestos/lead paint, major rehab, off-site use only.

CPP657, CPP669, CPP686
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Property #: 412000110001
Status: Excess
Comment: 8000 sq ft. bldgs. connected, possible asbestos/lead paint, most recent use—offices, off-site use only.

GSA

Alaska

Land

05.5 acres
Harding Lake Recreation Site
Richardson Highway
Salcha Co: AK 99714–
Property #: 54200130001
Status: Underutilized
Comment: no utilities, zoned for outdoor recreation
GSA Number: 9–D–AK–768–1

Illinois

Building

Milo Comm. Tower Site
350 N. Rt. 8
Milo Co: Bureau IL 56142–
Property #: 54200020018
Status: Excess
Comment: 120 sq. ft. cinder block bldg.
GSA Number: 1–D–IL–795

LaSalle Comm. Tower Site
1600 NE 8th St.
Richland Co: LaSalle IL 61370–
Property #: 54200020019
Status: Excess
Comment: 120 sq. ft. cinder block bldg. and a 300′ tower.
GSA Number: 1–D–IL–724

Maryland

Building

Stillpond Housing
521 Round Top Road
Chestertown Co: Queen Anne's MD 21620–
Property #: 54200020013
Status: Excess
Comment: 1000 sq. ft., most recent use—residential.
GSA Number: 4–U–MD–603

Stillpond Housing
131 Fairview Drive
Chestertown Co: Queen Ann's MD 21620–
Property #: 54200140014
Status: Excess
Comment: 1000 sq. ft., most recent use—residential.
GSA Number: 4–U–MD–603

Stillpond Housing
100 Farwell Road
Chestertown Co: Queen Ann's MD 21620–
Property #: 54200140015
Status: Excess
Comment: 1000 sq. ft., most recent use—residential, presence of lead paint.
GSA Number: 4–U–MD–603

Stillpond Housing
115 Rolling Road
Chestertown Co: Kent MD 21620–
Property #: 54200140016
Status: Excess
Comment: 750 sq. ft., most recent use—residential.
GSA Number: 4–U–MD–603

Stillpond Housing

303 Oriole Road
Chestertown Co: Queen Ann's MD 21620–
Property #: 54200140017
Status: Excess
Comment: 1000 sq. ft., most recent use—residential, presence of lead paint.
GSA Number: 4–U–MD–603

Stillpond Housing
213 Manor Avenue
Chestertown Co: Kent MD 21620–
Property #: 54200140018
Status: Excess
Comment: 750 sq. ft., most recent use—residential.
GSA Number: 4–U–MD–603

Massachusetts

Building

Aircraft Hanger
Hanscom Air Force Base
Concord Co: MA
Property #: 54200140007
Status: Excess
Comment: 40,000 sq. ft., off-site use only, relocating property may not be feasible.
GSA Number: 1–D–MA–0857679

Minnesota

Building

GAP Filler Radar Site
St. Paul Co: Rice MN 55101–
Property #: 54199910009
Status: Excess
Comment: 1266 sq. ft., concrete block, presence of asbestos/lead paint, most recent use—storage, zoning requirements, preparations for a Phase I study underway, possible underground storage tank.
GSA Number: 1–GR(1)–MN–475

Missouri

Land

Improved Land
St. Louis Army Ammunition Plant
4800 Goodfellow Blvd.
St. Louis Co: MO 63120–1798
Property #: 54200110007
Status: Surplus
Comment: 21 acres w/2 large bldgs. and numerous small bldgs. situated on 13 acres, 5 acres = parking lot and streets, presence of asbestos/lead paint, clean-up required to state regulator standards.
GSA Number: 000000

New York

Building

''Terry Hill''
County Road 51
Manorville NY
Property #: 54199830008
Status: Surplus
Comment: 2 block structures, 780/272 sq. ft., no sanitary facilities, most recent use—storage/comm. facility, w/6.19 acres in fee and 4.99 acre easement, remote area.
GSA Number: 1–D–NY–864

Binghampton Depot
Nolans Road
Binghampton Co: NY 00000–
Property #: 54199910015
Status: Excess
Comment: 45,977 sq. ft., needs repair, presence of asbestos, most recent use—office.
GSA Number: 1–G–NY–760A

Lockport Comm. Facility Annex
6625 Shawnee Road
Wheatfield Co: NY 14120–
Property #: 54200120009
Status: Excess
Comment: 3334 sq. ft., presence of asbestos, most recent use—admin/storage.
GSA Number: 1–D–NY–885

ROVA NHS Laboratory
4097 Albany Post Road
Hyde Park Co: NY 12538–
Property #: 54200140008
Status: Excess
Comment: 2491 sq. ft., pre-engineered metal, most recent use—lab/storage, off-site use only.
GSA Number: 1–I–NY–891

North Dakota

Building

Storage Bldg.
117 W. Main St.
Bismarck Co: Burleigh ND 58501–
Property #: 54200140009
Status: Surplus
Comment: 3200 sq. ft., most recent use—storage, eligible for listing on the Natl Register for Historic Places.
GSA Number: 7–G–ND–0406

Ohio

Land

Licking County Tower Site
Summit & Haven Corner Rds.
Pataskala Co: Licking OH 43062–
Property #: 54200020021
Status: Excess
Comment: Parcel 100 = 3.67 acres, Parcel 100E = 0.57 acres.
GSA Number: 1–W–OH–813

Puerto Rico

Land

Bahia Rear Range Light
Ocean Drive
Catano Co: PR 00632–
Property #: 54199940003
Status: Excess
Comment: 0.167 w/skeletal tower, fenced, aid to navigation.
GSA Number: 1–T–PR–508

Texas

Building

Federal Courthouse
521 Starr Street
Corpus Christi Co: Nueces TX 78401–
Property #: 54200140011
Status: Excess
Comment: 6000 sq. ft., needs maintenance, eligible for Natl Register of Historic Places.
GSA Number: 7–G–TX–1049

Washington

Building

Clarkston USARC
721 Sixth St.
Clarkston Co: Asotin WA
Property #: 54200140003
Status: Excess
Comment: total approx. 5043 sq. ft., presence of asbestos, most recent use—military reserve center/office.
GSA Number: 9–D–WA–1196

Interior

Arizona

Land

WC–1–2c & WC–1–2F
Range 1 East
Peoria Co: Maricopa AZ 85382–
Property #: 61200140007
Status: Excess
Comment: 10 acres, portion of parcels, remote location, no utilities.

California

Building

Bldg. 4151
8006 Bill's Hill
Yosemite Co: Mariposa CA 95389–
Property #: 61200130001
Status: Unutilized
Comment: 560 sq. ft., seasonal housing, presence of lead paint, off-site use only.

Bldg. 2317
2123 Enderts Beach Rd.
Crescent City Co: Del Norte CA 95531–
Property #: 61200130002
Status: Excess
Comment: 1100 sq. ft., poor condition, most recent use—residence, off-site use only.

Bldg. 2318
2123 Enderts Beach Rd.
Crescent City Co: Del Norte CA 95531–
Property #: 61200130003
Status: Excess
Comment: 150 sq. ft., off-site use only.

Idaho

Building

Ditchrider House
25822 Middleton Rd.
Middleton Co: Canyon ID 83644–
Property #: 61200140006
Status: Unutilized
Comment: 832 sq. ft. residence, needs rehab, off-site. only.

Mississippi

Building

Quarters #162
Natchez Trace Pkwy
162 Trace Circle
Ridgeland Co: Madison MS 39157–
Property #: 61200110001
Status: Excess
Comment: 1121 sq. ft., presence of asbestos, most recent use—residential, off-site use only.

Quarters #167
Natcher Trace Pkwy
Rt. 1, Box 46A
Port Gibson Co: Claiborne MS 39150–
Property #: 61200110002
Status: Excess
Comment: 1415 sq. ft., presence of asbestos, most recent use—residential, off-site use only.

Quarters #257
Natchez Trace Pkwy
Star Route Box 14
Carlisle Co: Claiborne MS 39049–
Property #: 61200110003
Status: Excess
Comment: 1415 sq. ft., presence of asbestos, most recent use—residential, off-site use only.

Quarters #182
182 Natchez Trace Pkwy
Kosciusko Co: Atalla MS 39090–
Property #: 61200110004
Status: Excess
Comment: 1121 sq. ft., presence of asbestos, most recent use—residential, off-site use only.

Bldg. #197
Natchez Trace Pkwy
Rt. 1
Mantee Co: Chickasaw MS 39751–
Property #: 61200110005
Status: Excess
Comment: 1121 sq. ft., presence of asbestos, most recent use—residential, off-site use only.

Nevada

Building

6 Cabins
#70, 14, 24, 5, 2, 21
Lake Meade, 601 Nevada
Highway
Boulder Co: NV 89005–
Property #: 61200130011
Status: Unutilized
Comment: Vacation cabins, remote location, entrance fee required, presence of asbestos, off-site use only.

New Mexico

Building

Tract #101–23
Blair Property
Aztec Ruins Natl Monument
Aztec Co: San Juan NM 87410–
Location: Mobile Home, 604 Ruins Rd.
Property #: 61200120024
Status: Excess
Comment: 14 x 70 sq. ft., most recent use—residential, off-site use only.

Tract #101–23
Blair Property
Aztec Ruins Natl Monument
Aztec Co: San Juan NM 87410–
Location: Manu. house, 604 Ruins Rd.
Property #: 61200120025
Status: Excess
Comment: 1344 sq. ft., most recent use—residential, off-site use only.

Tract 101–11
Randack Property
Aztec Ruins Natl Monument
Aztec Co: San Juan NM 87410–9715
Location: Mobile home, #84 County Road
Property #: 61200120026
Status: Excess
Comment: 1064 sq. ft., most recent use—residence, off-site use only.

Tennessee

Building

Quarters #169
Natchez Track Pkwy
222 Meriwether Lewis Rd.
Hohenwald Co: Lewis TN 38462–
Property #: 61200110006
Status: Excess
Comment: 1121 sq. ft., presence of absestos, most recent use—residential, off-site use only.

Texas

Building

Tract No. 104–44
8918 Graf Road
San Antonio Co: Bexar TX 78223–
Property #: 61200120012
Status: Unutilized
Comment: 1210 sq. ft., most recent use—residential, off-site use only.

Tract 110–01
1234 S. Presa
San Antonio Co: Bexar TX 78210–
Property #: 61200120013
Status: Unutilized
Comment: 1100 sq. ft., most recent use—residential, off-site use only.

Utah

Building

Hovenweep Ranger Station
CR 212
Hovenweep Co: San Juan UT 84534–
Property #: 61200130004
Status: Excess
Comment: 659 sq. ft., poor condition, most recent use—visitor station, off-site use only.

Virginia

Building

Former Bowen Residence
Cavalry Court
Spotsylvania Co: VA 22553–
Property #: 61200010007
Status: Excess
Comment: 1512 sq. ft., residence, off-site use only.

Former Jones Residence
Plantation Drive
Spotsylvania Co: VA 22553–
Property #: 61200010008
Status: Excess
Comment: 1040 sq. ft., residence, off-site use only.

Former Busic House
Brock Rd.
Spotsylvania Co: VA 22553–
Property #: 61200010009
Status: Excess
Comment: 4128 sq. ft., residence, off-site use only.

Navy

California

Building

Bldg. 371
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property #: 77200020080
Status: Unutilized
Comment: 29,800 sq. ft., needs rehab, presence of asbestos/lead paint, off-site use only.

Bldg. 402
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property #: 77200020081
Status: Unutilized
Comment: presence of lead paint, most recent use—storage, off-site use only.

Bldg. 417
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property #: 77200020083
Status: Unutilized
Comment: 110 TR, needs rehab, presence of asbestos/lead paint, off-site use only.

Bldg. 418
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property #: 77200020082
Status: Unutilized
Comment: 288 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. 426
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property #: 77200020084
Status: Unutilized
Comment: presence of asbestos/lead paint, off-site use only.

Bldg. 434
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property #: 77200020085
Status: Unutilized
Comment: 11,440 sq. ft., needs rehab, presence of asbestos/lead paint, off-site use only.

Bldg. 210
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property #: 77200020086
Status: Unutilized
Comment: 17,708 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—police station, off-site use only.

Bldg. 541
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property #: 77200020087
Status: Unutilized
Comment: 3857 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—lab, off-site use only.

Bldg. 804
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property #: 77200020088
Status: Unutilized
Comment: 3119 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 805
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property #: 77200020089
Status: Unutilized
Comment: 3732 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 806
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property #: 77200020090
Status: Unutilized
Comment: 3118 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 807
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property #: 77200020091
Status: Unutilized
Comment: 3110 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. 23027, 23025
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Property #: 77200040023
Status: Unutilized
Comment: 400 sq. ft., metal siding, most recent use—loading facility, off-site use only

Bldg. 01290
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Property #: 77200120090
Status: Excess
Comment: 460 sq. ft., most recent use—garage, off-site use only

Bldg. 02453
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Property #: 77200120110
Status: Excess
Comment: 48 sq. ft., most recent use—storage locker, off-site use only

Bldg. 32027
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Status: Excess
Property #: 77200120111
Comment: 331 sq. ft., off-site use only

Bldg. 32534
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Property #: 77200120112
Status: Excess
Comment: 2252 sq. ft., most recent use—repair shop, off-site use only

Bldg. 32537
Naval Air Weapons Station
China Lake Co: CA 93444–6001
Property #: 77200120113
Status: Excess
Comment: most recent use—instrument bldg., off-site use only

Land

Portion of Land
Naval Base, Point Loma
Murphy Canyon
San Diego Co: CA 92124–
Property #: 77200140012
Status: Unutilized
Comment: 24,350 sq. ft. of parking lot, adjacent to environmentally sensitive area

Hawaii

Building

Bldg. S87, Radio Trans. Fac
Lualualei, Naval Station,
Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Property #: 77199240011
Status: Unutilized
Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 64, Radio Trans Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Property #: 77199310004
Status: Unutilized
Comment: 3612 sq. ft., 1 story, access restrictions, need rehab, most recent use—storage, off-site use only

Bldg. 442, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property #: 77199630088
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only

Bldg. S180
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property #: 77199640039
Status: Unutilized
Comment: 3412 sq. ft., 2-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. S181
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property #: 77199640040
Status: Unutilized
Comment: 4258 sq. ft., 1-story,most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. 219
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property #: 77199640041
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 220
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property #: 77199640042
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 160
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Property #: 77199840002
Status: Excess
Comment: 6070 sq. ft., needs rehab, presence of lead paint, most recent use—storage/office, off-site use only

Maryland

Building

Bldg. 139
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200010032
Status: Unutilized
Comment: 4950 sq. ft., possible asbestos/lead paint, most recent use—wind tunnel, off-site use only

Bldg. 104
Naval Surface Warfare
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120079
Status: Unutilized
Comment: 8050 sq. ft., most recent use—garage, off-site use only

Bldg. 109
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120080
Status: Unutilized
Comment: 9650 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 110
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120081
Status: Unutilized
Comment: 10,750 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 111
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120082
Status: Unutilized
Comment: 4220 sq. ft., most recent use—office, off-site use only

Bldg. 112
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120083
Status: Unutilized
Comment: 2440 sq. ft., most recent use—printing bldg., off-site use only

Bldg. 113
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120084
Status: Unutilized
Comment: 2440 sq. ft., most recent use—lab, off-site use only

Bldg. 143
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120085
Status: Unutilized
Comment: 16,950 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 152
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120086
Status: Unutilized
Comment: 1400 sq. ft., most recent use—fire house annex, off-site use only

Bldg. 159
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120087
Status: Unutilized
Comment: 605 sq. ft., need rehab, presence of asbestos/lead paint, most recent use—hazardous waste storage, off-site use only

Bldg. 187
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120088
Status: Unutilized
Comment: 768 sq. ft., most recent use—pump house, off-site use only

Bldg. 117
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120102
Status: Unutilized

Comment: 400 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 124
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120103
Status: Unutilized
Comment: 480 sq. ft., needs rehab, most recent use—warehouse, off-site use only

Bldg. 130
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120104
Status: Unutilized
Comment: 2225 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage/recycling, off-site use only

Bldg. 181
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120105
Status: Unutilized
Comment: 491 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—equip. maint., off-site use only

Bldg. 196
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120106
Status: Unutilized
Comment: 456 sq. ft., needs rehab, most recent use—destructor Bldg., off-site use only

New Hampshire

Building

Bldg. 239
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Property #: 77200030019
Status: Excess
Comment: 897 sq. ft., presence of asbestos/lead paint, off-site use only

Virginia

Building

Structure SP–129
Naval Station
Norfolk Co: VA 23511–
Property #: 77200110136
Status: Excess
Comment: 3564 sq. ft., presence of asbestos/lead, most recent use—office, off-site use only

Land

Land
Marine Corps Base
Quantico Co: VA 22134–
Property #: 77200040034
Status: Unutilized
Comment: 4900 sq. ft., open space

VA

Alabama

Land

VA Medical Center
VAMC
Property #: 97199010053
Tuskegee Co: Macon AL 36083–
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

California

Land

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Property #: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area.

Indiana

Building

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Property #: 97199230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Property #: 97199230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house

Bldg. 7
VA Northern Indiana Health
Care System
Marion Campus, 1700 East
38th Street
Marion Co: Grant IN 46953–
Property #: 97199810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 10
VA Northern Indiana Health
Care System
Marion Campus, 1700 East
38th Street
Marion Co: Grant IN 46953–
Property #: 97199810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East
38th Street
Marion Co: Grant IN 46953–
Property #: 97199810003
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health
Care System
Marion Campus, 1700 East
38th Street
Marion Co: Grant IN 46953–
Property #: 97199810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
VA Northern Indiana Health
Care System
Marion Campus, 1700 East
38th Street
Marion Co: Grant IN 46953–
Property #: 97199810005
Status: Unutilized
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Iowa

Land

40.66 acres
VA Medical Center
1525 West Pleasant St.
Knoxville Co: Marion IA 50138–
Property #: 97199740002
Status: Unutilized
Comment: golf course, easement requirements

Maryland

Land

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052
Property #: 97199010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

Pennsylvania

Building

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Property #: 97199230012
Status: Underutilized
Comment: portion of bldg. (4046 sq. ft.), most recent use—storage, second floor—lacks elevator access

Texas

Land

Land
Olin E. Teague Veterans
Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Property #: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

Wisconsin

Building

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Property #: 97199010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land

VA Medical Center

County Highway E
Tomah Co: Monroe WI 54660–
Property #: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Total Suitable and Available for Year 2001 = 1,105

TITLE V PROPERTIES REPORTED IN YEAR 2001 WHICH ARE SUITABLE AND UNAVAILABLE

Air Force

Idaho

Building

Bldg. 224
Mountain Home Air Force
Co: Elmore ID 83648–
Property #: 18199840008
Status: Unutilized
Reason: Extension of runway

Iowa

Building

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Property #: 18199310002
Status: Unutilized
Reason: Will be transferred to Sioux City

Army

Georgia

Building

Bldg. 4090
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199630007
Status: Underutilized
Reason: Plan to utilize as a museum

Bldg. 2410
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property #: 21200140076
Status: Unutilized
Reason: Change in mission requirement

Kansas

Building

Bldg. P–295
Leavenworth Co: Leavenworth KS 66027–
Property #: 21199810296
Status: Underutilized
Reason: reutilized

Louisiana

Building

Bldg. 8405, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640524
Status: Underutilized
Reason: occupied

Bldg. 8414, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640527
Status: Underutilized
Reason: occupied

Bldg. 8424, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640529
Status: Underutilized
Reason: occupied

Bldg. 8426, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640530
Status: Underutilized
Reason: occupied

Bldg. 8427, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640531
Status: Underutilized
Reason: occupied

Bldg. 8428, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640532
Status: Underutilized
Reason: occupied

Bldg. 8429, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640533
Status: Underutilized
Reason: occupied

Bldg. 8430, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640534
Status: Underutilized
Reason: occupied

Bldg. 8431, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640535
Status: Underutilized
Reason: occupied

Bldg. 8432, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640536
Status: Underutilized
Reason: occupied

Bldg. 8433, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640537
Status: Underutilized
Reason: occupied

Bldg. 8458, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640542
Status: Underutilized
Reason: occupied

Bldg. 8459, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640543
Status: Underutilized
Reason: occupied

Bldg. 8460, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640544
Status: Underutilized
Reason: occupied

Bldg. 8461, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640545
Status: Underutilized
Reason: occupied

Bldg. 8462, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640546
Status: Underutilized
Reason: occupied

Bldg. 8463, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640547
Status: Underutilized
Reason: occupied

Bldg. 8501, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640548
Status: Underutilized
Reason: occupied

Bldg. 8502, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640549
Status: Underutilized
Reason: occupied

Bldg. 8541, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640551
Status: Underutilized
Reason: occupied

Bldg. 8542, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640552
Status: Underutilized
Reason: occupied

Bldg. 8543, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640553
Status: Underutilized
Reason: occupied

Bldg. 8545, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640555
Status: Underutilized
Reason: occupied

Bldg. 8546, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640556
Status: Underutilized
Reason: occupied

Bldg. 8547, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640547
Status: Underutilized
Reason: occupied

Bldg. 8548, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640558
Status: Underutilized
Reason: occupied

Bldg. 8549, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640559
Status: Underutilized
Reason: occupied

Missouri

Building

Bldg. 2172, Fort Polk
Fort Leonard Wood
Property #: 21200040059
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Status: Underutilized
Reason: reutilized

North Carolina

Land

.92 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Property #: 21199610728
Status: Underutilized
Reason: contains well owned by Town; within an explosive buffer z

10 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Property #: 21199610729

Status: Underutilized
Reason: within an explosives buffer zone

257 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Property #: 21199610730
Status: Underutilized
Reason: within an explosives buffer zone

28.83 acres—Tract of Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Property #: 21199620685
Status: Underutilized
Reason: Explosive Buffer Zone

Texas

Building

Bldg. P–2000, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199220389
Status: Underutilized
Reason: Area programmed for future use.

Bldg. P–2001, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199220390
Status: Underutilized
Reason: Area programmed for future use.

Coe

California

Building

Santa Fe Flood Control Basin
Irwindale Co: Los Angeles CA 91706–
Property #: 31199011298
Status: Unutilized
Reason: Needed for contract personnel

Illinois

Building

Bldg. 7
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010001
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 6
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010002
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 5
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010003
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 4
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010004
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 3
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010005
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 2
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010006
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 1
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010007
Status: Unutilized
Reason: Project integrity and security; safety liability

Land

Lake Shelbyville
Shelbyville Co: Shelby & Moultrie IL 62565–9804
Property #: 31199240004
Status: Unutilized
Reason: Disposal action initiated

Ohio

Building

Bldg.—Berlin Lake
7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Property #: 31199640001
Status: Unutilized
Reasons: Utilized as construction office

Pennsylvania

Building

Tract 353
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property #: 31199430019
Status: Unutilized
Reason: To be transferred to Borough

Tract 403A
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property #: 31199430021
Status: Unutilized
Reason: To be transferred to Borough

Tract 403B
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property #: 31199430022
Status: Unutilized
Reason: To be transferred to Borough

Tract 403C
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property #: 31199430023
Status: Unutilized
Reason: To be transferred to Borough

Tract 434
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property #: 31199430024
Status: Unutilized
Reason: To be transferred to Borough

Tract 224
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property #: 31199430021
Status: Unutilized
Reason: Disposal action initiated

Land

East Branch Clarion River Lake
Wilcox Co: Elk PA
Property #: 31199011012
Status: Underutilized
Reason: Location near damsite

Dashields Locks and Dam
(Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Property #: 31199210009
Status: Unutilized
Reason: Leased to Township

Wisconsin

Building

Former Lockmaster's Dwelling
DePere Lock
100 James Street
De Pere Co: Brown WI 54115–
Property #: 31199011526
Status: Unutilized
Reason: In negotiation for transfer to the State

Energy

Idaho

Building

Bldg. CFA–613
Central Facilities Area
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Property #: 41199630001
Status: Unutilized
Reason: Historical issues

GSA

Florida

Building

Lexington Terrace Housing
Portion of NAS Pensacola
Old Corry Field Rd.
Pensacola Co: Escambia FL 32508–
Property #: 54200130009
Status: Surplus
GSA Number: 4–N–FL–0735
Reason: Written expression of interest

Land

Lakeland Federal Property
N. Florida Ave. & Five Oaks St.
Lakeland Co: Polk FL 33806–
Property #: 54200140001
Status: Surplus
GSA Number: 4–G–FL–1092
Reason: written expression of interest

Georgia

Building

U.S. Post Office/Courthouse
337 W. Broad St.
Albany Co: Dougherty GA 31702–
Property #: 54200120002
Status: Excess
GSA Number: 4–G–GA–866A
Reason: Federal interest

Illinois

Building

Radar Communication Link
½ mi east of 116th St.
Co: Will IL
Property #: 54199820013
Status: Excess
GSA Number: 2–U–IL–696
Reason: negotiated sale

Maryland

Building

De LaSalle Bldg.
4900 LaSalle Road
Avondale Co: Prince George MD 20782–
Property #: 54200020007
Status: Excess
GSA Number: 4–G–MD–565A
Reason: written expression of interest

La Plata Housing
Radio Station Rd.
La Plata Co: Charles MD
Property #: 54200110006
Status: Excess
GSA Number: 4–N–MD–601
Reason: homeless interest

29 Bldgs.
Walter Reed Army Medical Center
Forest Glen Annex, Linden Lane
Silver Spring Co: Montgomery MD 20910–1246
Property #: 54200130012
Status: Excess
GSA Number: 4–D–MD–558–B
Reason: written expression of interest

Michigan

Building

Natl Weather Svc Ofc
214 West 14th Ave.
Sault Ste. Marie Co: Chippewa MI
Property #: 54200120010
Status: Excess
GSA Number: 1–C–MI–802
Reason: Federal need

Minnesota

Building

MG Clement Trott Mem. USARC
Walker Co: Cass MN 56484–
Property #: 54199930003
Status: Excess
GSA Number: 1–D–MN–575
Reason: Federal interest

Mississippi

Land

Proposed Site
Army Reserve Center
Waynesboro Co: Wayne MS 39367–
Property #: 54200010005
Status: Excess
GSA Number: 4–D–MS–0555
Reason: written expression of interest received from Co.

Missouri

Building

Hardesty Federal Complex
607 Hardesty Avenue
Kansas City Co: Jackson MO 64124–3032
Property #: 54199940001
Status: Excess
GSA Number: 7–G–MO–637
Reason: continuation

North Carolina

Building

Tarheel Army Missile Plant
Burlington Co: Alamance NC 27215–
Property #: 54199820002
Status: Excess
GSA Number: 4–D–NC–593
Reason: Advertised

Vehicle Maint. Facility
310 New Bern Ave.
Raleigh Co: Wake NC 27601–
Property #: 54200020012
Status: Excess
GSA Number: NC076AB
Reason: Federal need

Puerto Rico

Land

La Hueca—Naval Station
Roosevelt Roads
Vieques PR 00765–
Property #: 54199420006
Status: Excess
Reason: Federal interest

Tennessee

Building

3 Facilities, Guard Posts
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930011
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

4 Bldgs.
Volunteer Army Ammunition Plant
Railroad System Facilities
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930012
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

200 bunkers
Volunteer Army Ammunition Plant
Storage magazines
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930014
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

Bldg. 232
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930020
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

2 Laboratories
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930021
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

3 Facilities
Volunteer Army Ammunition Plant
Water Distribution Facilities
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930022
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

Naval Hospital
5720 Integrity Drive
Millington Co: Shelby TN 38054–
Property #: 54200020005
Status: Excess
GSA Number : 4–N–TN–648
Reason: written expression of interest received from DOE

Marine Corps Rsv Center
2109 W. Market St.
Johnson City Co: Washington TN 37604–
Property #: 54200120003
Status: Surplus
GSA Number : 4–N–TN–0651
Reason: Education interest

Land

1500 acres
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930015
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

Wisconsin

Building

Wausau Federal Building
317 First Street
Wausau Co: Marathon WI 54401–
Property #: 54199820016
Status: Excess
GSA Number : 1–G–WI–593
Reason: advertised

Army Reserve Center
401 Fifth Street
Kewaunee Co: WI 54216–1838
Property #: 54199940004
Status: Excess
GSA Number : 1–D–WI–547
Reason: public benefit interest

Navy

Virginia

Building

Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk VA 23508–
Property #: 77199010109
Status: Unutilized
Reason: Planned for expansion space.

Land

Naval Base
Norfolk Co: Norfolk VA 23508–
Property #: 77199010156
Status: underutilized
Reason: Identified for use in developing admin. office space.

2.6 acres
Naval Station
Norfolk Co: VA 23508–1273
Property #: 77200120131
Status: unutilized
Reason: pending construction.

1.15 acres
Naval Amphibious Base Little Creek
Norfolk Co: VA 23508–
Property #: 77200120132
Status: unutilized
Reason: pending construction.

VA

Iowa

Land

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Property #: 97199740001
Status: unutilized
Reason: Enhanced-Use Legislation potential.

Michigan

Land

VA Medical Center
Battle Creek Co: Calhoun MI 49016–
Property #: 97199010015
Status: underutilized
Reason: Being used for patient and program activities.

Montana

Building

VA MT Healthcare
Miles City Co: Custer MT 59301–
Property #: 97200030001
Status: Underutilized
Reason: transfer to Custer County.

New York

Land

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Property #: 97199010017
Status: underutilized
Reason: Portion leased; portion landlocked.

Pennsylvania

Land

VA Medical Center
New Castle Road
Butler Co: Butler PA 16601–
Property #: 97199010016
Status: underutilized
Reason: Used as natural drainage for facility property.

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Property #: 97199010080
Status: unutilized
Reason: Property is essential to security and safety of patients.

Land-34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Property #: 97199340001
Status: underutilized
Reason: needed for mission related functions.

Wisconsin

Building

Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295–
Property #: 97199830002
Status: underutilized
Reason: Subject of leasing negotiations.

Total Suitable and Unavailable for Year 2001 = 358

[FR Doc. 02–3602 Filed 2–15–02; 8:45 am]

BILLING CODE 4210–29–M

Federal Register

Tuesday,
February 19, 2002

Part III

Department of Housing and Urban Development

Federal Property Suitable as Facilities To Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4730–N–07]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD reviewed in 2001 for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

In accordance with 24 CFR part 581.3(b) landholding agencies are required to notify HUD by December 31, 2001, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR part 581.8(d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *U.S. Army:* Julie Jones-Conte, Headquarters, Department of the Army, Office of the Assistant Chief of Staff for Installation Management, Attn: DAIM–MD, Room 1E677, 600 Army Pentagon, Washington, DC 20310–0600; (703) 692–9223; *Corps of Engineers:* Shirley Middleswarth, Army Corps of Engineers, Management and Disposal Division, 441 G Street, Washington, DC 20314–1000; (202) 761–7425; *U.S. Navy:* Charles C. Cocks, Dept. of Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9200; *U.S. Air Force:* Barbara Jenkins, Air Force Real Estate Agency (Area/MI), Bolling AFB, 112 Luke Avenue, Suite 104, Washington, DC 20332–8020; (202) 767–4184; *GSA:* Brian K. Polly, Office of Property Disposal, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 501–0386; *Dept. of Veterans Affairs:* Anatolij Kushnir, Asset & Enterprise Development Service, Dept. of Veterans Affairs, room 419, Lafayette Bldg., 811 Vermont Ave. NW., Washington, DC 20420; (202) 565–5491; *Dept. of Energy:* Tom Knox, Office of Engineering & Construction Management, CR–80, Washington, DC 20585; (202) 586–8715; *Dept. of Transportation:* Rugene Spruill, Space Management, Transportation Administrative Service Center, DOT, 400 Seventh St. SW., room 2310, Washington, DC 20590; (202) 366–4246; *Dept. of Interior:* Linda Tribby, Acquisition & Property Management, Dept. of Interior, 1849 C St. NW., MS 5512, Washington, DC 20240; (202) 219–0728; (These are not toll-free numbers).

Dated: February 8, 2002.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

TITLE V PROPERTIES REPORTED IN YEAR 2001 WHICH ARE SUITABLE AND AVAILABLE

Air Force

Nebraska

Land

Hastings Radar Bomb Scoring
Hastings Co: Adams NE 68901–
Property #: 18199810027
Status: Unutilized
Comment: 11 acres

New York

Building

Bldg. 1452 & 297 acres
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Property #: 18199920030
Status: Unutilized
Comment: 11,000 sq. ft. on 297 acres (67 acres of wetland), most recent use—electronic research testing, presence of asbestos/lead paint

Bldg. 1453
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Property #: 18199920031
Status: Unutilized
Comment: 266 sq. ft., most recent use—generator bldg., presence of asbestos

Bldg. 1454
AVA Test Annex
Town of Ava Co: Oneida NY 13303–
Property #: 18199920032
Status: Unutilized
Comment: 53 sq. ft., most recent use—switch station, presence of asbestos

Lockport Comm. Facility
Shawnee Road
Lockport Co: Niagara NY
Property #: 18200040004
Status: Excess
Comment: 2 concrete block bldgs., (415 & 2929 sq. ft.) on 7.68 acres

South Dakota

Building

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Property #: 18199340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage

Army

Alabama

Building

Bldg. 60113
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–5000
Property #: 21199520156
Status: Unutilized

Comment: 4000 sq. ft., 1-story, most recent use—admin., off-site use only

Alaska

Building

Bldgs. 09100, 09104–09106
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020158
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

5 Bldgs.
Fort Richardson
09108, 09110–09112, 09114
Ft. Richardson Co: AK 99505–6500
Property #: 21200020159
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldgs. 09128, 09129
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020160
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldgs. 09151, 09155, 09156
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020161
Status: Unutilized
Comment: various sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldg. 09158
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020162
Status: Unutilized
Comment: 672 sq. ft., most recent use—storage shed, off-site use only

Bldgs. 09160–09162
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020163
Status: Unutilized
Comment: 11520 sq. ft., concrete, most recent use—NCO–ENL FH, off-site use only

Bldgs. 09164, 09165
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020164
Status: Unutilized
Comment: 2304 & 2880 sq. ft., most recent use—storage, off-site use only

Bldg. 10100
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200020165
Status: Unutilized
Comment: 4688 sq. ft., concrete, most recent use—hazard bldg., off-site use only

Bldg. 00390
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030067
Status: Excess
Comment: 13,632 sq. ft., off-site use only

Bldgs. 01200, 01202
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030068
Status: Excess
Comment: 4508 & 6366 sq. ft., most recent use-hazard bldg., off-site use only

Bldg. 01204
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030069
Status: Excess
Comment: 5578 sq. ft., most recent use—VOQ transient, off-site use only

Bldgs. 01205–01207
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030070
Status: Excess
Comment: various sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. 01208, 01210, 01212
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030071
Status: Excess
Comment: various sq. ft., most recent use—hazard bldg., off-site use only

Bldgs. 01213, 01214
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030072
Status: Excess
Comment: 11964 & 13740 sq. ft., most recent use—transient UPH, off-site use only

Bldgs. 01218, 01230
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030073
Status: Excess
Comment: 480 & 188 sq. ft., recent use—hazard bldgs., off—site use only

Bldgs. 01231, 01232
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030074
Status: Excess
Comment: 458 & 4260 sq. ft., most recent use—hazard bldgs., off-site use only

Bldg. 01234
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030075
Status: Excess
Comment: 615 sq. ft., most recent use—admin., off-site use only

Bldg. 01237
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030076
Status: Excess
Comment: 408 sq. ft., most recent use—fuel/pol bldg., off-site use only

Bldg. 01272
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030077
Status: Excess
Comment: 308 sq. ft., most recent use—storage, off-site use only

Bldg. 08109
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030080
Status: Excess
Comment: 1920 sq. ft., most recent use—storage, off-site use only

Bldg. 21001
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030081
Status: Excess
Comment: 3200 sq. ft., most recent use—family housing, off-site use only

Bldg. 22001
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030082
Status: Excess
Comment: 1448 sq. ft., most recent use—family housing, off-site use only

Bldg. 22002
Fort Richardson
Ft. Richardson Co: AK 99505–
Property #: 21200030083
Status: Excess
Comment: 1508 sq. ft., most recent use—family housing, off-site use only

Armory
NG Noorvik
Noorvik Co: AK 99763–
Property #: 21200110075
Status: Unutilized
Comment: 1200 sq. ft., most recent use—armory, off-site use only

Bldg. 00229
Fort Richardson
Ft. Richardson Co: AK 99505–6500
Property #: 21200120085
Status: Excess
Comment: 13,056 sq. ft., off-site use only

Arizona

Building

Bldg. 30012, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Property #: 21199310298
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage

Bldg. S–306
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Property #: 21199420346
Status: Unutilized
Comment: 4103 sq. ft., 2-story, needs major rehab, off-site use only

Bldg. 503, Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Property #: 21199520073
Status: Underutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos, off-site use only

2 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15542, 15546
Property #: 21200010082
Status: Unutilized
Comment: 552 & 400 sq. ft., presence of asbestos/lead paint, most recent use—restrooms, off-site use only

2 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 15544, 15552
Property #: 21200010083
Status: Unutilized
Comment: 9713 & 2895 sq. ft., presence of asbestos/lead paint, most recent use—classrooms, off-site use only

Bldg. 15543
Fort Huachuca

Sierra Vista Co: Cochise AZ 85635–
Property #: 21200010084
Status: Unutilized
Comment: 416 sq. ft., presence of asbestos/lead paint, most recent use—rec. shelter, off-site use only

34 Bldgs.
Fort Huachuca
62001–62022, 64001–64012
Sierra Vista Co: Cochise AZ 85635–
Property #: 21200020166
Status: Unutilized
Comment: 658 & 587 sq. ft., presence of asbestos/lead point, most recent use—one bedroom family housing, off-site use only

22 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: #63002–63018, 64014–64018
Property #: 21200110076
Status: Excess
Comment: 2 & 3 bedroom family housing, presence of asbestos/lead paint, off-site use only

Bldg. 76910
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Property #: 21200110077
Status: Excess
Comment: 2001 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 22523
Fort Huachuca
Sierra Vista Co: Cochise AZ 85613–
Property #: 21200120086
Status: Excess
Comment: 63 sq. ft., most recent use—storage, off-site use only

15 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 44116, 44305, 44306, 44409, 44410, 44411, 44415, 44416, 44501, 44502, 44503, 44504, 44505, 44506, 44507
Property #: 21200140074
Status: Excess
Comment: family housing, duplex, triplex, fourplex, sixplex, (2–3 bedrooms), presence of asbestos/lead paint, off-site use only

California

Building

Bldg. 104
Presidio of Monterey
Monterey Co: CA 93944–
Property #: 21199910088
Status: Unutilized
Comment: 8039 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 106
Presidio of Monterey
Monterey Co: Ca 93944–
Property #: 21199910089
Status: Unutilized
Comment: 1950 sq. ft., presence of asbestos/lead paint, most recent use—office/storage, off-site use only

Bldg. 125
Presidio of Monterey
Monterey Co: CA 93944–
Property #: 21199910090
Status: Unutilized
Comment: 371 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 340
Presidio of Monterey
Monterey Co: CA 93944–
Property #: 21199910093
Status: Unutilized
Comment: 6500 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 341
Presidio of Monterey
Monterey Co: CA 93944–
Property #: 21199910094
Status: Unutilized
Comment: 371 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 4214
Presidio of Monterey
Monterey Co: CA 93944–
Property #: 21199910095
Status: Unutilized
Comment: 3168 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. 204–207, 517
Presidio of Monterey
Monterey Co: CA 93944–5006
Property #: 21200020167
Status: Unutilized
Comment: 4780 & 10950 sq. ft., presence of asbestos/lead paint, most recent use—classroom/admin/storage, off-site use only

Bldg. 251
Army Reserve
6357 Woodly Ave.
Van Nuys Co: Los Angeles CA 91406–6496
Property #: 21200040043
Status: Excess
Comment: 800 sq. ft., needs repair, presence of asbestos, most recent use—storage, off-site use only

Bldg. 18026, 18028
Camp Roberts
Monterey Co: CA 93451–5000
Property #: 21200130081
Status: Excess
Comment: 2024 sq. ft., & 487 ft., concrete, poor condition, off-site use only

Colorado

Building

Bldg. 107
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130082
Status: Unutilized
Comment: 10,126 sq. ft., poor condition, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–108
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130083
Status: Unutilized
Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T209
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130084
Status: Unutilized
Comment: 400 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldg. T–217
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130085
Status: Unutilized
Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint., off-site use only

Bldg. T–218
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130086
Status: Unutilized
Comment: 9000 sq. ft., poor condition, possible asbestos/lead paint, most recent use—maint., off-site use only

Bldg. T–220
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130087
Status: Unutilized
Comment: 690 sq. ft., poor condition, possible asbestos/lead paint, most recent use—heat off-site use only

Bldg. T–6001
Fort Carson
Ft. Carson Co: El Paso CO 80913–
Property #: 21200130088
Status: Unutilized
Comment: 4372 sq. ft., poor condition, possible asbestos/lead paint, most recent use—vet clinic, off-site use only

Georgia

Building

Bldg. 2285
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Property #: 21199011704
Status: Unutilized
Comment: 4574 sq. ft., most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 1252, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220694
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4881, Fort Benning
Ft. Benning Co: Muscogee GA 319905–
Property #: 21199220707
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site removal only.

Bldg. 4963, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220710
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storehouse, need repairs, off-site only removal.

Bldg. 2396, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220712
Status: Unutilized

Comment: 9786 sq. ft., 1 story, most recent use—dining facility, need major rehab, off-site removal only.

Bldg. 4882, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220727
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4967, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220728
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 4977, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220736
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, need repairs, off-site removal only.

Bldg. 4944, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220747
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only.

Bldg. 4960, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220752
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4969, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220753
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4884, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220762
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4964, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220763
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4966, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220764
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4965, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., need repairs, off-site removal only.

Bldg. 4945, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220779
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only.

Bldg. 4979, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199220780
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, need repairs, off-site removal only.

Bldg. 4023, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199310461
Status: Unutilized
Comment: 2269 sq. ft., 1 story, needs rehab, most recent use—maintenance shop, off-site removal only.

Bldg. 4024, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199310462
Status: Unutilized
Comment: 3281 sq. ft., 1 story, needs rehab, most recent use—maintenance shop, off-site removal only.

Bldg. 11813
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property #: 21199410269
Status: Unutilized
Comment: 70 sq. ft., 1 story; metal; needs rehab.; most recent use—storage; off-site use only.

Bldg. 21314
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property #: 21199410270
Status: Unutilized
Comment: 85 sq. ft., 1 story; needs rehab.; most recent use—storage; off-site use only

Bldg. 12809
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property #: 21199410272
Status: Unutilized
Comment: 2788 sq. ft., 1 story; wood; needs rehab.; most recent use—maintenance shop; off-site use only

Bldg. 10306
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Property #: 21199410273
Status: Unutilized
Comment: 195 sq. ft., 1 story; wood; most recent use—oil shed; off-site use only

Bldg. 4051
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199520175
Status: Unutilized
Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 322
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720156
Status: Unutilized
Comment: 9600 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 1737
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720161
Status: Unutilized
Comment: 1500 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 2593
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720167
Status: Unutilized
Comment: 13644 sq. ft., needs rehab, most recent use—parachute shop, off-site use only

Bldg. 2595
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720168
Status: Unutilized
Comment: 3356 sq. ft., needs rehab, most recent use—chapel, off-site use only

Bldgs. 2865, 2869, 2872
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720169
Status: Unutilized
Comment: approx. 1100 sq. ft. each, needs rehab, most recent use—shower fac., off-site use only

Bldg. 4476
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720184
Status: Unutilized
Comment: 3148 sq. ft., needs rehab, most recent use—vehicle maint: shop, off-site use only

8 Bldgs.
Ft. Benning
4700–4701, 4704–4707, 4710–4711
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720189
Status: Unutilized
Comment: 6433 sq. ft. each, needs rehab, most recent use—unaccompanied personnel housing, off-site use only

Bldg. 4714
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720191
Status: Unutilized
Comment: 1983 sq. ft., needs rehab, most recent use—battalion headquarters bldg., off-site use only

Bldg. 4702
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720192
Status: Unutilized
Comment: 3690 sq. ft., needs rehab, most recent use—dining facility off-site use only

Bldg. 4712–4713
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199720193
Status: Unutilized
Comment: 1983 sq. ft. and 10270 sq. ft., needs rehab, most recent use—company headquarters bldg., off-site use only

Bldg. 305
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199810268
Status: Unutilized
Comment: 4083 sq. ft., most recent use—recreation center, off-site use only

Bldg. 318
Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199810269
Status: Unutilized
Comment: 374 sq. ft., poor condition, most recent use—maint shop, off-site use only

Bldg. 1792
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199810274
Status: Unutilized
Comment: 10,200 sq. ft., most recent use—storage, off-site use only

Bldg. 1836
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199810276
Status: Unutilized
Comment: 2998 sq. ft., recent use—admin., off-site use only

Bldg. 4373
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199810286
Status: Unutilized
Comment: 409 sq. ft., poor condition, most recent use—station bldg., off-site use only

Bldg. 4628
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199810287
Status: Unutilized
Comment: 5483 sq. ft., most recent use—admin., off-site use only

Bldg. 92
Fort Benning
Co: Muscogee GA 31905–
Property #: 21199810278
Status: Unutilized
Comment: 637 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. 2445
Fort Benning
Co: Muscogee GA 31905–
Property #: 21199810279
Status: Unutilized
Comment: 2385 sq. ft., needs rehab, most recent use—fire station off-site use only

Bldg. 4232
Fort Benning
Co: Muscogee GA 31905–
Property #: 21199830291
Status: Unutilized
Comment: 3720 sq. ft., needs rehab, most recent use—maint. bay, off-site use only

Bldg. 39720
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property #: 21199930119
Status: Unutilized
Comment: 1520 sq. ft., concrete block, possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. 492
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930120
Status: Unutilized
Comment: 720 sq. ft., most recent use—admin/maint, off-site use only

Bldg. 880
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930121
Status: Unutilized
Comment: 57,110 sq. ft., most recent use—instruction, off-site use only

Bldg. 1370
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930122
Status: Unutilized
Comment: 5204 sq. ft., most recent use—hdgts. bldg., off-site use only

Bldg. 2288
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930123
Status: Unutilized
Comment: 2482 sq. ft., most recent use—admin., off-site use only

Bldg. 2290
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930124
Status: Unutilized
Comment: 455 sq. ft., most recent use—storage, off-site use only

Bldg. 2293
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930125
Status: Unutilized
Comment: 2600 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 2297
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930126
Status: Unutilized
Comment: 5156 sq. ft., most recent use—admin.

Bldg. 2505
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930127
Status: Unutilized
Comment: 10,257 sq. ft., most recent use—repair shop, off-site use only

Bldg. 2508
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930128
Status: Unutilized
Comment: 2434 sq. ft., most recent use—storage, off-site use only

Bldg. 2815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930129
Status: Unutilized
Comment: 2578 sq. ft., most recent use—hdqts. bldg., off-site use only

Bldg. 3815
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930130
Status: Unutilized
Comment: 7575 sq. ft., most recent use—storage, off-site use only

Bldg. 3816
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930131
Status: Unutilized
Comment: 7514 sq. ft., most recent use—storage, off-site use only

Bldg. 5886
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930134
Status: Unutilized
Comment: 67 sq. ft., most recent use—storage, off-site use only

Bldgs. 5974–5978
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930135
Status: Unutilized
Comment: 400 sq. ft., most recent use—storage, off-site use only

Bldg. 5993
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930136
Status: Unutilized
Comment: 960 sq. ft., most recent use—storage, off-site use only

Bldg. 5994
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199930137
Status: Unutilized
Comment: 2016 sq. ft., most recent use—storage, off-site use only

Bldg. T–1003
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030085
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—admin., off-site use only

Bldgs. T–1005, T–1006, T–1007
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030086
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1015, T–1016, T–1017
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030087
Status: Excess
Comment: 7496 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1018, T–1019
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030088
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1020, T–1021
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030089
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. T–1022
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030090
Status: Excess
Comment: 9267 sq. ft., poor condition, most recent use—supply center, off-site use only

Bldg. T–1027
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030091

Status: Excess
Comment: 9024 sq. ft., poor condition, most recent use—supply center, off-site use only

Bldg. T–1028
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030092
Status: Excess
Comment: 7496 sq. ft., poor condition, most recent use—supply center, off-site use only

Bldgs. T–1035, T–1036, T–1037
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030093
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1038, T–1039
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030094
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1040, T–1042
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030095
Status: Excess
Comment: 1626 sq. ft., poor condition, most recent use—storage, off-site use only

Bldgs. T–1086, T–1087, T–1088
Fort Stewart
Hinesville Co: Liberty GA 31514–
Property #: 21200030096
Status: Excess
Comment: 7680 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. 223
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21200040044
Status: Unutilized
Comment: 21,556 sq. ft., most recent use—gen. purpose

Bldg. 228
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21200040045
Status: Unutilized
Comment: 20,220 sq. ft., most recent use—gen. purpose

Bldg. 2051
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21200040046
Status: Unutilized
Comment: 6077 sq. ft., most recent use—storage

Bldg. 2053
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21200040047
Status: Unutilized
Comment: 14,520 sq. ft., most recent use—storage

Bldg. 2677
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21200040048
Status: Unutilized
Comment: 19,326 sq. ft., most recent use—maint. shop

Bldg. 02301
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property #: 21200140075
Status: Unutilized
Comment: 8484 sq. ft., needs major rehab, potential asbestos/lead paint, most recent use—storage, off-site use only

Land

Land (Railbed)
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199440440
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential

Hawaii

Building

P–88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818–
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Property #: 21199030324
Status: Unutilized
Comment: 45,216 sq. ft., underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations

Bldg. T–337
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Property #: 21199640203
Status: Unutilized
Comment: 132 sq. ft., most recent use—storage, off-site use only

Illinois

Building

Bldg. 54
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–
Property #: 21199620666
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only

Bldg. AR112
Sheridan Reserve
Arlington Heights Co: IL 60052–2475
Property #: 21200110081
Status: Unutilized
Comment: 1000 sq. ft., off-site use only

Kansas

Building

Bldg. P–390
Fort Leavenworth
Leavenworth Co: KS 66027–
Property #: 21199740295
Status: Unutilized
Comment: 4713 sq. ft., presence of lead based paint, most recent use—swine house, off-site use only

Bldg. P–68
Fort Leavenworth
Leavenworth KS 66027–
Property #: 21199820153
Status: Unutilized
Comment: 2236 sq. ft., most recent use—vehicle storage, off-site use only

Bldg. P–321
Fort Leavenworth
Leavenworth KS 66027–
Property #: 21199820157
Status: Unutilized
Comment: 600 sq. ft., most recent use—picnic shelter, off-site use only

Bldg. S–809
Fort Leavenworth
Leavenworth KS 66027–
Property #: 21199820160
Status: Unutilized
Comment: 39 sq. ft., most recent use—access control, off-site use only

Bldg. S–830
Fort Leavenworth
Leavenworth KS 66027–
Property #: 21199820161
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only

Bldg. S–831
Fort Leavenworth
Leavenworth KS 66027–
Property #: 21199820162
Status: Unutilized
Comment: 5789 sq. ft., most recent use—underground storage, off-site use only

Bldg. P–243
Fort Leavenworth
Leavenworth KS 66027–
Property #: 21199830321
Status: Unutilized
Comment: 242 sq. ft., most recent use—industrial, off-site use only

Bldg. P–242
Fort Leavenworth
Leavenworth Co: KS 66027–
Property #: 21199920202
Status: Unutilized
Comment: 4680 sq. ft., most recent use—storage, off-site use only

Bldg. P–223
Fort Leavenworth
Leavenworth Co: KS 66027–
Property #: 21199930146
Status: Unutilized
Comment: 7,174 sq. ft., most recent use—storage, off-site use only

Bldg. T–236
Fort Leavenworth
Leavenworth Co: KS 66027–
Property #: 21199930147
Status: Unutilized
Comment: 4563 sq. ft., most recent use—storage off-site use only

Bldg. P–241
Fort Leavenworth
Leavenworth Co: KS 66027–
Property #: 21199930148
Status: Unutilized
Comment: 5920 sq. ft., most recent use—storage, off-site use only

Bldg. T–257
Fort Leavenworth
Leavenworth Co: KS 66027–
Property #: 21199930149
Status: Unutilized
Comment: 5920 sq. ft., most recent use—storage, off-site use only

Kentucky

Building

Bldg. 02813
Fort Knox
Ft. Knox Co: Hardin KY 40121–

Property #: 21200030102
Status: Unutilized
Comment: 60 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—shed, off-site use only

Louisiana

Building

Bldg. 8423, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640528
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8449, For Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640539
Status: Underutilized
Comment: 2093 sq. ft., most recent use—office

Maryland

Building

Bldg. 2831
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200030103
Status: Unutilized
Comment: 9652 sq. ft., presence of asbestos/lead paint, most recent use—dental clinic, off-site use only

Bldg. 618A
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120087
Status: Unutilized
Comment: 400 sq. ft., presence of asbestos/lead paint, most recent use—heat plant bldg., off-site use only

Bldg. 901
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120088
Status: Unutilized
Comment: 2740 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. 902, 932, 937
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120089
Status: Unutilized
Comment: 2208 sq. ft., presence of asbestos/lead paint, most recent use—admin/dining, off-site use only

4 Bldgs.
Ft. George G. Meade
#903, 906, 933, 936
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120090
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin/storage/dayrooom, off-site use only

10 Bldgs.
Ft. George G. Meade
#904, 905, 913, 916, 923–926, 934, 935
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120091
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 907
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120092
Status: Unutilized
Comment: 2306 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 908
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120093
Status: Unutilized
Comment: 3663 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 912, 917, 922, 927
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120094
Status: Unutilized
Comment: 1297 sq. ft., presence of asbestos/lead paint, most recent use—admin/storage, off-site use only

Bldg. 918
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120095
Status: Unutilized
Comment: 2331 sq. ft., presence of asbestos/lead paint, most recent use—admin/classroom, off-site use only

4 Bldgs.
Ft. George G. Meade
#928, 929, 2832, 2834
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120096
Status: Unutilized
Comment: 2284 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 930
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120097
Status: Unutilized
Comment: 3108 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 938
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120098
Status: Unutilized
Comment: 1676 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2810
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120099
Status: Unutilized
Comment: 2441 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2811
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120100
Status: Unutilized
Comment: 4720 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2837
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200120101
Status: Unutilized
Comment: 7670 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 0310A
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120103
Status: Unutilized
Comment: 120 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 00313
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120104
Status: Unutilized
Comment: 983 sq. ft., most recent use—storage, off-site use only

Bldg. 00340
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120105
Status: Unutilized
Comment: 384 sq. ft., most recent use—storage, off-site use only

Bldg. 0459B
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120106
Status: Unutilized
Comment: 225 sq. ft., poor condition, most recent use—equipment bldg., off-site use only

Bldg. 00785
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120107
Status: Unutilized
Comment: 160 sq. ft., poor condition, most recent use—shelter, off-site use only

Bldg. E3728
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120109
Status: Unutilized
Comment: 2596 sq. ft., presence of asbestos/lead paint, most recent use—testing facility, off-site use only

Bldg. 05213
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120112
Status: Unutilized
Comment: 200 sq. ft., poor condition, most recent use—storage, off-site use only

Bldg. E5239
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120113
Status: Unutilized
Comment: 230 sq. ft., most recent use—storage, off-site use only

Bldg. E5317
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120114
Status: Unutilized
Comment: 3158 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. E5637

Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Property #: 21200120115
Status: Unutilized
Comment: 312 sq. ft., presence of asbestos/lead paint, most recent use—lab, off-site use only

Bldg. 503
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200130092
Status: Unutilized
Comment: 14,244 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—training, off-site use only

Bldg. 2222A
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200130095
Status: Unutilized
Comment: 66 sq. ft., most recent use—storage, off-site use only

Bldg. 2222B
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200130096
Status: Unutilized
Comment: most recent use—storage, off-site use only

Bldg. 2478
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200130097
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—medical clinic, off-site use only

Bldg. 8481
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Property #: 21200130098
Status: Unutilized
Comment: 7718 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—heat plant, off-site use only

Bldgs. 187, 239, 999
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140077
Status: Unutilized
Comment: 2284 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 219
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140078
Status: Unutilized
Comment: 8142 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 229
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140079
Status: Unutilized
Comment: 2250 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 287
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140080
Status: Unutilized
Comment: 8924 sq. ft., presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 294
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140081
Status: Unutilized
Comment: 3148 sq. ft., presence of asbestos/lead paint, most recent use—entomology facility, off-site use only

Bldg. 942
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140082
Status: Unutilized
Comment: 3557 sq. ft., presence of asbestos/lead paint, most recent use—chapel, off-site use only

Bldg. 949
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140083
Status: Unutilized
Comment: 2441 sq. ft., presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 979
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140084
Status: Unutilized
Comment: 2331 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1007
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140085
Status: Unutilized
Comment: 3108 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2212
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140086
Status: Unutilized
Comment: 9092 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 3000
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140087
Status: Unutilized
Comment: 10,663 sq. ft., presence of asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 4283
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Property #: 21200140088
Status: Unutilized
Comment: 2609 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Missouri

Building

Bldg. T599
Ft. Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199230260
Status: Underutilized
Comment: 18270 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only

Bldg. T2171
Ft. Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199340212
Status: Unutilized
Comment: 1296 sq. ft., 1-story wood frame, most recent use—administrative, no handicap fixtures, lead base paint, off-site use only

Bldg. T6822
Ft. Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199340219
Status: Underutilized
Comment: 4000 sq. ft., 1-story wood frame, most recent use—storage, no handicap fixtures, off-site use only

Bldg. T1497
Ft. Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199420441
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199420446
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T–2191
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199440334
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2197
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199440335
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T590
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199510110
Status: Excess
Comment: 3263 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T2385
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000

Property #: 21199510115
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldgs. T–2340 thru T2343
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199710138
Status: Underutilized
Comment: 9267 sq. ft., each, most recent use—storage/general purpose

Bldg. 1226
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730275
Status: Unutilized
Comment: 1600 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1271
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730276
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1280
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730277
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 1281
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730278
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 1282
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730279
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 1283
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730280
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1284
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730281
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1285
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730282
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 1286
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730283
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1287
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730284
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 1288
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730285
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—dining facility, off-site use only

Bldg. 1289
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199730286
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 430
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810305
Status: Unutilized
Comment: 4100 sq. ft., presence of asbestos/lead paint, most recent use—Red Cross facility, off-site use only

Bldg. 758
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810306
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 759
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810307
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 760
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810308
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, off-site use only

Bldgs. 761–766
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810309
Status: Unutilized
Comment: 2400 sq. ft., each, presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. 1650
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810311
Status: Unutilized
Comment: 1676 sq. ft., presence of asbestos/lead paint, most recent use—union hall, off-site use only

Bldg. 2170
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810313
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2204
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810315
Status: Unutilized
Comment: 3525 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2225
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810316
Status: Unutilized
Comment: 820 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. 2271
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810317
Status: Unutilized
Comment: 256 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. 2275
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810318
Status: Unutilized
Comment: 225 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. 2318
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810322
Status: Unutilized

Comment: 9267 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 4199
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199810327
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 401
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820164
Status: Unutilized
Comment: 9567 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 856
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820166
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 859
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820167
Status: Unutilized
Comment: 2400 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1242
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820168
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1265
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820169
Status: Unutilized
Comment: 2360 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1267
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820170
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1272
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820171
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 1277
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820172
Status: Unutilized
Comment: 1144 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2142, 2145, 2151–2153
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820174
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 2150
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820175
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldg. 2155
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820176
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2156, 2157, 2163, 2164
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820177
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 2165
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820178
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldg. 2167
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820179
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. 2169, 2181, 2182, 2183
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820180
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

Bldg. 2186
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820181
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. 2187
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820182
Status: Unutilized
Comment: 2892 sq. ft., presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldgs. 2192, 2196, 2198
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820183
Status: Unutilized
Comment: 4720 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldgs. 2304, 2306
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820184
Status: Unutilized
Comment: 1625 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 12651
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Property #: 21199820186
Status: Unutilized
Comment: 240 sq. ft., presence of lead paint, off-site use only.

Bldg. 1448
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Property #: 21199830327
Status: Unutilized
Comment: 8450 sq. ft., presence of asbestos/lead paint, most recent use—training, off-site use only.

Bldg. 2210
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Property #: 21199830328
Status: Unutilized
Comment: 808 sq. ft., concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 2270
Fort Leonard Wood
Co: Pulaski MO 65473–5000
Property #: 21199830329
Status: Unutilized
Comment: 256 sq. ft., concrete, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 6036
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Property #: 21199910101
Status: Underutilized
Comment: 240 sq. ft., off-site use only.

Bldg. 9110
Fort Leonard Wood

Pulaski Co: MO 65473–8994
Property #: 21199910108
Status: Underutilized
Comment: 6498 sq. ft., presence of asbestos/lead paint, most recent use—family quarters, off-site use only.

Bldgs. 9113, 9115, 9117
Fort Leonard Wood
Pulaski Co: MO 65473–8994
Property #: 21199910109
Status: Underutilized
Comment: 4332 sq. ft., presence of asbestos/lead paint, most recent use—family quarters, off-site use only.

Bldg. 493
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Property #: 21199930158
Status: Unutilized
Comment: 26,936 sq. ft., concrete, presence of asbestos/lead paint, most recent use—store, off-site use only.

Bldg. 1178
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Property #: 21200040058
Status: Unutilized
Comment: 3203 sq. ft., most recent use—fire station, off-site use only.

Montana

Building

Bldg. 00405
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636–
Property #: 21200130099
Status: Unutilized
Comment: 3467 sq. ft., most recent use—storage, security limitations.

Bldg. T0066
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636–
Property #: 21200130100
Status: Unutilized
Comment: 528 sq. ft., needs rehab, presence of asbestos, security limitations.

New Hampshire

Building

Bldg. KG001
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Property #: 21200030104
Status: Excess
Comment: 18,994 sq. ft., presence of asbestos, most recent use—classroom, off-site use only.

Bldg. KG002
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Property #: 21200030105
Status: Excess
Comment: 20,014 sq. ft., presence of asbestos, most recent use—storage/store, off-site use only.

Bldg. KG003
Grenier Field USARC
Manchester Co: Rockingham NH 03103–7474
Property #: 21200030106
Status: Excess
Comment: 3,458 sq. ft., presence of asbestos, most recent use—veh. maint., off-site use only.

New Jersey

Building

Bldg. 178
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property #: 21199740312
Status: Unutilized
Comment: 2067 sq. ft., most recent use—research, off-site use only

Bldg. 732
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property #: 21199740315
Status: Unutilized
Comment: 9077 sq. ft., needs rehab, most recent use—storage off-site use only

Bldg. 3219
Armament R&D Engineering Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property #: 21199740326
Status: Unutilized
Comment: 288 sq. ft., most recent use—snack bar, off-site use only

Bldg. 816C
Armament R, D, & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Property #: 21200130103
Status: Unutilized
Comment: 144 sq. ft., most recent use—storage, off-site use only

New Mexico

Building

9 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Location: 11201, 11210, 11214, 11217, 11220, 11223, 11244, 11247, 11264
Property #: 21200040062
Status: Unutilized
Comment: 1620 sq. ft., each, major repairs required, presence of asbestos, most recent use—housing, off-site use only

19 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Location: 11202, 11209, 11212, 11216, 11219, 11222, 11224, 11227, 11236, 11241, 11242, 11245, 11249, 11253, 11257, 11260, 11263, 11270, 11273
Property #: 21200040063
Status: Unutilized
Comment: 1606 sq. ft., each, major repairs required, presence of asbestos, most recent use—housing, off-site use only

34 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200040064
Status: Unutilized
Comment: 1512 sq. ft., each, major repairs required, presence of asbestos, most recent use—housing, off-site use only

12 MFH Units
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Location: 11204, 11207, 11226, 11229, 11235, 11238, 11251, 11255, 11258, 11261, 11266
Property #: 21200040065
Status: Unutilized
Comment: 1590 sq. ft., each, major repairs required, presence of asbestos, most recent use—housing, off-site use only

Bldg. 20451
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200130108
Status: Unutilized
Comment: 186 sq. ft., needs rehab, presence of asbestos, off-site use only

Bldg. 20452
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200130109
Status: Unutilized
Comment: 168 sq. ft., needs rehab, presence of asbestos, off-site use only

Bldg. 20453
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200130110
Status: Unutilized
Comment: 168 sq. ft., needs rehab, presence of asbestos, off-site use only

Bldg. 20454
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200130111
Status: Unutilized
Comment: 151 sq. ft., needs rehab, presence of asbestos, off-site use only

Bldg. 20455
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200130112
Status: Unutilized
Comment: 266 sq. ft., needs rehab, presence of asbestos, off-site use only

Bldg. 20457
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Property #: 21200130113
Status: Unutilized
Comment: 166 sq. ft., needs rehab, presence of asbestos, off-site use only

New York

Building

Bldg. 801
US Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200030108
Status: Unutilized
Comment: 27,726 sq. ft., needs repair, possible lead paint, most recent use—warehouse, off-site use only

Bldg. T–181
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130129
Status: Unutilized
Comment: 3151 sq. ft., needs rehab, most recent use—housing mnt., off-site use only

Bldg. T–201
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130131
Status: Unutilized
Comment: 2305 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. T–203
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130132
Status: Unutilized
Comment: 2284 sq. ft., needs rehab, most recent use—admin., off-site use only

Bldg. T–252

Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130133
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldgs. T–253, T–256, T–257
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130134
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldgs. T–271, T–272, T–273
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130135
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldg. T–274
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130136
Status: Unutilized
Comment: 2750 sq. ft., needs rehab, most recent use—BN HQ, off-site use only

Bldgs. T–276, T–277, T–278
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130137
Status: Unutilized
Comment: 4720 sq. ft., needs rehab, most recent use—housing, off-site use only

Bldgs. T–744, T–745
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130138
Status: Unutilized
Comment: 5310 sq. ft., needs rehab, most recent use—barracks, off-site use only

Bldg. T–1030
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130139
Status: Unutilized
Comment: 15606 sq. ft., needs rehab, most recent use—simulator bldg., off-site use only

Bldg. P–2159
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130140
Status: Unutilized
Comment: 1948 sq. ft., needs rehab, most recent use—waste/water treatment, off-site use only

Bldg. T–2442
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130141
Status: Unutilized
Comment: 4340 sq. ft., needs rehab, most recent use—vet facility, off-site use only

Bldg. T–2443
Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Property #: 21200130142
Status: Unutilized
Comment: 793 sq. ft., needs rehab, most recent use—vet facility, off-site use only

Quarters 372
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130143
Status: Unutilized
Comment: 1248 sq. ft., needs repair, presence of asbestos, most recent use—quarters

Quarters 1000
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130144
Status: Unutilized
Comment: 2800 sq. ft., needs repair, presence of asbestos, most recent use—quarters

Quarters 691
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130145
Status: Unutilized
Comment: 2561 sq. ft., needs repair, possible asbestos/lead paint, most recent use—storage, off-site use only

Quarters 709
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130146
Status: Unutilized
Comment: 1666 sq. ft., needs repair, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 759
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130147
Status: Unutilized
Comment: 11,942 sq. ft., needs repair, possible asbestos/lead paint, most recent use—community center, off-site use only

Bldg. 1280
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130148
Status: Unutilized
Comment: 2760 sq. ft., needs repair, presence of asbestos, most recent use—quarters

Bldg. 1664
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200130149
Status: Unutilized
Comment: 800 sq. ft., needs repair, possible asbestos/lead paint, most recent use—storage, off-site use only

Land

Land—6.965 Acres
Dix Avenue
Queensbury Co: Warren NY 12801—
Property #: 21199540018
Status: Unutilized
Comment: 6.96 acres of vacant land, located in industrial area, potential utilities

300 acres
U.S. Military Academy
Highlands Co: Orange NY 10996–1592
Property #: 21200040070
Status: Unutilized
Comment: Approx. 300 acres, contains wetlands and rare flora

North Carolina

Building

Bldgs. A2864, A3164
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–5000
Property #: 21200110085
Status: Excess
Comment: 3056 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. O–3551, O–3552
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–5000
Property #: 21200110086
Status: Excess
Comment: 1584 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

3 Bldgs.
Fort Bragg
#8–7003, 2–7404, O–9030
Ft. Bragg Co: Cumberland NC 28310–5000
Property #: 21200110087
Status: Excess
Comment: Small bldgs., needs rehab, presence of asbestos/lead paint, most recent use—storage/pumphouse, off-site use only

Bldg. C5536
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–5000
Property #: 21200130150
Status: Unutilized
Comment: 600 sq. ft., single wide trailer w/metal storage shed, needs major repair, presence of asbestos/lead paint, off-site use only

Ohio

Building

Quarters 120
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Property #: 21200140089
Status: Unutilized
Comment: 5670 sq. ft., needs repair, presence of lead paint, most recent use—residence, off-site use only

Oklahoma

Building

Bldg. T–838, Fort Sill
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Property #: 21199220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable)

Bldg. T–954, Fort Sill
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Property #: 21199240659
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop

Bldg. T–3325, Fort Sill
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Property #: 21199240681
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse

Bldg. T1652, Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199330380
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T5637 Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199330419
Status: Unutilized
Comment: 1606 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only

Bldg. T–4226
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199440384
Status: Unutilized
Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. P–1015
Fort Sill
Lawton Co: Comanche OK 73501–5100
Property #: 21199520197
Status: Unutilized
Comment: 15402 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–366
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199610740
Status: Unutilized
Comment: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only

Building T–2952
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199710047
Status: Unutilized
Comment: 4,327 sq. ft., possible asbestos and lead paint, most recent use—motor repair shop, off-site use only

Bldg. P–5042
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199710066
Status: Unutilized
Comment: 119 sq. ft., possible asbestos and lead paint, most recent use—heatplant, off-site use only

4 Buildings
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: T–6465, T–6466, T–6467, T–6468
Property #: 21199710086
Status: Unutilized
Comment: Various sq. ft., possible asbestos and lead paint, most recent use—range support, off site use only

Building P–6539
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199710087
Status: Unutilized
Comment: 1,483 sq. ft., possible asbestos and lead paint, most recent use—office, off-site use only

Bldg. T–208
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730344
Status: Unutilized
Comment: 20525 sq. ft., possible asbestos/lead paint, most recent use training center, off-site use only

Bldg. T–214
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730346
Status: Unutilized
Comment: 6332 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only

Bldg. T–215, T–216
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730347
Status: Unutilized
Comment: 6300 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–217
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730348
Status: Unutilized
Comment: 6394 sq. ft., possible asbestos/lead paint, most recent use—training center, off-site use only

Bldg. T–810
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730350
Status: Unutilized
Comment: 7205 sq. ft., possible asbestos/lead paint, most recent use—hay storage, off-site use only

Bldgs. T–837, T–839
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730351
Status: Unutilized
Comment: Approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–934
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730353
Status: Unutilized
Comment: 402 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1177
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730356
Status: Unutilized
Comment: 183 sq. ft., possible asbestos/lead paint, most recent use—snack bar, off-site use only

Bldgs. T–1468, T–1469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730357
Status: Unutilized
Comment: 114 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1470
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730358
Status: Unutilized
Comment: 3120 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–1940
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730360
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–1954, T–2022
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730362
Status: Unutilized
Comment: Approx. 100 sq. ft. each, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2184
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730364
Status: Unutilized
Comment: 454 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2185
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730365
Status: Unutilized
Comment: 151 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldgs. T–2186, T–2188, T–2189
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730366
Status: Unutilized
Comment: 1656–3583 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint. shop, off-site use only

Bldg. T–2187
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730367
Status: Unutilized
Comment: 1673 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–2209
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730368
Status: Unutilized
Comment: 1257 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2240, T–2241
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730369
Status: Unutilized
Comment: Approx. 9500 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2262, T–2263
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730370
Status: Unutilized
Comment: Approx. 3100 sq. ft., possible asbestos/lead paint, most recent use—maint. shop, off-site use only

Bldgs. T–2271, T–2272
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730371
Status: Unutilized
Comment: 232 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–2291 thru T–2296
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730372
Status: Unutilized
Comment: 400 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–3001, T–3006
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730383
Status: Unutilized
Comment: 9300 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3025
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730384
Status: Unutilized
Comment: 5259 sq. ft., possible asbestos/lead paint, most recent use—museum, off-site use only

Bldg. T–3314
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730385
Status: Unutilized
Comment: 229 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–3323
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730387
Status: Unutilized
Comment: 8832 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–4281
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730392
Status: Unutilized
Comment: 9405 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. T–4401, T–4402
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730393
Status: Unutilized
Comment: 2260 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. T–4407
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730395
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining facility, off-site use only

4 Bldgs.
Fort Sill
#T–4410, T–4414, T–4415, T–4418
Lawton Co: Comanche OK 73503–5100
Property #: 21199730396
Status: Unutilized
Comment: 1311 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

5 Bldgs.
Fort Sill
#T–4411 thru T–4413, T–4416 thru T–4417
Lawton Co: Comanche OK 73503–5100
Property #: 21199730397
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only

Bldg. T–4421
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730398
Status: Unutilized
Comment: 3070 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only

10 Bldgs.
Fort Sill
#T–4422 thru T–4427, T–4431 thru T–4434
Lawton Co: Comanche OK 73503–5100
Property #: 21199730399
Status: Unutilized
Comment: 2263 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

6 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4436, T–4440, T–4444, T–4445, T–4448, T–4449
Property #: 21199730400
Status: Unutilized
Comment: 1311–2263 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

5 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–5100
Location: #T–4441, T–4442, T–4443, T–4446, T–4447
Property #: 21199730401
Status: Unutilized
Comment: 1244 sq. ft., possible asbestos/lead paint, most recent use—showers, off-site use only

Bldg. T–5041
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730409
Status: Unutilized
Comment: 763 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldgs. #T–5044, T–5045
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730410
Status: Unutilized
Comment: 1798/1806 sq. ft., possible asbestos/lead paint, most recent use—class rooms, off-site use only

Bldg. T–5420
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730414
Status: Unutilized
Comment: 189 sq. ft., possible asbestos/lead paint, most recent use—fuel storage, off-site use only

Bldgs. T–7290, T–7291
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730417
Status: Unutilized
Comment: 224/840 sq. ft., possible asbestos/lead paint, most recent use—kennel, off-site use only

Bldg. T–7775
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199730419
Status: Unutilized
Comment: 1452 sq. ft., possible asbestos/lead paint, most recent use—private club, off-site use only

Bldg. T–207
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910130
Status: Unutilized
Comment: 19,531 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–599
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910132
Status: Unutilized
Comment: 1400 sq. ft., possible asbestos/lead paint, most recent use—clubhouse, off-site use only

4 Bldgs.
Fort Sill
P–617, P–1114, P–1386,
P–1608
Lawton Co: Comanche OK 73503–5100
Property #: 21199910133
Status: Unutilized
Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. P–746
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910135
Status: Unutilized
Comment: 6299 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. T–2183
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910139
Status: Unutilized
Comment: 14,530 sq. ft., possible asbestos/lead paint, most recent use—repair shop, off-site use only

Bldgs. P–2581, P–2773
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910140
Status: Unutilized
Comment: 4093 and 4129 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–2582
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910141
Status: Unutilized
Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. P–2912, P–2921, P–2944
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910144
Status: Unutilized

Comment: 1390 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. S–3169
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910145
Status: Unutilized
Comment: 6437 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–2914
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910146
Status: Unutilized
Comment: 1236 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–3469
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910147
Status: Unutilized
Comment: 3930 sq. ft., possible asbestos/lead paint, most recent use—car wash, off-site use only

Bldg. S–3559
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910148
Status: Unutilized
Comment: 9462 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. S–4064
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910149
Status: Unutilized
Comment: 1389 sq. ft., possible asbestos/lead paint, off-site use only

Bldg. S–5086
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910152
Status: Unutilized
Comment: 6453 sq. ft., possible asbestos/lead paint, most recent use—maintenance, off-site use only

Bldg. P–5101
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910153
Status: Unutilized
Comment: 82 sq. ft., possible asbestos/lead paint, most recent use—gas station, off-site use only

Bldg. S–6430
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910156
Status: Unutilized
Comment: 2080 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6461
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910157
Status: Unutilized
Comment: 200 sq. ft., possible asbestos/lead paint, most recent use—range support, off-site use only

Bldg. T–6462
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910158
Status: Unutilized
Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. P–7230
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21199910159
Status: Unutilized
Comment: 160 sq. ft., possible asbestos/lead paint, most recent use—transmitter bldg., off-site use only

Bldg. S–4023
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200010128
Status: Unutilized
Comment: 1200 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–706
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120119
Status: Unutilized
Comment: 103 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. P–747
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120120
Status: Unutilized
Comment: 9232 sq. ft., possible asbestos/lead paint, most recent use—lab, off-site use only

Bldg. S–830
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120121
Status: Unutilized
Comment: 7356 sq. ft., possible asbestos/lead paint, most recent use—vehicle maint., off-site use only

Bldg. S–831
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120122
Status: Unutilized
Comment: 7344 sq. ft., possible asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. P–842
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120123
Status: Unutilized
Comment: 192 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–911
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120124
Status: Unutilized
Comment: 3080 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. P–1390
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120125
Status: Unutilized
Comment: 106 sq. ft., possible asbestos/lead paint, most recent use—utility plant, off-site use only

Bldg. P–1672
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120126
Status: Unutilized
Comment: 1056 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. S–2362
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120127
Status: Unutilized
Comment: 64 sq. ft., possible asbestos/lead paint, most recent use—gatehouse, off-site use only

Bldg. P–2589
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120129
Status: Unutilized
Comment: 3672 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. T–3043
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200120130
Status: Unutilized
Comment: 80 sq. ft., possible asbestos/lead paint, most recent use—guard shack, off-site use only

Bldg. S–4636
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200130151
Status: Unutilized
Comment: 1389 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. S–4749
Fort Sill
Lawton Co: Comanche OK 73503–5100
Property #: 21200130152
Status: Unutilized
Comment: 1438 sq. ft., possible asbestos/lead paint, most recent use—weather station, off-site use only

South Carolina

Building

Bldg. 3499
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Property #: 21199730310
Status: Unutilized
Comment: 3724 sq. ft., needs repair, most recent use—admin.

Bldg. 2441
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Property #: 21199820187
Status: Unutilized
Comment: 2160 sq. ft., needs repair, most recent use—admin.

Bldg. 3605
Fort Jackson
Ft. Jackson Co: Richland SC 29207–

Property #: 21199820188
Status: Unutilized
Comment: 711 sq. ft., needs repair, most recent use—storage

Bldg. 1765
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Property #: 21200030109
Status: Unutilized
Comment: 1700 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—training bldg., off-site use only

Land

One Acre
Fort Jackson
Columbia Co: Richland SC 29207–
Property #: 21200110089
Status: Underutilized
Comment: Approx. 1 acre

Texas

Building

Bldg. T–5901
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199330486
Status: Unutilized
Comment: 742 sq. ft., 1-story wood frame, most recent use—admin., off-site use only.

Bldg. P–6615
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199440454
Status: Excess
Comment: 400 sq. ft., 1 story concrete frame, off-site removal only, most recent use—detached garage

Bldg. 7137, Fort Bliss
El Paso Co: El Paso TX 79916–
Property #: 21199640564
Status: Unutilized
Comment: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only

Bldgs. P–605A & P–606A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199730316
Status: Unutilized
Comment: 2418 sq. ft., poor condition, presence of asbestos/lead paint, historical category, most recent use—indoor firing range, off-site use only

Bldg. T–5122
Fort Sam Houston
San Antonio Co: Bexar Tx 78234–5000
Property #: 21199730331
Status: Unutilized
Comment: 3602 sq. ft., presence of asbestos/lead paint, historical category, most recent use—instruction bldg., off-site use only

Bldg. T–5903
Fort Sam Houston
Sam Antonio Co: Bexar TX 78234–5000
Property #: 21199730332
Status: Unutilized
Comment: 5200 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only

Bldg. T–5907
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199730333
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, historical category, most recent use—admin., off-site use only

Bldg. T–5906
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199730420
Status: Unutilized
Comment: 570 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. P–1382
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199810365
Status: Unutilized
Comment: 30,082 sq. ft., presence of asbestos/lead paint, most recent use—housing, off-site use only

Bldg. T–5123
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830350
Status: Unutilized
Comment: 2596 sq. ft., fair, hazard abatement required, most recent use—instruction, off-site use only, historical significance

Bldg. P–6150
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830351
Status: Unutilized
Comment: 48 sq. ft., fair, hazard abatement required, most recent use—pumphouse, off-site use only

Bldgs. P–6331, P–6335, P–6495
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830353
Status: Unutilized
Comment: 36 sq. ft., fair hazard abatement required, most recent use—pumping station, off-site use only

Bldg. P–8000
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830354
Status: Unutilized
Comment: 1766 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

9 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8001, P8008, 8014, 8027, 8033, 8035, 8127, 8229, 8265
Property #: 21199830355
Status: Unutilized
Comment: 2456 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

11 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8003, P8011, 8012, 8019, 8043, 8202, 8204, 8216, 8235, 8241, 8261
Property #: 21199830356
Status: Unutilized
Comment: 2358 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

Bldgs. P–8003C, P–8220C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830357
Status: Unutilized
Comment: 1174 sq. ft., fair hazard abatement required, most recent use—detached garage, off-site use only

Bldg. P–8004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830358
Status: Unutilized
Comment: 2243 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8005, 8101, 8107, 8141, 8143, 8146, 8150
Property #: 21199830359
Status: Unutilized
Comment: 1804 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

7 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8009, 8024, 8207, 8214, 8217, 8226, 8256
Property #: 21199830361
Status: Unutilized
Comment: 2253 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8009C, 8027C, 8248C, 8256C
Property #: 21199830362
Status: Unutilized
Comment: 681 sq. ft., fair hazard abatement required, most recent use—detached garage, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8012C, 8039C, 8224C,
Property #: 21199830363
Status: Unutilized
Comment: 1185 sq. ft., fair hazard abatement required, most recent use—detached garage, off-site use only

Bldg. P8016
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830364
Status: Unutilized
Comment: 2347 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8012, 8211, 8244, 8270, 8213, 8223, 8243, 8266
Property #: 21199830365
Status: Unutilized
Comment: 249 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

Bldg. P–8022
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830366
Status: Unutilized

Comment: 1849 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

5 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #8022C, 8023C, 8106C, 8127C, 8206C
Property #: 21199830367
Status: Unutilized
Comment: 513 sq. ft., fair hazard abatement required, most recent use—detached garage, off-site use only

Bldgs. P8026, P8028
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830369
Status: Unutilized
Comment: Approx. 1850 sq. ft., fair hazard abatement required, most recent use—housing, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8028C, P8143C, P8150C
Property #: 21199830370
Status: Unutilized
Comment: 833 sq. ft., fair hazard abatement required, most recent use—detached garage, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8035C, P8104C, 8236C
Property #: 21199830372
Status: Unutilized
Comment: 1017 sq. ft., fair hazard abatement required, most recent use—detached garage, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8102, 8106, 8108
Property #: 21199830375
Status: Unutilized
Comment: Approx. 2700 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8109, P8137
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830330376
Status: Unutilized
Comment: 1540 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8112, P8228
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830378
Status: Unutilized
Comment: 1807 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: P8116, 8151, 8158
Property #: 21199830380
Status: Unutilized
Comment: 1691 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8117
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830381
Status: Unutilized
Comment: 1581 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8118, 8121, 8125, 8153, 8119, 8120, 8124, 8168
Property #: 21199830382
Status: Unutilized
Comment: Various sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8122, P8123
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830383
Status: Unutilized
Comment: Approx. 1400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8126
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830384
Status: Unutilized
Comment: 1331 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

8 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: P8131C, 8139C, 8203C, 8211C, 8231C, 8243C, 8249C, 8261C
Property #: 21199830386
Status: Unutilized
Comment: 849 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldgs. P8133, P8134
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830387
Status: Unutilized
Comment: Approx. 2000 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8135, P8136
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830388
Status: Unutilized
Comment: Approx. 1500 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

4 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8144, 8267, 8148, 8149
Property #: 21199830389
Status: Unutilized
Comment: Approx. 2200 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8171
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830392
Status: Unutilized
Comment: 1289 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8172
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830393
Status: Unutilized
Comment: 1597 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. Pl8173, P8174
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830394
Status: Unutilized
Comment: Approx. 2200 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8174C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830395
Status: Unutilized
Comment: 670 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldg. P8175
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830396
Status: Unutilized
Comment: 2220 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P8200
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830397
Status: Unutilized
Comment: 892 sq. ft., hazard abatement required, most recent use—officers quarters, off-site use only

Bldg. P8205
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830399
Status: Unutilized
Comment: 1745 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

3 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8206, 8232, 8233
Property #: 21199830400
Status: Unutilized
Comment: Approx. 2400 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. P8245
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830401
Status: Unutilized
Comment: 2876 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldgs. P8262C, 8271C
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830403
Status: Unutilized

Comment: 1006 sq. ft., fair, hazard abatement required, most recent use—detached garage, off-site use only

Bldg. P8269
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199830404
Status: Unutilized
Comment: 2396 sq. ft. fair, hazard abatement required, most recent use—housing, off-site use only

20 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: #P8271, 8002, 8018, 8025, 8037, 8100, 8130, 8130, 8132, 8138, 8140, 8142, 8145, 8147, 8210, 8212, 8221, 8242, 8247, 8264, 8257
Property #: 21199830405
Status: Unutilized
Comment: 2777 sq. ft., fair, hazard abatement required, most recent use—housing, off-site use only

Bldg. 919
Fort Hood
Ft. Hood Co: Coryell, TX 76544–
Property #: 21199920212
Status: Unutilized
Comment: 11,800 sq. ft., needs repair, most recent use—Bde. Hq. Bldg., off-site use only

Bldg. 3959
Fort Hood
Ft. Hood Co: Coryell, TX 76544–
Property #: 21199920224
Status: Unutilized
Comment: 3373 sq. ft., needs repair, most recent use—admin., off-site use only

Bldgs. 3967–3969
Fort Hood
Ft. Hood Co: Coryell, TX 76544–
Property #: 21199920228
Status: Unutilized
Comment: 5310 sq. ft., needs repair, most recent use—admin., off-site use only

Bldgs. 3970–3971
Fort Hood
Ft. Hood Co: Coryell, TX 76544–
Property #: 21199920229
Status: Unutilized
Comment: 3241 sq. ft., needs repair, most recent use—admin., off-site use only

4 Bldgs.
Fort Sam Houston
S6161, S6162, S6167, S6168
San Antonio Co: Bexar TX 78234–5000
Property #: 21200010132
Status: Unutilized
Comment: 900 sq. ft., needs major repairs, most recent use—admin., off-site use only

Bldg. S1448
Fort Sam Houston
San Antonio Co: Bexar TX
Property #: 21200010133
Status: Unutilized
Comment: 4200 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. T5001
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21200010134
Status: Unutilized
Comment: 1186 sq. ft., needs major repairs, possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. S6163
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21200010136
Status: Unutilized
Comment: 3200 sq. ft., needs major repairs, most recent use—admin., off-site use only

Bldg. S6169
Fort Sam Houston
San Antonoio Co: Bexar TX 78234–5000
Property #: 21200010137
Status: Unutilized
Comment: 1800 sq. ft., needs major repairs, most recent use—admin., off-site use only

Bldg. P–2375A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21200020202
Status: Unutilized
Comment: 108 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. T–5004
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21200020203
Status: Unutilized
Comment: 4489 sq. ft., presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 92043
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property #: 21200020206
Status: Unutilized
Comment: 450 sq. ft., most recent use—storage, off-site use only

Bldg. 92044
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property #: 21200020207
Status: Unutilized
Comment: 1920 sq. ft., most recent use—admin., off-site use only

Bldg. 92045
Fort Hood
Ft. Hood Co: Bell TX76544–
Property #: 21200020208
Status: Unutilized
Comment: 2108 sq. ft., most recent use—maint., off-site use only

Bldg. P–8219
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21200030110
Status: Excess
Comment: 2456 sq. ft., presence of asbestos/lead paint, most recent use—family house, off-site use only

Bldg. 4469
Fort Hood
Ft. Hood Co: Bell TX 76544–
Property #: 21200030116
Status: Unutilized
Comment: 5310 sq. ft., most recent use—barracks, off-site use only

Bldg. P–376
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21200110090
Status: Excess
Comment: 2529 sq. ft., presence of asbestos/lead paint, most recent use—post exchange services, historic preservation requirements, off-site use only

Bldg. 1281
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110091
Status: Unutilized
Comment: 25,027 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3656
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110093
Status: Unutilized
Comment: 1806 sq. ft., most recent use—igloo str. inst., off-site use only

Bldg. 7113
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110094
Status: Unutilized
Comment: 14,807 sq. ft., most recent use—nursery school, off-site use only

Bldg. 7133
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110095
Status: Unutilized
Comment: 11,650 sq. ft., most recent use—storage, off-site use only

Bldg. 7136
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110096
Status: Unutilized
Comment: 11,755 sq. ft., most recent use—vet facility, off-site use only

Bldg. 7146
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110097
Status: Unutilized
Comment: Most recent use—oil storage, off-site use only

Bldg. 7147
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110098
Status: Unutilized
Comment: Most recent use—oil storage, off-site use only

Bldg. 7153
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110099
Status: Unutilized
Comment: 11924 sq. ft., most recent use—bowling center, off-site use only

Bldg. 7162
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110100
Status: Unutilized
Comment: 3956 sq. ft. most recent use—development center, off-site use only

Bldg. 11116
Fort Bliss
El Paso Co: TX 79916–
Property #: 21200110101
Status: Unutilized
Comment: 20,100 sq. ft., most recent use—storage, off-site use only

Land

Bldg. Old Camp Bullis Road

Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property#: 21199420461
Status: Unutilized
Comment: 7.16 acres, rural gravel road

Virginia

Building

Bldg. 178
Fort Monroe
Ft. Monroe Co: VA 23651–
Property #: 21199940046
Status: Unutilized
Comment: 1180 sq. ft., needs repair, most recent use—storage, off-site use only

Bldg. T246
Fort Monroe
Ft. Monroe Co: VA 23651–
Property #: 21199940047
Status: Unutilized
Comment: 756 sq. ft., needs repair, possible lead paint, most recent use—scout meetings, off-site use only

Bldgs. 1630, 1633, 1636
Fort Eustis
Ft. Eustis Co: VA 23604–
Property #: 21200030119
Status: Unutilized
Comment: 720 sq. ft., most recent use—storehouse, off-site use only

Bldgs. SS0305, SS0306
Fort A.P. Hill
Bowling Green Co: Caroline VA 22428—
Property #: 21200120132
Status: Unutilized
Comment: 1250 sq. ft., concrete block, off-site use only

Bldgs. 1516, 1517, 1552, 1567
Fort Eustis
Ft. Eustis Co: VA 23604–
Property #: 21200130154
Status: Unutilized
Comment: 2892 & 4720 sq. ft., most recent use—dining/barracks/admin, off-site use only

Bldg. 1559
Fort Eustis
Ft. Eustis Co: VA 23604–
Property #: 21200130156
Status: Unutilized
Comment: 2892 sq. ft., most recent use—storage, off-site use only

Bldg. P00151
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Property #: 21200130157
Status: Unutilized
Comment: 1098 sq. ft., most recent use—housing maint., off-site use only

Bldg. TT0135
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Property #: 21200130158
Status: Unutilized
Comment: 2144 sq. ft., needs major rehab, most recent use—thrift shop, off-site use only

Washington

Building

13 Bldgs. Fort Lewis
A0402, CO723, CO726, CO727, CO90
CO907, CO922, CO923, CO926, CO92
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630199
Status: Unutilized
Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

7 Bldgs., Fort Lewis
AO438, AO439, CO901, CO910, CO91
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630200
Status: Unutilized
Comment: 1141 sq. ft., possible asbestos/lead paint, most recent use—dayroom bldgs., off-site use only

6 Bldgs. Fort Lewis
CO908, CO728, CO921, CO928, C100
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630204
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, most recent use—dayroom bldgs., off-site use only

Bldg. CO909, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630205
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. C0920, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630206
Status: Unutilized
Comment: 1948 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. C1249, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630207
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1164, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630213
Status: Unutilized
Comment: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 1307, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630216
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1309, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630217
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2167, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630218
Status: Unutilized
Comment: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 4078, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630219
Status: Unutilized
Comment: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 9599, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Property #: 21199630220
Status: Unutilized
Comment: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. A1404, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199640570
Status: Unutilized
Comment: 557 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. A1419, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #:21199640571
Status: Unutilized
Comment: 1307 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. E0202, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199710149
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. E0347, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199710156
Status: Unutilized
Comment: 1800 sq. ft., possible asbestos/lead paint, most recent use—office, off-site use only

Bldg. B1008, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199720216
Status: Unutilized
Comment: 7387 sq. ft., 2-story, needs rehab, possible asbestos/lead paint, most recent use—medical clinic, off-site use only

Bldgs. B1011–B1012, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199720217
Status: Unutilized
Comment: 992 sq. ft., and 1144 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—office, off-site use only

Bldgs. C0509, C0709, C0720
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199810372
Status: Unutilized
Comment: 1948 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—storage, off-site use only

4 Bldgs.
Fort Lewis
C0511, C0710, C0711, C0719
Ft. Lewis Co: Pierce WA 98443–
Property #: 21199810373
Status: Unutilized
Comment: 1,144 sq. ft., possible asbestos/lead paint, needs rehab, most recent use—dayrooms, off-site use only

11 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: CO528, CO701, CO708, CO721, CO526, CO527, CO702, CO703, CO706, CO707, CO722
Property #: 21199810374

Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, needs rehab, morst recent use—dining, off-site use only

Bldg. 5162
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199830419
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. A0631
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199830422
Status: Unutilized
Comment: 2207 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldg. B0813
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199830427
Status: Unutilized
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—office, off-site use only

Bldg. B0812
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199830428
Status: Unutilized
Comment: 1144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—dayroom, off-site use only

Bldg. 5224
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199830433
Status: Unutilized
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—educ. fac., off-site use only

Bldg. U001B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920237
Status: Excess
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U001C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920238
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

10 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U002B, U002C, U005C, U015I, U016E, U019C, U022A, U028B, 0091A, U093C
Property #: 21199920239
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U003A, U004B, U006C, U015B, U016B, U019B
Property #: 21199920240
Status: Unutilized
Comment: 54 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldg. U004D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920241
Status: Unutilized
Comment: 960 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—supply, off-site use only

Bldg. U005A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920242
Status: Unutilized
Comment: 360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

Bldgs. U006A, U024A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920243
Status: Excess
Comment: 1440 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only

Bldgs. U007A, U021A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920244
Status: Excess
Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only

7 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U014A, U022B, U023A, U043B, U059B, U060A, U101A
Property #: 21199920245
Status: Excess
Comment: Needs repair, presence of asbestos/lead paint, most recent use—ofc/tower/support, off-site use only

Bldg. U015J
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920246
Status: Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only

Bldg. U018B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920247
Status: Unutilized
Comment: 121 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldg. U018C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920248
Status: Unutilized
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—off-site use only.

Bldg. U024B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920249
Status: Unutilized
Comment: 168 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U024D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920250
Status: Unutilized
Comment: 120 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—ammo bldg., off-site use only.

Bldg. U027A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920251
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tire house, off-site use only.

Bldgs. U028A–U032A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920252
Status: Unutilized
Comment: 72 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U031A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920253
Status: Excess
Comment: 3456 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only.

Bldg. U031C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920254
Status: Unutilized
Comment: 32 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. U040D
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920255
Status: Excess
Comment: 800 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldgs. U052C, U052H
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920256
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldgs. U035A, U035B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920257
Status: Excess
Comment: 192 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. U035C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920258

Status: Excess
Comment: 242 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldg. U039A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920259
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U039B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920260
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—grandstand/bleachers, off-site use only.

Bldg. U039C
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920261
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only.

Bldg. U043A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920262
Status: Excess
Comment: 132 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

Bldg. U052A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920263
Status: Excess
Comment: 69 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldg. U052E
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920264
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. U052G
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920265
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

3 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U058A, U103A, U018A
Property #: 21199920266
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—control tower, off-site use only.

Bldg. U059A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920267
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldg. U093B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920268
Status: Excess
Comment: 680 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—range house, off-site use only.

4 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920269
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. U102B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920270
Status: Excess
Comment: 1058 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. U108A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920271
Status: Excess
Comment: 31,320 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—line shed, off-site use only.

Bldg. U110B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920272
Status: Excess
Comment: 138 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only.

6 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: U111A, U015A, U024E, U052F, U109A, U110A
Property #: 21199920273
Status: Excess
Comment: 1000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support/shelter/mess, off-site use only.

Bldg. U112A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920274
Status: Excess
Comment: 1600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. U115A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920275
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—tower, off-site use only.

Bldg. U507A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920276
Status: Excess
Comment: 400 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—support, off-site use only.

Bldg. U516B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920277
Status: Excess
Comment: 5000 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only.

Bldg. F0022A
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920279
Status: Excess
Comment: 4373 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gen. inst., off-site use only.

Bldg. F0022B
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920280
Status: Excess
Comment; 3100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. C0120
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920281
Status: Excess
Comment: 384 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—scale house, off-site use only.

Bldg. A0220
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Property #: 21199920282
Status: Excess
Comment: 2284 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—club facility, off-site use only.

Bldg. A0334
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920284
Status: Excess
Comment: 1092 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only.

12 Bldgs.
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Location: C1002, C1003, C1006, C1007, C1022, C1023, C1026, C1027, C1207, C1301, C1333, C1334
Property #: 21199920287
Status: Excess
Comment: 2360 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—barracks, off-site use only.

Bldg. D1154
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920289
Status: Excess
Comment: 1165 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—day room, off-site use only.

Bldg. 01205
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920290

Status: Excess
Comment: 87 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storehouse, off-site use only.

Bldg. 01259
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920291
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 01266
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920292
Status: Excess
Comment: 45 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shelter, off-site use only.

Bldg. 1445
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920294
Status: Excess
Comment: 144 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—generator bldg., off-site use only.

Bldg. 02082
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920295
Status: Excess
Comment: 16 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 03091, 03099
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920296
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only.

Bldg. 03100, 3101
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920297
Status: Excess
Comment: various sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 4040
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920298
Status: Excess
Comment: 8326 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—shed, off-site use only.

Bldg. 4072, 5104
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920299
Status: Excess
Comment: 24/36 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. 4295
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920300
Status: Excess
Comment: 48 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 5170
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920301
Status: Excess
Comment: 19,411 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—store, off-site use only.

Bldg. 6191
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920303
Status: Excess
Comment: 3663 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—exchange branch, off-site use only.

Bldgs. 08076, 08080
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920304
Status: Excess
Comment: 3660/412 sq. ft., needs repair, presence of asbestos/lead paint, off-site use only.

Bldg. 08093
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920305
Status: Excess
Comment: 289 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—boat storage, off-site use only.

Bldg. 8279
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920306
Status: Excess
Comment: 210 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—fuel disp. fac., off-site use only.

Bldgs. 8280, 8291
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920307
Status: Excess
Comment: 800/464 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 8956
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920308
Status: Excess
Comment: 100 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 9530
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920309
Status: Excess
Comment: 64 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—sentry station, off-site use only.

Bldg. 9574
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920310
Status: Excess
Comment: 6005 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—veh. shop., off-site use only.

Bldg. 9596
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920311
Status: Excess
Comment: 36 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—gas station, off-site use only.

Bldg. 9939
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Property #: 21199920313
Status: Excess
Comment: 600 sq. ft., needs repair, presence of asbestos/lead paint, most recent use—recreation, off-site use only.

COE

Arkansas

Land

Parcel 01
DeGray Lake
Section 12
Arkadelphia Co: Clark AR 71923–9361
Property #: 31199010071
Status: Unutilized
Comment: 77.6 acres.

Parcel 02
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Property #: 31199010072
Status: Unutilized
Comment: 198.5 acres.

Parcel 03
DeGray Lake
Section 18
Arkadelphia Co: Clark AR 71923–9361
Property #: 31199010073
Status: Unutilized
Comment: 50.46 acres.

Parcel 04
DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia Co: Clark AR 71923–9361
Property #: 31199010074
Status: Unutilized
Comment: 236.37 acres.

Parcel 05
DeGray Lake
Section 16
Arkadelphia Co: Clark AR 71923–9361
Property #: 31199010075
Status: Unutilized
Comment: 187.30 acres.

Parcel 06
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361
Property #: 31199010076
Status: Unutilized
Comment: 13.0 acres.

Parcel 07
DeGray Lake
Section 34
Arkadelphia Co: Hot Spring AR 71923–9361
Property #: 31199010077
Status: Unutilized
Comment: 0.27 acres.

Parcel 08
DeGray Lake
Section 13
Arkadelphia Co: Clark AR 71923–9361

Property #: 31199010078
Status: Unutilized
Comment: 14.6 acres.

Parcel 09
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Property #: 31199010079
Status: Unutilized
Comment: 6.60 acres.

Parcel 10
DeGray Lake
Section 12
Arkadelphia Co: Hot Spring AR 71923–9361
Property #: 31199010080
Status: Unutilized
Comment: 4.5 acres.

Parcel 11
DeGray Lake
Section 19
Arkadelphia Co: Hot Spring AR 71923–9361
Property #: 31199010081
Status: Unutilized
Comment: 19.50 acres.

Lake Greeson
Section 7, 8 and 18
Murfreesboro Co: Pike AR 71958–9720
Property #: 31199010083
Status: Unutilized
Comment: 46 acres.

Kansas

Land

Parcel 1
El Dorado Lake
Section 13, 24, and 18
(See County) Co: Butler KS
Property #: 31199010064
Status: Unutilized
Comment: 61 acres; most recent use—recreation.

Kentucky

Building

Green River Lock & Dam #3
Rochester Co: Butler KY 42273–
Location: SR 70 west from Morgantown, KY., approximatley 7 miles to site.
Property #: 31199010022
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame, two story residence; potential utiliites; needs major rehab.

Land

Tract 2625
Barkley Lake, Kentucky, and Tennessee
Cadiz Co: Trigg KY 42211–
Location: Adjoining the village of Rockcastle.
Property #: 31199010025
Status: Excess
Comment: 2.57 acreas; rolling and wooded.

Tract 2709–10 and 2710–2
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle.
Property #: 31199010026
Status: Excess
Comment: 2.00 acres; steep and wooded.

Tract 2708–1 and 2709–1
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 2½ miles in a southerly direction from the village of Rockcastle
Property #: 31199010027
Status: Excess
Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 4½ miles in a southeasterly direction from the village of Rockcastle.
Property #: 31199010028
Status: Excess
Comment: 5.44 acres; steep and wooded.

Tract 2915
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211–
Location: 6½ miles west of Cadiz.
Property #: 31199010029
Status: Excess
Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702
Barkley Lake, Kentucky and Tennessee
Cadiz Co: Trigg KY 42211—
Location: 1 mile in a southerly direction from the village of Rockcastle.
Property #: 31199010031
Status: Excess
Comment: 4.90 acres; wooded; no utilities.

Tract 4318
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212—
Location: Trigg Co. adjoining the city of Canton, KY. on the waters of Hopson Creek.
Property #: 31199010032
Status: Excess
Comment: 8.24 acres; steep and wooded.

Tract 4502
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212—
Location: 3½ mile in a southerly direction from Canton, KY.
Property #: 31199010033
Status: Excess
Comment: 4.26 acres; steep and wooded.

Tract 4611
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212—
Location: 5 miles south of Canton, KY.
Property #: 31199010034
Status: Excess
Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212—
Location: 4½ miles south of Canton, KY.
Property #: 31199010035
Status: Excess
Comment: 2.02 acres; steep and wooded; no utilities.

Tract 4817
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212—
Location: 6½ miles south of Canton, KY.
Property #: 31199010036
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: On the north side of the Illinois Central Railroad.
Property #: 31199010042
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: Approximately 4 miles east of Eddyville, KY.
Property #: 31199010044
Status: Excess
Comment: 25.86 acres; rolling steep and partially wooded; no utilities.

Tract 1907
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038—
Location: On the waters of Pilfen Creek, 4 miles east of Eddyville, KY.
Property #: 31199010045
Status: Excess
Comment: 8.71 acres; rolling steep and wooded; no utilities.

Tract 2001 #1
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: Approximately 4½ miles east of Eddyville, KY.
Property #: 31199010046
Status: Excess
Comment: 47.42 acres; steep and wooded; no utilities.

Tract 2001 #2
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: Approximately 4½ miles east of Eddyville, KY.
Property #: 31199010047
Status: Excess
Comment: 8.64 acres; steep and wooded; no utilities.

Tract 2005
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: Approximately 5½ miles east of Eddyville, KY.
Property #: 31199010048
Status: Excess
Comment: 4.62 acres; steep and wooded; no utilities.

Tract 2307
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: Approximately 7½ miles southeasterly of Eddyville, KY.
Property #: 31199010049
Status: Excess
Comment: 11.43 acres; steep; rolling and wooded; no utilities.

Tract 2403
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: 7 miles southeasterly of Eddyville, KY.
Property #: 31199010050
Status: Excess
Comment: 1.56 acres; steep and wooded; no utilities.

Tract 2504
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42030—
Location: 9 miles southeasterly of Eddyville, KY.
Property #: 31199010051
Status: Excess
Comment: 24.46 acres; steep and wooded; no utilities.

Tract 214
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045—
Location: South of the Illinois Central Railroad, 1 mile east of the Cumberland River.
Property #: 31199010052
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Property #: 31199010053
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Property #: 31199010054
Status: Excess
Comment: 1.26 acres; steep and wooded; no utilities.

Tracts 306, 311, 315 and 325
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 2.5 miles southwest of Kuttawa, KY. on the waters of Cypress Creek.
Property #: 31199010055
Status: Excess
Comment: 38.77 acres; steep and wooded; no utilities.

Tracts 2305, 2306, and 2400–1
Barkley Lake, Kentucky and Tennessee
Location: 6½ miles southeasterly of Eddyville, KY.
Property #: 31199010056
Status: Excess
Comment: 97.66 acres; steep rolling and wooded; no utilities.

Tracts 5203 and 5204
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: Village of Linton, KY state highway 1254.
Property #: 31199010058
Status: Excess
Comment: 0.93 acres; rolling, partially wooded; no utilities.

Tract 5240
Barkley Lake, Kentucky and Tennessee
Linton Co: Trigg KY 42212–
Location: 1 mile northwest of Linton, KY.
Property #: 31199010059
Status: Excess
Comment: 2.26 acres; steep and wooded; no utilities.

Tract 4628
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ mile south from Canton, KY.
Property #: 31199011621
Status: Excess
Comment: 3.71 acres; steep and wooded; subject to utility easements.

Tract 4619–B
Barkley Lake, Kentucky and Tennessee
Canton Co: Trigg KY 42212–
Location: 4½ miles south from Canton, KY.
Property #: 31199011622
Status: Excess
Comment: 1.73 acres; steep and wooded; subject to utility easements.

Tract 2403–B
Barkley Lake, Kentucky and Tennessee
Eddyville Co: Lyon KY 42038–
Location: 7 miles southeasterly from Eddyville, KY.
Property #: 31199011623
Status: Unutilized
Comment: 0.70 acres, wooded; subject to utility easements.

Tract 241–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: South of Old Henson FerryRoad, 6 miles west of Kuttawa, KY.
Property #: 31199011624
Status: Excess
Comment: 11.16 acres; steep and wooded; subject to utility easements.

Tracts 212 and 237
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: Old Henson Ferry Road, 6 miles west of Kuttawa, KY.
Property #: 31199011625
Status: Excess
Comment: 2.44 acres; steep and wooded; subject to utility easements.

Tract 215–B
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Property #: 31199011626
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract 233
Barkley Lake, Kentucky and Tennessee
Grand Rivers Co: Lyon KY 42045–
Location: 5 miles southwest of Kuttawa
Property #: 31199011627
Status: Excess
Comment: 1.00 acres; wooded; subject to utility easements.

Tract N–819
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart Co: Clinton KY 42601–
Property #: 31199140009
Status: Underutilized
Comment: 91 acres, most recent use—hunting, subject to existing easements.

Portion of Lock & Dam No. 1
Kentucky River
Carrolton Co: Carroll KY 41008–0305
Property #: 31199320003
Status: Unutilized
Comment: approx. 3.5 acres (sloping), access monitored.

Louisiana Land

Wallace Lake Dam and Reservoir
Shreveport Co: Caddo LA 71103–
Property #: 31199011009
Status: Unutilized
Comment: 10.81 acres; wildlife/forestry; no utilities.

Bayou Bodcau Dam and Reservoir
Haughton Co: Caddo LA 71037–9707
Location: 35 miles Northeast of Shreveport, La.
Property #: 31199011010
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no utilities.

Massachusetts Building

Storage Bldg.
Knightville Dam Road
Huntington Co: Hampshire MA 01050–
Property #: 31200030005
Status: Unutilized
Comment: 480 sq. ft., needs rehab, off-site use only.

Mississippi Land

Parcel 7
Grenada Lake
Sections 22, 23, T24N
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011019
Status: Underutilized
Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8
Grenada Lake
Section 20, T24N
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011020
Status: Underutilized
Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9
Grenada Lake
Section 20, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011021
Status: Underutilized
Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10
Grenada Lake
Sections 16, 17, 18 T24N R8E
Grenada Co: Calhoun MS 38901–0903
Property #: 31100011022
Status: Underutilized
Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2
Grenada Lake
Section 20 and T23N, R5E
Grenada Co: Grenada MS 38901–0903
Property #: 31199011023
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3
Grenada Lake
Section 4, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011024
Status: Underutilized
Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4
Grenada Lake
Section 2, T23N, R5E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011025
Status: Underutilized
Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5
Grenada Lake
Section 7, T24N, R6E

Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011026
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6
Grenada Lake
Section 9, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011027
Status: Underutilized
Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11
Grenada Lake
Section 20, T24N, R8E
Grenada Co: Calhoun MS 38901–0903
Property #: 31199011028
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12
Grenada Lake
Section 25, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011029
Status: Underutilized
Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13
Grenada Lake
Section 34, T24N, R7E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011030
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14
Grenada Lake
Section 3, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011031
Status: Underutilized
Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15
Grenada Lake
Section 4, T24N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011032
Status: Underutilized
Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16
Grenada Lake
Section 9, T23N, R6E
Grenada Co: Yalobusha MS 38901–0903
Property #: 31199011033
Status: Underutilized
Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17
Grenada Lake
Section 17, T23N, R7E
Grenada Co: Grenada MS 28901–0903
Property #: 31199011034
Status: Underutilized
Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18
Grenada Lake
Section 22, T23N, R7E
Grenada Co: Grenada MS 28902–0903
Property #: 31199011035
Status: Underutilized
Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19
Grenada Lake
Section 9, T22N, R7E/Grenada Co: Grenada MS 38901–0903
Property #: 31199011036
Status: Underutilized
Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Missouri

Land

Harry S Truman Dam & Reservoir
Warsaw Co: Benton MO 65355–
Location: Triangular shaped parcel southwest of access road ''B'', part of Bledsoe Ferry Park Tract 150.
Property #: 31199030014
Status: Underutilized
Comment: 1.7 acres; potential utilities.

Montana

Building

Bldg. 1
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property #: 31200040010
Status: Unutilized
Comment: 22799 sq. ft., presence of asbestos, most recent use—cold storage, off-site use only

Bldg. 2
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property #: 31200040011
Status: Unutilized
Comment: 3292 sq. ft., most recent use—cold storage, off-site use only

Bldg. 3
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property #: 31200040012
Status: Unutilized
Comment: 964 sq. ft., most recent use—cold storage, off-site use only

Bldg. 4
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property #: 31200040013
Status: Unutilized
Comment: 72 sq. ft., most recent use—cold storage, off-site use only

Bldg. 5
Butte Natl Guard
Butte Co: Silverbow MT 59701–
Property #: 31200040014
Status: Unutilized
Comment: 1286 sq. ft., most recent use—cold storage, off-site use only

North Dakota

Building

Office Bldg.
3rd & Main
Ft. Yates Co: Sioux ND 58538–
Property #: 31200020001
Status: Unutilized
Comment: 1200 sq. ft., 2-story wood, off-site use only

Ohio

Building

Barker Historic House
Willow Island Locks and Dam
Newport Co: Washington OH 45768–9801
Location: Located at lock site, downstream of lock and dam structure
Property #: 31199120018
Status: Unutilized
Comment: 1600 sq. ft. bldg. with ½ acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only

Oklahoma

Land

Pine Creek Lake
Section 27
(See County) Co: McCurtain OK
Property #: 31199010923
Status: Unutilized
Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Pennsylvania

Building

Mahoning Creek Reservoir
New Bethlehem Co: Armstrong PA 16242–
Property #: 3119921008
Status: Unutilized
Comment: 1015 sq. ft., 2 story brick residence, off-site use only.

Dwelling
Lock & Dam 6, Allegheny
River, 1260 River Rd.
Freeport Co: Armstrong PA 16229–2023
Property #: 31199620008
Status: Unutilized
Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes.

Govt. Dwelling
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Property #: 31199640002
Status: Unutilized
Comment: 1421 sq. ft., 2-story brick w/ basement, most recent use—residential.

Dwelling
Lock & Dam 4, Allegheny River
Natrona Co: Allegheny PA 15065–2609
Property #: 31199640009
Status: Unutilized
Comment: 1664 sq. ft. 2-story brick residence, needs repair, off-site use only.

Dwelling #1
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Property #: 31199740002
Status: Excess
Comment: 2030 sq. ft. most recent use—residential, good condition, off-site use only.

Dwelling #2
Crooked Creek Lake
Ford City Co: Armstrong PA 16226–8815
Property #: 31199740003
Status: Excess
Comment: 3045 sq. ft. most recent use—residential, good condition, off-site use only.

Govt. Dwelling
East Branch Lake

Wilcox Co: Elk PA 15870–9709
Property #: 31199740005
Status: Underutilized
Comment: approx. 5299 sq. ft., 1-story, most recent use—residence, off-site use only.

Dwelling #1
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Property #: 31199740006
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Loyalhanna Lake
Saltsburg Co: Westmoreland PA 15681–9302
Property #: 31199740007
Status: Excess
Comment: 1996 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #1
Saegertown Co: Crawford PA 16433–0629
Property #: 31199740008
Status: Excess
Comment: 2106 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Lock & Dam 6, 1260 River Road
Freeport Co: Armstrong PA 16229–2023
Property #: 31199740009
Status: Excess
Comment: 2652 sq. ft., most recent use—residential, good condition, off-site use only.

Dwelling #2
Youghiogheny River Lake
Confluence Co: Fayette PA 15424–9103
Property #: 31199830003
Status: Excess
Comment: 1421 sq. ft., 2-story + basement, most recent use—residential.

Residence/Office
Cowanesque Lake Project
Lawrenceville Co: Tioga PA 16929–
Property #: 31199940002
Status: Unutilized
Comment: 1653 sq. ft., residence, and 2,640 sq. ft. storage bldg., need major repairs, no operating sanitary facilities.

Land

Mahoning Creek Lake
New Bethlehem Co: Armstrong PA 16242–9603
Location: Route 28 north to Belknap, Road #4
Property #: 31199010018
Status: Excess
Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612
Shenango River Lake
Sharpsville Co: Mercer PA 16150–
Location: I–79 North, I–80 West, Exit Sharon. R18 North 4 miles, left on R518, right on Mercer Avenue.
Property #: 31199011001
Status; Excess
Comment; 24.09 acres; subject to flowage easement.

Tracts L24, L26
Crooked Creek Lake
Co: Armstrong PA 03051–
Location: Left bank—55 miles downstream of dam.
Property #: 31199011011
Status: Unutilized
Comment: 7.59 acres; potential for utilities.

Portion of Tract L–21A
Crooked Creek Lake, LR 03051
Ford City Co: Armstrong PA 16226–
Property #: 31199430012
Status: Unutilized
Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights.

Portion of Tract 119
State Rt 969
Curwensville Co: Clearfield PA 16833–
Property #: 31200010005
Status: Unutilized
Comment: approx. 17 acres, hilly wooded terrain.

Tennessee

Land

Tract 6827
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles west of Dover, TN.
Property #: 31199010927
Status: Excess
Comment: .57 acres; subject to existing easements.

Tracts 6002–2 and 6010
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 3½ miles south of village of Tabaccoport.
Property #: 31199010928
Status: Excess
Comment: 100.86 acres; subject to existing easements.

Tract 11516
Barkley Lake
Ashland City Co: Dickson TN 37015–
Location: ½ mile downstream from Cheatham Dam
Property #: 31199010929
Status: Excess
Comment: 26.25 acres; subject to existing easements.

Tract 2319
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: West of Buckeye Bottom Road
Property #: 31199010930
Status: Excess
Comment: 14.48 acres; subject to existing easements.

Tract 2227
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Old Jefferson Pike
Property #: 31199010931
Status: Excess
Comment: 2.27 acres; subject to existing easements.

Tract 2107
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: Across Fall Creek near Fall Creek camping area.
Property #: 31199010932
Status: Excess
Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604
Cordell Hull Lake and Dam Project
Doe Row Creek
Gainesboro Co: Jackson TN 38562–
Location: TN Highway 56
Property #: 31199010933
Status: Unutilized
Comment: 11 acres; subject to existing easements.

Tract 1911
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: East of Lamar Road
Property #: 31199010934
Status: Excess
Comment: 6.92 acres; subject to existing easements.

Tract 2321
J. Percy Priest Dam and Reservoir
Murfreesboro Co: Rutherford TN 37130–
Location: South of Old Jefferson Pike
Property #: 31199010935
Status: Excess
Comment: 12 acres; subject to existing easements.

Tract 7206
Barkley Lake
Dover Co: Stewart TN 37058–
Location: 2½ miles SE of Dover, TN.
Property #: 31199010936
Status: Excess
Comment: 10.15 acres; subject to existing easements.

Tracts 8813, 8814
Barkely Lake
Cumberland Co: Stewart TN 37050—
Location: 1½ miles East of Cumberland City.
Property #: 31199010937
Status: Excess
Comment: 96 acres; subject to existing easements.

Tracts 8911
Brakely Lake
Cumberland City Co: Montgomery TN 37050—
Location: 4 miles east of Cumberland City.
Property #: 31199010938
Status: Excess
Comment: 7.7 acres; subject to existing easements.

Tracts 11503
Barkely Lake
Ashland City Co: Cheatham TN 37015—
Location: 2 miles downstream from Cheatham Dam.
Property #: 31199010939
Status: Excess
Comment: 1.1 acres; subject to existing easements.

Tracts 11523, 11524
Barkely Lake
Ashland City Co: Cheatham TN 37015—
Location: 2½ miles downstream from Cheatham Dam.
Property #: 31199010940
Status: Excess
Comment: 19.5 acres; subject to existing easements.

Tracts 6410
Barkely Lake
Bumpus Mills Co: Stewart TN 37028—
Location: 4½ miles SW. of Bumpus Mills
Property #: 31199010941
Status: Excess
Comment: 17 acres; subject to existing easements.

Tracts 9707
Barkely Lake
Palmyer Co: Montgomery TN 37142—
Location: 3 miles NE of Palmyer, TN. Highway 149
Property #: 31199010943
Status: Excess
Comment: 6.6 acres; subject to existing easements.

Tracts 6949
Barkely Lake
Dover Co: Stewart TN 37058—
Location: 1½ miles SE of Dover, TN.
Property #: 31199010944
Status: Excess
Comment: 29.67 acres; subject to existing easements.

Tracts 6005 and 6017
Barkely Lake
Dover Co: Stewart TN 37058—
Location: 3 miles south of Village of Tabaccoport.
Property #: 31199011173
Status: Excess
Comment: 5 acres; subject to existing easements.

Tracts K–1191, K–1135
Old Hickory Lock and Dam
Hartsville Co: Trousdale TN 37074—
Property #: 31199130007
Status: Underutilized
Comment: 54 acres; (portion in floodway), most recent use—recreation

Tracts A–102
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina Co: Clay TN 38551–
Property #: 311991400006
Status: Underutilized

Comment: 351 acres; most use—hunting, subject to existing easements.

Tracts A–120
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina Co: Clay TN 38551–
Property #: 31199140007
Status: underutilized
Comment: 883 acres; most recent use–hunting, subject to existing easements.

Tracts D–185
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston Co: Clay TN 38570–
Property #: 31199140010
Status: Underutilized
Comment: 97 acres; must recent use—hunting, subject to existing easements.

Virginia

Building

Metal Bldg.
John H. Kerr Dam & Reservior
Co: Boydton VA
Property #: 31199620009
Status: Excess
Comment: 800 sq. ft., most recent use—storage, off-site use only

Wisconsin

Building

Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road
Appleton Co: Outagamie WI 54911–
Property #: 31199011524
Status: Unutilized
Comment: 1224 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton Co: Outagamie WI 54911–
Property #: 31199011525
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna Co: Outagamie WI 54131–
Property #: 31199011527
Status: Unutilized
Comment: 1290 sq. ft.; 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton Co: Outagamie WI 54911–
Property #: 31199011531
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities 2 story wood frame residence; needs rehab; secured area with alternate access.

Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown Co: Outagamie WI 54180–
Location: 3 miles southwest of intersection State Highway 96 and Canal Road.
Property #: 31199011533
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Little KauKauna Lock
Little KauKauna
Lawrence Co: Brown WI 54130–
Property #: 31199011535
Status: Unutilized
Location: 2 miles southeasterly from intersection of Lost Dauphin Road (County Trunk Highway ''D'') and River Street.
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; needs rehab.

Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute Co: Outagamie WI 54140–
Property #: 31199011536
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood frame residence; potential utilities; needs rehab; secured area with alternate access.

Energy

Idaho

Building

Bldg. CF603
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Property #: 41200020004
Status: Excess
Comment: 15,005 sq ft. cinder block, presence of asbestos/lead paint, major rehab, off-site use only.

CPP657, CPP669, CPP686
Idaho Natl Eng & Env Lab
Scoville Co: Butte ID 83415–
Property #: 412000110001
Status: Excess
Comment: 8000 sq ft. bldgs. connected, possible asbestos/lead paint, most recent use—offices, off-site use only.

GSA

Alaska

Land

05.5 acres
Harding Lake Recreation Site
Richardson Highway
Salcha Co: AK 99714–
Property #: 54200130001
Status: Underutilized
Comment: no utilities, zoned for outdoor recreation
GSA Number: 9–D–AK–768–1

Illinois

Building

Milo Comm. Tower Site
350 N. Rt. 8
Milo Co: Bureau IL 56142–
Property #: 54200020018
Status: Excess
Comment: 120 sq. ft. cinder block bldg.
GSA Number: 1–D–IL–795

LaSalle Comm. Tower Site
1600 NE 8th St.
Richland Co: LaSalle IL 61370–
Property #: 54200020019
Status: Excess
Comment: 120 sq. ft. cinder block bldg. and a 300′ tower.
GSA Number: 1–D–IL–724

Maryland

Building

Stillpond Housing
521 Round Top Road
Chestertown Co: Queen Anne's MD 21620–
Property #: 54200020013
Status: Excess
Comment: 1000 sq. ft., most recent use—residential.
GSA Number: 4–U–MD–603

Stillpond Housing
131 Fairview Drive
Chestertown Co: Queen Ann's MD 21620–
Property #: 54200140014
Status: Excess
Comment: 1000 sq. ft., most recent use—residential.
GSA Number: 4–U–MD–603

Stillpond Housing
100 Farwell Road
Chestertown Co: Queen Ann's MD 21620–
Property #: 54200140015
Status: Excess
Comment: 1000 sq. ft., most recent use—residential, presence of lead paint.
GSA Number: 4–U–MD–603

Stillpond Housing
115 Rolling Road
Chestertown Co: Kent MD 21620–
Property #: 54200140016
Status: Excess
Comment: 750 sq. ft., most recent use—residential.
GSA Number: 4–U–MD–603

Stillpond Housing

303 Oriole Road
Chestertown Co: Queen Ann's MD 21620–
Property #: 54200140017
Status: Excess
Comment: 1000 sq. ft., most recent use—residential, presence of lead paint.
GSA Number: 4–U–MD–603

Stillpond Housing
213 Manor Avenue
Chestertown Co: Kent MD 21620–
Property #: 54200140018
Status: Excess
Comment: 750 sq. ft., most recent use—residential.
GSA Number: 4–U–MD–603

Massachusetts

Building

Aircraft Hanger
Hanscom Air Force Base
Concord Co: MA
Property #: 54200140007
Status: Excess
Comment: 40,000 sq. ft., off-site use only, relocating property may not be feasible.
GSA Number: 1–D–MA–0857679

Minnesota

Building

GAP Filler Radar Site
St. Paul Co: Rice MN 55101–
Property #: 54199910009
Status: Excess
Comment: 1266 sq. ft., concrete block, presence of asbestos/lead paint, most recent use—storage, zoning requirements, preparations for a Phase I study underway, possible underground storage tank.
GSA Number: 1–GR(1)–MN–475

Missouri

Land

Improved Land
St. Louis Army Ammunition Plant
4800 Goodfellow Blvd.
St. Louis Co: MO 63120–1798
Property #: 54200110007
Status: Surplus
Comment: 21 acres w/2 large bldgs. and numerous small bldgs. situated on 13 acres, 5 acres = parking lot and streets, presence of asbestos/lead paint, clean-up required to state regulator standards.
GSA Number: 000000

New York

Building

''Terry Hill''
County Road 51
Manorville NY
Property #: 54199830008
Status: Surplus
Comment: 2 block structures, 780/272 sq. ft., no sanitary facilities, most recent use—storage/comm. facility, w/6.19 acres in fee and 4.99 acre easement, remote area.
GSA Number: 1–D–NY–864

Binghampton Depot
Nolans Road
Binghampton Co: NY 00000–
Property #: 54199910015
Status: Excess
Comment: 45,977 sq. ft., needs repair, presence of asbestos, most recent use—office.
GSA Number: 1–G–NY–760A

Lockport Comm. Facility Annex
6625 Shawnee Road
Wheatfield Co: NY 14120–
Property #: 54200120009
Status: Excess
Comment: 3334 sq. ft., presence of asbestos, most recent use—admin/storage.
GSA Number: 1–D–NY–885

ROVA NHS Laboratory
4097 Albany Post Road
Hyde Park Co: NY 12538–
Property #: 54200140008
Status: Excess
Comment: 2491 sq. ft., pre-engineered metal, most recent use—lab/storage, off-site use only.
GSA Number: 1–I–NY–891

North Dakota

Building

Storage Bldg.
117 W. Main St.
Bismarck Co: Burleigh ND 58501–
Property #: 54200140009
Status: Surplus
Comment: 3200 sq. ft., most recent use—storage, eligible for listing on the Natl Register for Historic Places.
GSA Number: 7–G–ND–0406

Ohio

Land

Licking County Tower Site
Summit & Haven Corner Rds.
Pataskala Co: Licking OH 43062–
Property #: 54200020021
Status: Excess
Comment: Parcel 100 = 3.67 acres, Parcel 100E = 0.57 acres.
GSA Number: 1–W–OH–813

Puerto Rico

Land

Bahia Rear Range Light
Ocean Drive
Catano Co: PR 00632–
Property #: 54199940003
Status: Excess
Comment: 0.167 w/skeletal tower, fenced, aid to navigation.
GSA Number: 1–T–PR–508

Texas

Building

Federal Courthouse
521 Starr Street
Corpus Christi Co: Nueces TX 78401–
Property #: 54200140011
Status: Excess
Comment: 6000 sq. ft., needs maintenance, eligible for Natl Register of Historic Places.
GSA Number: 7–G–TX–1049

Washington

Building

Clarkston USARC
721 Sixth St.
Clarkston Co: Asotin WA
Property #: 54200140003
Status: Excess
Comment: total approx. 5043 sq. ft., presence of asbestos, most recent use—military reserve center/office.
GSA Number: 9–D–WA–1196

Interior

Arizona

Land

WC–1–2c & WC–1–2F
Range 1 East
Peoria Co: Maricopa AZ 85382–
Property #: 61200140007
Status: Excess
Comment: 10 acres, portion of parcels, remote location, no utilities.

California

Building

Bldg. 4151
8006 Bill's Hill
Yosemite Co: Mariposa CA 95389–
Property #: 61200130001
Status: Unutilized
Comment: 560 sq. ft., seasonal housing, presence of lead paint, off-site use only.

Bldg. 2317
2123 Enderts Beach Rd.
Crescent City Co: Del Norte CA 95531–
Property #: 61200130002
Status: Excess
Comment: 1100 sq. ft., poor condition, most recent use—residence, off-site use only.

Bldg. 2318
2123 Enderts Beach Rd.
Crescent City Co: Del Norte CA 95531–
Property #: 61200130003
Status: Excess
Comment: 150 sq. ft., off-site use only.

Idaho

Building

Ditchrider House
25822 Middleton Rd.
Middleton Co: Canyon ID 83644–
Property #: 61200140006
Status: Unutilized
Comment: 832 sq. ft. residence, needs rehab, off-site. only.

Mississippi

Building

Quarters #162
Natchez Trace Pkwy
162 Trace Circle
Ridgeland Co: Madison MS 39157–
Property #: 61200110001
Status: Excess
Comment: 1121 sq. ft., presence of asbestos, most recent use—residential, off-site use only.

Quarters #167
Natcher Trace Pkwy
Rt. 1, Box 46A
Port Gibson Co: Claiborne MS 39150–
Property #: 61200110002
Status: Excess
Comment: 1415 sq. ft., presence of asbestos, most recent use—residential, off-site use only.

Quarters #257
Natchez Trace Pkwy
Star Route Box 14
Carlisle Co: Claiborne MS 39049–
Property #: 61200110003
Status: Excess
Comment: 1415 sq. ft., presence of asbestos, most recent use—residential, off-site use only.

Quarters #182
182 Natchez Trace Pkwy
Kosciusko Co: Atalla MS 39090–
Property #: 61200110004
Status: Excess
Comment: 1121 sq. ft., presence of asbestos, most recent use—residential, off-site use only.

Bldg. #197
Natchez Trace Pkwy
Rt. 1
Mantee Co: Chickasaw MS 39751–
Property #: 61200110005
Status: Excess
Comment: 1121 sq. ft., presence of asbestos, most recent use—residential, off-site use only.

Nevada

Building

6 Cabins
#70, 14, 24, 5, 2, 21
Lake Meade, 601 Nevada
Highway
Boulder Co: NV 89005–
Property #: 61200130011
Status: Unutilized
Comment: Vacation cabins, remote location, entrance fee required, presence of asbestos, off-site use only.

New Mexico

Building

Tract #101–23
Blair Property
Aztec Ruins Natl Monument
Aztec Co: San Juan NM 87410–
Location: Mobile Home, 604 Ruins Rd.
Property #: 61200120024
Status: Excess
Comment: 14 x 70 sq. ft., most recent use—residential, off-site use only.

Tract #101–23
Blair Property
Aztec Ruins Natl Monument
Aztec Co: San Juan NM 87410–
Location: Manu. house, 604 Ruins Rd.
Property #: 61200120025
Status: Excess
Comment: 1344 sq. ft., most recent use—residential, off-site use only.

Tract 101–11
Randack Property
Aztec Ruins Natl Monument
Aztec Co: San Juan NM 87410–9715
Location: Mobile home, #84 County Road
Property #: 61200120026
Status: Excess
Comment: 1064 sq. ft., most recent use—residence, off-site use only.

Tennessee

Building

Quarters #169
Natchez Track Pkwy
222 Meriwether Lewis Rd.
Hohenwald Co: Lewis TN 38462–
Property #: 61200110006
Status: Excess
Comment: 1121 sq. ft., presence of absestos, most recent use—residential, off-site use only.

Texas

Building

Tract No. 104–44
8918 Graf Road
San Antonio Co: Bexar TX 78223–
Property #: 61200120012
Status: Unutilized
Comment: 1210 sq. ft., most recent use—residential, off-site use only.

Tract 110–01
1234 S. Presa
San Antonio Co: Bexar TX 78210–
Property #: 61200120013
Status: Unutilized
Comment: 1100 sq. ft., most recent use—residential, off-site use only.

Utah

Building

Hovenweep Ranger Station
CR 212
Hovenweep Co: San Juan UT 84534–
Property #: 61200130004
Status: Excess
Comment: 659 sq. ft., poor condition, most recent use—visitor station, off-site use only.

Virginia

Building

Former Bowen Residence
Cavalry Court
Spotsylvania Co: VA 22553–
Property #: 61200010007
Status: Excess
Comment: 1512 sq. ft., residence, off-site use only.

Former Jones Residence
Plantation Drive
Spotsylvania Co: VA 22553–
Property #: 61200010008
Status: Excess
Comment: 1040 sq. ft., residence, off-site use only.

Former Busic House
Brock Rd.
Spotsylvania Co: VA 22553–
Property #: 61200010009
Status: Excess
Comment: 4128 sq. ft., residence, off-site use only.

Navy

California

Building

Bldg. 371
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property #: 77200020080
Status: Unutilized
Comment: 29,800 sq. ft., needs rehab, presence of asbestos/lead paint, off-site use only.

Bldg. 402
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property #: 77200020081
Status: Unutilized
Comment: presence of lead paint, most recent use—storage, off-site use only.

Bldg. 417
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property #: 77200020083
Status: Unutilized
Comment: 110 TR, needs rehab, presence of asbestos/lead paint, off-site use only.

Bldg. 418
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property #: 77200020082
Status: Unutilized
Comment: 288 sq. ft., presence of lead paint, most recent use—storage, off-site use only.

Bldg. 426
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property #: 77200020084
Status: Unutilized
Comment: presence of asbestos/lead paint, off-site use only.

Bldg. 434
Naval Warfare Systems Center
San Diego Co: CA 92152–
Property #: 77200020085
Status: Unutilized
Comment: 11,440 sq. ft., needs rehab, presence of asbestos/lead paint, off-site use only.

Bldg. 210
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property #: 77200020086
Status: Unutilized
Comment: 17,708 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—police station, off-site use only.

Bldg. 541
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property #: 77200020087
Status: Unutilized
Comment: 3857 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—lab, off-site use only.

Bldg. 804
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property #: 77200020088
Status: Unutilized
Comment: 3119 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only.

Bldg. 805
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property #: 77200020089
Status: Unutilized
Comment: 3732 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only.

Bldg. 806
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property #: 77200020090
Status: Unutilized
Comment: 3118 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldg. 807
Naval Warfare Assessment Station
Corona Co: CA 91718–5000
Property #: 77200020091
Status: Unutilized
Comment: 3110 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—office, off-site use only.

Bldgs. 23027, 23025
Marine Corps Air Station
Miramar Co: San Diego CA 92132–
Property #: 77200040023
Status: Unutilized
Comment: 400 sq. ft., metal siding, most recent use—loading facility, off-site use only

Bldg. 01290
Naval Air Weapons Station
China Lake Co: CA 93555–6100
Property #: 77200120090
Status: Excess
Comment: 460 sq. ft., most recent use—garage, off-site use only

Bldg. 02453
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Property #: 77200120110
Status: Excess
Comment: 48 sq. ft., most recent use—storage locker, off-site use only

Bldg. 32027
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Status: Excess
Property #: 77200120111
Comment: 331 sq. ft., off-site use only

Bldg. 32534
Naval Air Weapons Station
China Lake Co: CA 93555–6001
Property #: 77200120112
Status: Excess
Comment: 2252 sq. ft., most recent use—repair shop, off-site use only

Bldg. 32537
Naval Air Weapons Station
China Lake Co: CA 93444–6001
Property #: 77200120113
Status: Excess
Comment: most recent use—instrument bldg., off-site use only

Land

Portion of Land
Naval Base, Point Loma
Murphy Canyon
San Diego Co: CA 92124–
Property #: 77200140012
Status: Unutilized
Comment: 24,350 sq. ft. of parking lot, adjacent to environmentally sensitive area

Hawaii

Building

Bldg. S87, Radio Trans. Fac
Lualualei, Naval Station,
Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Property #: 77199240011
Status: Unutilized
Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 64, Radio Trans Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Property #: 77199310004
Status: Unutilized
Comment: 3612 sq. ft., 1 story, access restrictions, need rehab, most recent use—storage, off-site use only

Bldg. 442, Naval Station
Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property #: 77199630088
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only

Bldg. S180
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property #: 77199640039
Status: Unutilized
Comment: 3412 sq. ft., 2-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. S181
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property #: 77199640040
Status: Unutilized
Comment: 4258 sq. ft., 1-story,most recent use—bomb shelter, off-site use only, relocation may not be feasible

Bldg. 219
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property #: 77199640041
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 220
Naval Station, Ford Island
Pearl Harbor Co: Honolulu HI 96860–
Property #: 77199640042
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible

Bldg. 160
Naval Station, Pearl Harbor
Pearl Harbor Co: Honolulu HI 96860–
Property #: 77199840002
Status: Excess
Comment: 6070 sq. ft., needs rehab, presence of lead paint, most recent use—storage/office, off-site use only

Maryland

Building

Bldg. 139
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200010032
Status: Unutilized
Comment: 4950 sq. ft., possible asbestos/lead paint, most recent use—wind tunnel, off-site use only

Bldg. 104
Naval Surface Warfare
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120079
Status: Unutilized
Comment: 8050 sq. ft., most recent use—garage, off-site use only

Bldg. 109
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120080
Status: Unutilized
Comment: 9650 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 110
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120081
Status: Unutilized
Comment: 10,750 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 111
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120082
Status: Unutilized
Comment: 4220 sq. ft., most recent use—office, off-site use only

Bldg. 112
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120083
Status: Unutilized
Comment: 2440 sq. ft., most recent use—printing bldg., off-site use only

Bldg. 113
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120084
Status: Unutilized
Comment: 2440 sq. ft., most recent use—lab, off-site use only

Bldg. 143
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120085
Status: Unutilized
Comment: 16,950 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 152
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120086
Status: Unutilized
Comment: 1400 sq. ft., most recent use—fire house annex, off-site use only

Bldg. 159
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120087
Status: Unutilized
Comment: 605 sq. ft., need rehab, presence of asbestos/lead paint, most recent use—hazardous waste storage, off-site use only

Bldg. 187
Naval Surface Warfare
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120088
Status: Unutilized
Comment: 768 sq. ft., most recent use—pump house, off-site use only

Bldg. 117
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120102
Status: Unutilized

Comment: 400 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 124
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120103
Status: Unutilized
Comment: 480 sq. ft., needs rehab, most recent use—warehouse, off-site use only

Bldg. 130
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120104
Status: Unutilized
Comment: 2225 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—storage/recycling, off-site use only

Bldg. 181
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120105
Status: Unutilized
Comment: 491 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—equip. maint., off-site use only

Bldg. 196
Naval Surface Warfare Center
Carderock Division
West Bethesda Co: Montgomery MD 20817–5700
Property #: 77200120106
Status: Unutilized
Comment: 456 sq. ft., needs rehab, most recent use—destructor Bldg., off-site use only

New Hampshire

Building

Bldg. 239
Portsmouth Naval Shipyard
Portsmouth Co: NH 03804–5000
Property #: 77200030019
Status: Excess
Comment: 897 sq. ft., presence of asbestos/lead paint, off-site use only

Virginia

Building

Structure SP–129
Naval Station
Norfolk Co: VA 23511–
Property #: 77200110136
Status: Excess
Comment: 3564 sq. ft., presence of asbestos/lead, most recent use—office, off-site use only

Land

Land
Marine Corps Base
Quantico Co: VA 22134–
Property #: 77200040034
Status: Unutilized
Comment: 4900 sq. ft., open space

VA

Alabama

Land

VA Medical Center
VAMC
Property #: 97199010053
Tuskegee Co: Macon AL 36083–
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

California

Land

Land
4150 Clement Street
San Francisco Co: San Francisco CA 94121–
Property #: 97199240001
Status: Underutilized
Comment: 4 acres; landslide area.

Indiana

Building

Bldg. 105, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Property #: 97199230006
Status: Excess
Comment: 310 sq. ft., 1 story stone structure, no sanitary or heating facilities, Natl Register of Historic Places

Bldg. 140, VAMC
East 38th Street
Marion Co: Grant IN 46952–
Property #: 97199230007
Status: Excess
Comment: 60 sq. ft., concrete block bldg., most recent use—trash house

Bldg. 7
VA Northern Indiana Health
Care System
Marion Campus, 1700 East
38th Street
Marion Co: Grant IN 46953–
Property #: 97199810001
Status: Underutilized
Comment: 16,864 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 10
VA Northern Indiana Health
Care System
Marion Campus, 1700 East
38th Street
Marion Co: Grant IN 46953–
Property #: 97199810002
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 11
VA Northern Indiana Health Care System
Marion Campus, 1700 East
38th Street
Marion Co: Grant IN 46953–
Property #: 97199810003
Status: Underutilized
Comment: 16,361 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 18
VA Northern Indiana Health
Care System
Marion Campus, 1700 East
38th Street
Marion Co: Grant IN 46953–
Property #: 97199810004
Status: Underutilized
Comment: 13,802 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Bldg. 25
VA Northern Indiana Health
Care System
Marion Campus, 1700 East
38th Street
Marion Co: Grant IN 46953–
Property #: 97199810005
Status: Unutilized
Comment: 32,892 sq. ft., presence of asbestos, most recent use—psychiatric ward, National Register of Historic Places

Iowa

Land

40.66 acres
VA Medical Center
1525 West Pleasant St.
Knoxville Co: Marion IA 50138–
Property #: 97199740002
Status: Unutilized
Comment: golf course, easement requirements

Maryland

Land

VA Medical Center
9500 North Point Road
Fort Howard Co: Baltimore MD 21052
Property #: 97199010020
Status: Underutilized
Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

Pennsylvania

Building

Bldg. 3, VAMC
1700 South Lincoln Avenue
Lebanon Co: Lebanon PA 17042–
Property #: 97199230012
Status: Underutilized
Comment: portion of bldg. (4046 sq. ft.), most recent use—storage, second floor—lacks elevator access

Texas

Land

Land
Olin E. Teague Veterans
Center
1901 South 1st Street
Temple Co: Bell TX 76504–
Property #: 97199010079
Status: Underutilized
Comment: 13 acres, portion formerly landfill, portion near flammable materials, railroad crosses property, potential utilities.

Wisconsin

Building

Bldg. 8
VA Medical Center
County Highway E
Tomah Co: Monroe WI 54660–
Property #: 97199010056
Status: Underutilized
Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

Land

VA Medical Center

County Highway E
Tomah Co: Monroe WI 54660–
Property #: 97199010054
Status: Underutilized
Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Total Suitable and Available for Year 2001 = 1,105

TITLE V PROPERTIES REPORTED IN YEAR 2001 WHICH ARE SUITABLE AND UNAVAILABLE

Air Force

Idaho

Building

Bldg. 224
Mountain Home Air Force
Co: Elmore ID 83648–
Property #: 18199840008
Status: Unutilized
Reason: Extension of runway

Iowa

Building

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Property #: 18199310002
Status: Unutilized
Reason: Will be transferred to Sioux City

Army

Georgia

Building

Bldg. 4090
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Property #: 21199630007
Status: Underutilized
Reason: Plan to utilize as a museum

Bldg. 2410
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Property #: 21200140076
Status: Unutilized
Reason: Change in mission requirement

Kansas

Building

Bldg. P–295
Leavenworth Co: Leavenworth KS 66027–
Property #: 21199810296
Status: Underutilized
Reason: reutilized

Louisiana

Building

Bldg. 8405, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640524
Status: Underutilized
Reason: occupied

Bldg. 8414, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640527
Status: Underutilized
Reason: occupied

Bldg. 8424, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640529
Status: Underutilized
Reason: occupied

Bldg. 8426, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640530
Status: Underutilized
Reason: occupied

Bldg. 8427, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640531
Status: Underutilized
Reason: occupied

Bldg. 8428, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640532
Status: Underutilized
Reason: occupied

Bldg. 8429, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640533
Status: Underutilized
Reason: occupied

Bldg. 8430, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640534
Status: Underutilized
Reason: occupied

Bldg. 8431, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640535
Status: Underutilized
Reason: occupied

Bldg. 8432, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640536
Status: Underutilized
Reason: occupied

Bldg. 8433, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640537
Status: Underutilized
Reason: occupied

Bldg. 8458, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640542
Status: Underutilized
Reason: occupied

Bldg. 8459, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640543
Status: Underutilized
Reason: occupied

Bldg. 8460, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640544
Status: Underutilized
Reason: occupied

Bldg. 8461, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640545
Status: Underutilized
Reason: occupied

Bldg. 8462, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640546
Status: Underutilized
Reason: occupied

Bldg. 8463, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640547
Status: Underutilized
Reason: occupied

Bldg. 8501, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640548
Status: Underutilized
Reason: occupied

Bldg. 8502, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640549
Status: Underutilized
Reason: occupied

Bldg. 8541, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640551
Status: Underutilized
Reason: occupied

Bldg. 8542, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640552
Status: Underutilized
Reason: occupied

Bldg. 8543, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640553
Status: Underutilized
Reason: occupied

Bldg. 8545, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640555
Status: Underutilized
Reason: occupied

Bldg. 8546, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640556
Status: Underutilized
Reason: occupied

Bldg. 8547, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640547
Status: Underutilized
Reason: occupied

Bldg. 8548, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640558
Status: Underutilized
Reason: occupied

Bldg. 8549, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Property #: 21199640559
Status: Underutilized
Reason: occupied

Missouri

Building

Bldg. 2172, Fort Polk
Fort Leonard Wood
Property #: 21200040059
Ft. Leonard Wood Co: Pulaski MO 65473–8994
Status: Underutilized
Reason: reutilized

North Carolina

Land

.92 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Property #: 21199610728
Status: Underutilized
Reason: contains well owned by Town; within an explosive buffer z

10 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Property #: 21199610729

Status: Underutilized
Reason: within an explosives buffer zone

257 Acre—Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Property #: 21199610730
Status: Underutilized
Reason: within an explosives buffer zone

28.83 acres—Tract of Land
Military Ocean Terminal,
Sunny Point
Southport Co: Brunswick NC 28461–5000
Property #: 21199620685
Status: Underutilized
Reason: Explosive Buffer Zone

Texas

Building

Bldg. P–2000, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199220389
Status: Underutilized
Reason: Area programmed for future use.

Bldg. P–2001, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Property #: 21199220390
Status: Underutilized
Reason: Area programmed for future use.

Coe

California

Building

Santa Fe Flood Control Basin
Irwindale Co: Los Angeles CA 91706–
Property #: 31199011298
Status: Unutilized
Reason: Needed for contract personnel

Illinois

Building

Bldg. 7
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010001
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 6
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010002
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 5
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010003
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 4
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010004
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 3
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010005
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 2
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010006
Status: Unutilized
Reason: Project integrity and security; safety liability

Bldg. 1
Ohio River Locks & Dam No. 53
Grand Chain Co: Pulaski IL 62941–9801
Property #: 31199010007
Status: Unutilized
Reason: Project integrity and security; safety liability

Land

Lake Shelbyville
Shelbyville Co: Shelby & Moultrie IL 62565–9804
Property #: 31199240004
Status: Unutilized
Reason: Disposal action initiated

Ohio

Building

Bldg.—Berlin Lake
7400 Bedell Road
Berlin Center Co: Mahoning OH 44401–9797
Property #: 31199640001
Status: Unutilized
Reasons: Utilized as construction office

Pennsylvania

Building

Tract 353
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property #: 31199430019
Status: Unutilized
Reason: To be transferred to Borough

Tract 403A
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property #: 31199430021
Status: Unutilized
Reason: To be transferred to Borough

Tract 403B
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property #: 31199430022
Status: Unutilized
Reason: To be transferred to Borough

Tract 403C
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property #: 31199430023
Status: Unutilized
Reason: To be transferred to Borough

Tract 434
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property #: 31199430024
Status: Unutilized
Reason: To be transferred to Borough

Tract 224
Grays Landing Lock & Dam Project
Greensboro Co: Greene PA 15338–
Property #: 31199430021
Status: Unutilized
Reason: Disposal action initiated

Land

East Branch Clarion River Lake
Wilcox Co: Elk PA
Property #: 31199011012
Status: Underutilized
Reason: Location near damsite

Dashields Locks and Dam
(Glenwillard, PA)
Crescent Twp. Co: Allegheny PA 15046–0475
Property #: 31199210009
Status: Unutilized
Reason: Leased to Township

Wisconsin

Building

Former Lockmaster's Dwelling
DePere Lock
100 James Street
De Pere Co: Brown WI 54115–
Property #: 31199011526
Status: Unutilized
Reason: In negotiation for transfer to the State

Energy

Idaho

Building

Bldg. CFA–613
Central Facilities Area
Idaho National Engineering Lab
Scoville Co: Butte ID 83415–
Property #: 41199630001
Status: Unutilized
Reason: Historical issues

GSA

Florida

Building

Lexington Terrace Housing
Portion of NAS Pensacola
Old Corry Field Rd.
Pensacola Co: Escambia FL 32508–
Property #: 54200130009
Status: Surplus
GSA Number: 4–N–FL–0735
Reason: Written expression of interest

Land

Lakeland Federal Property
N. Florida Ave. & Five Oaks St.
Lakeland Co: Polk FL 33806–
Property #: 54200140001
Status: Surplus
GSA Number: 4–G–FL–1092
Reason: written expression of interest

Georgia

Building

U.S. Post Office/Courthouse
337 W. Broad St.
Albany Co: Dougherty GA 31702–
Property #: 54200120002
Status: Excess
GSA Number: 4–G–GA–866A
Reason: Federal interest

Illinois

Building

Radar Communication Link
½ mi east of 116th St.
Co: Will IL
Property #: 54199820013
Status: Excess
GSA Number: 2–U–IL–696
Reason: negotiated sale

Maryland

Building

De LaSalle Bldg.
4900 LaSalle Road
Avondale Co: Prince George MD 20782–
Property #: 54200020007
Status: Excess
GSA Number: 4–G–MD–565A
Reason: written expression of interest

La Plata Housing
Radio Station Rd.
La Plata Co: Charles MD
Property #: 54200110006
Status: Excess
GSA Number: 4–N–MD–601
Reason: homeless interest

29 Bldgs.
Walter Reed Army Medical Center
Forest Glen Annex, Linden Lane
Silver Spring Co: Montgomery MD 20910–1246
Property #: 54200130012
Status: Excess
GSA Number: 4–D–MD–558–B
Reason: written expression of interest

Michigan

Building

Natl Weather Svc Ofc
214 West 14th Ave.
Sault Ste. Marie Co: Chippewa MI
Property #: 54200120010
Status: Excess
GSA Number: 1–C–MI–802
Reason: Federal need

Minnesota

Building

MG Clement Trott Mem. USARC
Walker Co: Cass MN 56484–
Property #: 54199930003
Status: Excess
GSA Number: 1–D–MN–575
Reason: Federal interest

Mississippi

Land

Proposed Site
Army Reserve Center
Waynesboro Co: Wayne MS 39367–
Property #: 54200010005
Status: Excess
GSA Number: 4–D–MS–0555
Reason: written expression of interest received from Co.

Missouri

Building

Hardesty Federal Complex
607 Hardesty Avenue
Kansas City Co: Jackson MO 64124–3032
Property #: 54199940001
Status: Excess
GSA Number: 7–G–MO–637
Reason: continuation

North Carolina

Building

Tarheel Army Missile Plant
Burlington Co: Alamance NC 27215–
Property #: 54199820002
Status: Excess
GSA Number: 4–D–NC–593
Reason: Advertised

Vehicle Maint. Facility
310 New Bern Ave.
Raleigh Co: Wake NC 27601–
Property #: 54200020012
Status: Excess
GSA Number: NC076AB
Reason: Federal need

Puerto Rico

Land

La Hueca—Naval Station
Roosevelt Roads
Vieques PR 00765–
Property #: 54199420006
Status: Excess
Reason: Federal interest

Tennessee

Building

3 Facilities, Guard Posts
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930011
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

4 Bldgs.
Volunteer Army Ammunition Plant
Railroad System Facilities
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930012
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

200 bunkers
Volunteer Army Ammunition Plant
Storage magazines
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930014
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

Bldg. 232
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930020
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

2 Laboratories
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930021
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

3 Facilities
Volunteer Army Ammunition Plant
Water Distribution Facilities
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930022
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

Naval Hospital
5720 Integrity Drive
Millington Co: Shelby TN 38054–
Property #: 54200020005
Status: Excess
GSA Number : 4–N–TN–648
Reason: written expression of interest received from DOE

Marine Corps Rsv Center
2109 W. Market St.
Johnson City Co: Washington TN 37604–
Property #: 54200120003
Status: Surplus
GSA Number : 4–N–TN–0651
Reason: Education interest

Land

1500 acres
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN 37421–
Property #: 54199930015
Status: Surplus
GSA Number : 4–D–TN–594F
Reason: negotiated sale

Wisconsin

Building

Wausau Federal Building
317 First Street
Wausau Co: Marathon WI 54401–
Property #: 54199820016
Status: Excess
GSA Number : 1–G–WI–593
Reason: advertised

Army Reserve Center
401 Fifth Street
Kewaunee Co: WI 54216–1838
Property #: 54199940004
Status: Excess
GSA Number : 1–D–WI–547
Reason: public benefit interest

Navy

Virginia

Building

Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk VA 23508–
Property #: 77199010109
Status: Unutilized
Reason: Planned for expansion space.

Land

Naval Base
Norfolk Co: Norfolk VA 23508–
Property #: 77199010156
Status: underutilized
Reason: Identified for use in developing admin. office space.

2.6 acres
Naval Station
Norfolk Co: VA 23508–1273
Property #: 77200120131
Status: unutilized
Reason: pending construction.

1.15 acres
Naval Amphibious Base Little Creek
Norfolk Co: VA 23508–
Property #: 77200120132
Status: unutilized
Reason: pending construction.

VA

Iowa

Land

38 acres
VA Medical Center
1515 West Pleasant St.
Knoxville Co: Marion IA 50138–
Property #: 97199740001
Status: unutilized
Reason: Enhanced-Use Legislation potential.

Michigan

Land

VA Medical Center
Battle Creek Co: Calhoun MI 49016–
Property #: 97199010015
Status: underutilized
Reason: Being used for patient and program activities.

Montana

Building

VA MT Healthcare
Miles City Co: Custer MT 59301–
Property #: 97200030001
Status: Underutilized
Reason: transfer to Custer County.

New York

Land

VA Medical Center
Fort Hill Avenue
Canandaigua Co: Ontario NY 14424–
Property #: 97199010017
Status: underutilized
Reason: Portion leased; portion landlocked.

Pennsylvania

Land

VA Medical Center
New Castle Road
Butler Co: Butler PA 16601–
Property #: 97199010016
Status: underutilized
Reason: Used as natural drainage for facility property.

Land No. 645
VA. Medical Center
Highland Drive
Pittsburgh Co: Allegheny PA 15206–
Property #: 97199010080
Status: unutilized
Reason: Property is essential to security and safety of patients.

Land-34.16 acres
VA Medical Center
1400 Black Horse Hill Road
Coatesville Co: Chester PA 19320–
Property #: 97199340001
Status: underutilized
Reason: needed for mission related functions.

Wisconsin

Building

Bldg. 2
VA Medical Center
5000 West National Ave.
Milwaukee WI 53295–
Property #: 97199830002
Status: underutilized
Reason: Subject of leasing negotiations.

Total Suitable and Unavailable for Year 2001 = 358

[FR Doc. 02–3602 Filed 2–15–02; 8:45 am]

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Federal Register

Tuesday,
February 19, 2002

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 91

Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2002–11580; SFAR 94]

RIN 2120–AH62

Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This action requires any person operating an aircraft to or from College Park Airport (CGS), Potomac Airfield (VKX), and Washington Executive/Hyde Field (W32) to conduct those operations in accordance with security procedures approved by the Administrator. Operations under 14 CFR part 91 have been prohibited at these airports as a result of Notices to Airmen (NOTAMs) issued after September 11, 2001. This action is being taken to restore aircraft operations at these airports while attempting to counter possible terrorist threats to the National Capital region.

DATES: This action is effective February 13, 2002, and shall remain in effect until February 13, 2003. Submit comments by April 22, 2002.

ADDRESSES: Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW, Washington, DC 20590. You must identify the docket number FAA–2002–11580 at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that the FAA received your comments, include a self-addressed, stamped postcard. You may also submit comments through the Internet to http://dms.dot.gov.

You may review the public docket containing comments to these regulations in person in the Dockets Office between 9:00 a.m. and 5:00p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. You may also review public dockets on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: *Questions on this rulemaking:* Bruce Landry, ACP–200, Office of Civil Aviation Security Policy and Planning, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; telephone (202) 267–8320.

Questions on security procedures and obtaining security procedure approval or waivers: Washington Civil Aviation Security Field Office (WAS CASFO), Washington Dulles International Airport, 45005 Aviation Drive Suite 110, Washington, DC 20166; telephone (703) 661–6070. You can also find guidance on drafting security procedures at http://cas.faa.gov/usa.html.

SUPPLEMENTARY INFORMATION:

Comments Invited

This final rule is being adopted without prior notice and prior public comment. The Regulatory Policies and Procedures of the Department of Transportation (DOT) (44 FR 1134; Feb 26, 1979) provide that, to the maximum extent possible, operating administrations for the DOT should provide an opportunity for public comment on regulations issued without notice. Accordingly, interested persons are invited to participate in the rulemaking by submitting written data, views, or arguments. Comments relating to the environmental, energy, federalism, or economic impact that might result from this amendment also are invited. Comments must include the docket number or amendment number and must be submitted in duplicate to the address above. All comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking, will be filed in the public docket. The docket is available for public inspection before and after the comment closing date.

The FAA will consider all comments received on or before the closing date for comments. Late-filed comments will be considered to the extent practicable. The final rule may be amended in light of the comments received.

See **ADDRESSES** above for information on how to submit comments.

Availability of This Action

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to search function of the Department of Transportation's electronic Docket Management System (DMS) Web page (http://dms.dot.gov/search).

(2) On the search page type in the last five digits of the docket number shown at the beginning of this document. Click on ''search.''

(3) On the next page, which contains the docket summary information for the Docket you selected, click on the final rule.

You can also get an electronic copy using the Internet through FAA's web page at http://www.faa.gov/avr/armhome.htm or the Government Printing Office's web page at http://www.access.gpo.gov/su_docs/aces/aces140html.

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW, Washington, DC 20591, or by calling (202) 267–9680. Be sure to identify the amendment number or docket number of this final rule.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within the FAA's jurisdiction. Therefore, any small entity that has a question regarding this document may contact its local FAA official. Internet users can find additional information on SBREFA on the FAA's web page at http:www.faa.gov/avr/arm/sbrefa.htm and send electronic inquiries to the following Internet address: 9-AWA-SBREFA@faa.gov.

Background

After the September 11, 2001, terrorist attacks against four U.S. commercial aircraft resulting in the tragic loss of human life at the World Trade Center, the Pentagon, and in southwest Pennsylvania, the FAA immediately prohibited all aircraft operations within the territorial airspace of the United States, with the exception of certain military, law enforcement, and emergency related aircraft operations. This general prohibition was lifted in part on September 13, 2001. In the Washington, DC Metropolitan area, however, aircraft operations remained prohibited at all civil airports within a 25-nautical mile radius of the Washington (DCA) VOR/DME. This action was accomplished through emergency air traffic rules issued pursuant to title 14, Code of Federal Regulations (14 CFR) 91.139 and the implementation of temporary flight restrictions (TFRs) issued pursuant to 14 CFR 91.137.

On October 4, 2001, limited air carrier operations were permitted to resume at Ronald Reagan Washington National Airport (DCA). On October 5, 2001, the FAA issued NOTAM 1/0989, which authorized instrument flight rules (IFR) operations and limited visual flight rules (VFR) operations within an 18 to 25 nautical mile radius from the DCA

VOR/DME in accordance with emergency air traffic rules issued under 14 CFR 91.139. Exceptions to the restrictions affecting part 91 operations in the Washington, DC area issued since September 11th were made to permit the repositioning of aircraft from airports within the area of the TFR and to permit certain operations conducted under waivers issued by the FAA.

On December 19, 2001, the FAA canceled NOTAM 1/0989 and issued NOTAM 1/3354 that set forth special security instructions under 14 CFR 99.7 and created a new TFR under 14 CFR 91.137. That action significantly decreased the size of the area subject to the earlier prohibitions on part 91 operations in the Washington, DC area and permitted operations at Freeway (W00), Maryland (2W5), and Suburban (W18) airports. At the same time, the FAA eliminated all ''enhanced Class B airspace flight restrictions'' Enhanced Class B airspace consisted of that airspace underlying and overlying Class B airspace from the surface to flight level 180. The associated rules and/or the services prescribed for Class B airspace and the underlying/overlying airspace were not changed by the imposition or elimination of Enhanced Class B airspace flight restrictions.

Although many of the restrictions on operations in the Washington, DC area have been eliminated, NOTAM 1/3354 continues to prohibit aircraft operations under part 91 at College Park Airport, Potomac Airfield, and Washington Executive/Hyde Field. In 2000, approximately 89,000 part 91operations were conducted from these airports. The current restrictions have caused significant economic hardship for these airport operators, aircraft owners and operators based at the airports, and businesses located on, or dependent upon, the continued operation of the airports. These operational restrictions have remained in effect longer than the restrictions imposed in other areas because of the proximity of the airports to the significant number of critical government assets in the National Capital region and the continuing threat to that area.

After discussions with the National Security Council, the United States Secret Service, the Department of Defense, and the Office of Homeland Security, it was determined that national security concerns regarding operations at College Park Airport, Potomac Airfield, and Washington Executive/Hyde Field could be addressed by permitting operations at these airports in accordance with the air traffic and security procedures set forth in this SFAR. Applying the restrictions in this SFAR to operations to or from these airports will help to protect critical national assets against an airborne threat while permitting the resumption of operations at these airports. This action is taken in accordance with the Administrator's statutory mandate found in section 44701(a)(5) of Title 49, United States Code (49 U.S.C.) to promote the safe flight of civil aircraft in air commerce by prescribing regulations and minimum standards necessary for safety in air commerce and national security.

Justification for Emergency Final Rule

Because flight operations at airports affected by this SFAR have been prohibited since September 11, 2001, and in recognition of the need to restore operations at these airports in a manner that responds to the current security threat, the FAA is adopting this SFAR as an emergency final rule pursuant to section 553 of the Administrative Procedures Act (APA). Section 553(b)(B) of the APA permits an agency to forego notice and comment rulemaking when ''the agency for good cause finds * * * that notice and public procedures thereon are impracticable, unnecessary or contrary to the public interest.'' The FAA finds that the use of notice and public procedures for this SFAR is impracticable and contrary to the public interest. The use of notice and comment procedures prior to issuing this final rule would only delay the relief provided by this SFAR to airport operators, aircraft operators, and businesses affected by the prohibition on operations at the affected airports. A delay would significantly increase the economic burden on persons conducting operations that have been prohibited under previous actions enacted without notice and public comment and possibly result in the permanent closure of affected airports. As previously noted, however, the FAA is requesting comments on this SFAR and may modify the rule in response to these comments.

Discussion

Affected Airports and Operations

This SFAR requires each person operating an aircraft to or from College Park Airport (CGS), Potomac Airfield (VKX), and Washington Executive/Hyde Field (W32) to comply with specified air traffic procedures and security procedures approved by the Administrator. As a general operating rule, its provisions apply to any person operating an aircraft to or from one of these airports. It affects all aircraft operations at these airports, including those conducted under 14 CFR part 91, those for which an air carrier or an operating certificate may be issued under 14 CFR part 119 (14 CFR parts 121, 125, and 135), and those which may be conducted under part 129, 133, or 137.

The provisions of this rule do not apply to the operation of ultralight vehicles, which must be conducted in accordance with 14 CFR part 103. Part 103 contains prohibitions on the operation of ultralight vehicles in certain airspace, including both prohibited and restricted areas, and other areas designated by NOTAM. Operators of ultralight vehicles should review current NOTAMs to determine the status of ultralight operations at these airports and within the special flight rules area.

Although the FAA considered including operations to or from other airports within the Washington, DC Metropolitan Area Special Flight Rules Area under the provisions of this rule, only operations to or from the three airports specified in this SFAR are subject to its provisions. The FAA intends to specifically address air traffic and security procedures for part 91 operations at other airports within the Washington, DC Metropolitan Area Special Flight Rules Area in future actions.

In formulating this rule, the FAA considered retaining the current prohibition on operations to and from these airports and permitting operations at these airports with operational restrictions more stringent than those imposed by this rule. The FAA has determined, however, that it is inappropriate and unnecessary to continue the current prohibition on operations at these airports, and that the costs of imposing more restrictive measures on such operations would far outweigh any potential benefits.

Definitions

For the purpose of this rule, the FAA defines the terms ''Administrator'' and ''Washington, DC Metropolitan Area Special Flight Rules Area.''

The definition of ''Administrator'' is similar to the definition of ''Administrator'' contained in 14 CFR 1.1. The definition includes a reference to the Under Secretary of Transportation for Security, which clarifies that the Under Secretary may also take any of those actions that may be taken by the Administrator under this rule.

The SFAR also defines the Washington, DC Metropolitan Area Special Flight Rules Area. The airspace defined as the Washington, DC Metropolitan Area Special Flight Rules

Area generally approximates an area that varies in distance from 13-to-15 nautical miles from the Washington (DCA) VOR/DME (with specific exclusions to permit operations at Freeway airport (W00) and a VFR corridor between Washington and Baltimore).

Operating Requirements

Under the provisions of this SFAR, no person may operate an aircraft to or from an affected airport unless security procedures have been approved by the Administrator for operations at that airport. Additionally, each person serving as a required flightcrew member of an aircraft operating to or from an affected airport must provide certain information to the Administrator, meet certain background requirements, comply with specified air traffic rules, and comply with the approved security procedures for operations at those airports.

This SFAR does not impose information collection requirements on persons intending to operate to or from the affected airports. Rather, the FAA is requiring those persons to present their airman and medical certificates and picture identifications to ensure that the FAA can properly confirm their identities. This identification information will be shared with the United States Secret Service, the Transportation Security Administration (TSA), and other law enforcement authorities to facilitate security checks, background investigations, and criminal records checks necessary to permit a person to receive authorization to operate to or from an airport.

This SFAR requires a person seeking authorization to operate to or from an affected airport to successfully complete a background check by a law enforcement agency. This check routinely requires the submission of fingerprints and the conduct of a criminal history records check. The completion of a background check, which includes the collection of fingerprints and the conduct of a criminal history records check, will be conducted under the authority provided to the Under Secretary of Transportation for Security in section 101 of the Aviation and Transportation Security Act (Pub. L. 107–71) as codified in 49 U.S.C. 114(f)(2)(3) and (5). That section states that the Under Secretary has the authority to ''assess threats to transportation; develop policies, strategies and plans for dealing with threats to transportation security; [and] serve as the primary liaison to the intelligence and law enforcement communities.''

Any person seeking authorization to operate to or from an affected airport will also be required to identify any aircraft that he or she intends to fly to or from that airport. This information will be correlated with a list of aircraft based at the airport. This list will be provided to the FAA in accordance with an affected airport's approved security procedures. The FAA initially intends to authorize operations of those aircraft based at an airport on September 11, 2001. After a procedural validation period, the FAA may authorize operations to or from an affected airport by persons operating aircraft not based at the airport.

Persons seeking to operate to or from an affected airport can present the information required by this rule in person to the Washington Civil Aviation Security Field Office (CASFO). To minimize the administrative burden of this procedure, the FAA will have personnel at the affected airports or other local venues to accept this information at specified times.

This SFAR also requires each person seeking authorization to attend a briefing that will describe procedures for operating to or from the airport. The requirement to attend a briefing stems from the FAA's recognition of the criticality of ensuring full compliance with the provisions of this SFAR. To ensure all authorized persons understand their responsibilities under this SFAR, attendance at a briefing is a prerequisite to conducting operations at an affected airport. These briefings initially will be presented by FAA Civil Aviation Security, Flight Standards, and Air Traffic Services personnel, and representatives of the Secret Service. The FAA will provide the widest possible dissemination of information specifying the time and place of these briefings. After an initial validation period, the FAA may permit persons responsible for implementing approved security procedures at affected airports or other specified individuals to give these briefings.

To minimize the possibility that a person inclined to engage in an action that might constitute a threat to government assets contained in the National Capital region, the SFAR requires that a person not have been convicted, or found not guilty by reason of insanity, in any jurisdiction of certain crimes during the 10 years prior to being authorized to operate to or from the airport, or while authorized to operate to or from the airport. The information and fingerprints provided by a person seeking to operate to or from an affected airport will be used to facilitate the conduct of criminal records history checks by TSA, or other delegated law enforcement agencies to verify that this requirement has been met. Those crimes which would disqualify an individual from conducting operations at an affected airport are identical to those specified in 14 CFR 108.229(d) under the authority provided by 49 U.S.C. 44936. Section 108.229(d) applies to employees covered under a certification made to certain airport operators under 14 CFR part 107, individuals issued identification for unescorted access within a security identification display area (SIDA), and certain individuals assigned to perform or supervise screening functions.

The disqualifying criminal offenses are as follows—

(1) Forgery of certificates, false marking of aircraft, and other aircraft registration violation; 49 U.S.C. 46306.

(2) Interference with air navigation; 49 U.S.C. 46308.

(3) Improper transportation of a hazardous material; 49 U.S.C. 46312.

(4) Aircraft piracy; 49 U.S.C. 46502.

(5) Interference with flight crew members or flight attendants; 49 U.S.C. 46504.

(6) Commission of certain crimes aboard aircraft in flight; 49 U.S.C. 46506.

(7) Carrying a weapon or explosive aboard aircraft; 49 U.S.C. 46505.

(8) Conveying false information and threats; 49 U.S.C. 46507.

(9) Aircraft piracy outside the special aircraft jurisdiction of the United States; 49 U.S.C. 46502(b).

(10) Aircraft lighting violations involving transporting controlled substances; 49 U.S.C. 46315.

(11) Unlawful entry into an aircraft or airport area that serves air carriers or foreign air carriers contrary to established security requirements; 49 U.S.C. 46314.

(12) Destruction of an aircraft or aircraft facility; 18 U.S.C. 32.

(13) Murder.

(14) Assault with intent to murder.

(15) Espionage.

(16) Sedition.

(17) Kidnapping or hostage taking.

(18) Treason.

(19) Rape or aggravated sexual abuse.

(20) Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon.

(21) Extortion.

(22) Armed or felony unarmed robbery.

(23) Distribution of, or intent to distribute, a controlled substance.

(24) Felony arson.

(25) Felony involving a threat.

(26) Felony involving—

(i) Willful destruction of property;

(ii) Importation or manufacture of a controlled substance;
(iii) Burglary;
(iv) Theft;
(v) Dishonesty, fraud, or misrepresentation;
(vi) Possession or distribution of stolen property;
(vii) Aggravated assault;
(viii) Bribery; or
(ix) Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year.
(27) Violence at international airports; 18 U.S.C. 37.
(28) Conspiracy or attempt to commit any of the criminal acts listed in this paragraph.

Additionally, TSA or other delegated law enforcement authorities may impose specific requirements for the conduct of operations to or from the affected airports, such as a requirement for the collection of fingerprints to facilitate the completion of a background investigation. Persons seeking to operate to or from the affected airports will be notified of any additional requirements by TSA, other delegated law enforcement authorities, or the FAA. The FAA will not authorize a person to operate to or from an airport unless he or she has complied with these requirements.

A record of a single violation of a prohibited area designated under 14 CFR part 73, a flight restriction established under 14 CFR 91.141 (to protect the President, Vice President, or other public figures), or special security instructions issued under 14 CFR 99.7 is indicative of a potential risk that a pilot may possess a compliance disposition inappropriate for operations to or from airports which are located in close proximity to critical governmental assets. A record of multiple violations of a restricted area designated under 14 CFR part 73, emergency air traffic rules issued under 14 CFR 91.139, a temporary flight restriction designated under 14 CFR 91.137, 91.138, or 91.145 or an area designated under 14 CFR 91.143 (or any combination thereof) is also indicative of a similar risk. In view of the critical need to protect national assets within the Special Flight Rules Area, the FAA will review the records of airmen who request authorization to conduct operations at the affected airports and will not authorize operations if the airman's records contains a history of such violations.

As an alternative, the FAA considered eliminating the personnel verification requirements set forth above. In view of the current threat and the need to help preclude the possibility of persons with hostile intent from conducting operations at these airports, it has been determined that the absence of a personnel verification requirement would impose too significant a risk to the critical governmental assets contained within the National Capital region.

Upon meeting the specified requirements and completing the necessary records checks, an individual will be authorized by the FAA to conduct operations at an affected airport. The authorization will also specify those aircraft in which the person may conduct the authorized operations. Additionally, the authorization provided by the FAA will include a unique identification code, which the individual will use when filing a flight plan with Leesburg Automated Flight Service Station (AFSS), to operate to or from an affected airport. To ensure the security of operations to or from the affected airport, any individual who has received an identification code must protect it from unauthorized disclosure.

Operations to or from the affected airport while within the Special Flight Rules Area will only be permitted in accordance with an open IFR or VFR flight plan. This flight plan must be filed telephonically with Leesburg AFSS. Flight plans filed via Direct User Access Terminals (DUAT), while airborne, or with another Flight Service Station will not be accepted for operations to or from the affected airports.

Prior to departure from the airport, or prior to entering the Special Flight Rules Area en route to an affected airport, a pilot must obtain an air traffic control (ATC) clearance and maintain two-way radio communications with ATC. Aircraft must be equipped with an operable transponder with altitude reporting capability and transmit an assigned beacon code while operating in the Special Flight Rules Area. Aircraft will normally be cleared to or from the airport via specified direct routes. ATC will not issue clearances that permit closed traffic operations within the traffic patterns at these airports. The applicable ATC procedures will be published in the approved security procedures for the airport and may be published as NOTAMs or as graphical notices in the appropriate Airport/Facility Directory. Any attempt by a pilot to deviate from the assigned route or other provisions of an ATC clearance while within the Special Flight Rules Area will result in the exercise of appropriate protective measures by military or law enforcement personnel.

The SFAR requires that, upon returning to the airport, the operator take appropriate measures to secure the aircraft from unauthorized use. This may consist of locking the aircraft, securing the aircraft in a locked hangar, installing a propeller or throttle lock, or other similar measures.

The FAA recognizes that law enforcement, military, and aeromedical services aircraft may operate from the affected airports. The U.S. Armed Forces and law enforcement agencies have already adopted extensive security procedures to protect their aircraft from unauthorized use. Persons operating these aircraft have been subjected to extensive background and criminal records history checks. Because operators of these aircraft must comply with the extensive security procedures adopted by these agencies and departments, operators of these aircraft will not be subject to the procedural requirements in this rule intended primarily for private aircraft operations. They will, however, be required to comply with those ATC procedures necessary to ensure adequate control of operations at these airports and other specific requirements imposed by TSA or other delegated law enforcement agencies.

Due to the critical nature of operations conducted in aeromedical services aircraft, persons conducting operations in these aircraft will not be required to comply with the full range of security procedures at affected airports. The unscheduled and frequently critical nature of these operations necessitates relief from many of the security procedures required for other civil aircraft operations. Operators must, however, secure the aircraft while on the ground at the airport and comply with airport arrival and departure routes, ATC clearance procedures, flight plan requirements, communications procedures, procedures for transponder use, and other requirements that may be issued by TSA or other delegated law enforcement agencies.

Airport Security Procedures

This SFAR requires any person conducting operations to or from an affected airport within the Washington, DC Metropolitan Area Special Flight Rules Area to comply with security procedures approved by the Administrator. The affected airports currently are not required to implement security procedures under an approved security program such as that required at Ronald Reagan Washington National Airport under 14 CFR part 107. This rule will provide an increased level of security at affected airports by requiring

operations to be conducted in accordance with approved security procedures.

To provide persons seeking approval of security procedures with maximum flexibility in their development and implementation, the SFAR does not mandate that they be developed and implemented only by an airport operator. The SFAR does not preclude airport owners, airport authorities, and State or local governments from submitting procedures to the Administrator for approval.

For security procedures to be approved for an affected airport they must:

- Identify and provide contact information for the airport manager who is responsible for ensuring that the security procedures at the airport are implemented and maintained;
- Contain procedures to identify those aircraft eligible to be authorized for operations to or from the airport;
- Contain procedures to ensure that a current record of those persons authorized to conduct operations to or from the airport and the aircraft in which the person is authorized to conduct those operations is maintained at the airport;
- Contain airport arrival and departure route descriptions, air traffic control clearance procedures, flight plan requirements, communications procedures, and procedures for transponder use;
- Contain procedures to monitor the security of aircraft at the airport during operational and non-operational hours and to alert aircraft owners and operators, airport operators, and the Administrator of unsecured aircraft;
- Contain procedures to ensure that security awareness procedures are implemented and maintained at the airport;
- Contain procedures to ensure that a copy of the approved security procedures is maintained at the airport and can be made available for inspection upon request of the Administrator;
- Contain procedures to provide the Administrator with the means necessary to make any inspection to determine compliance with the approved security procedures; and
- Contain any additional procedures necessary to provide for the security of aircraft operations to or from the airport.

The requirements specified in these security procedures are based upon current intelligence and threat assessments provided to the FAA. The FAA recognizes that the SFAR imposes requirements upon aircraft operators that will result in increased costs and inconvenience. The FAA has weighed these costs against the continued prohibition of aircraft operations at airports affected by the SFAR and has determined that affording operators of airports affected by this rule with an opportunity to resume operations is in the public interest.

In developing requirements for the contents of approved security procedures, the FAA considered numerous alternatives. For example, the FAA considered requiring an individual with law enforcement authority to inspect departing aircraft (and verify the identities of their occupants) at the affected airports and to require arriving aircraft to land at ''gateway airports'' outside the Special Flight Rules Area for similar inspections and checks prior to proceeding to an affected airport. The FAA determined that such requirements would impose significant costs on airport operators and persons conducting operations to or from the affected airports. Additionally, such requirements would significantly decrease the use of the affected airports and result in the further relocation of aircraft away from the airports specified in this rule. The FAA also considered permitting security personnel without law enforcement authority or personnel employed by fixed base operators to perform these inspections and checks. These alternatives were rejected for similar reasons.

To provide the FAA with a means to effectively ensure that security procedures are being implemented and maintained, approved security procedures must include the name and contact information for the airport manager who has responsibility for this task. The airport manager is specifically identified on the airport operating license issued by the Maryland Department of Transportation for an airport. The FAA must be able to contact this person if any deviation from the requirements of the approved security procedures is discovered. That action will ensure that any discrepancy is immediately corrected.

The requirement to identify aircraft eligible to be authorized to operate at an airport is intended to afford the FAA the means to effectively control operations at the airport. To properly evaluate the implementation of approved procedures, the FAA may initially only authorize the arrival and departure of aircraft based at an affected airport, and pilots conducting operations in such aircraft. By providing the FAA a list of based aircraft, the FAA will be able to more rapidly provide relief to those persons most in need of authorization to conduct operations at the affected airports.

The FAA will provide the approval holder with a list of those persons authorized to conduct operations at an airport and the aircraft those persons are authorized to operate. Upon authorizing any additional person to conduct operations at an airport, the FAA will provide the approval holder with a revised list. This list must be maintained at the airport. This list should be given the widest possible dissemination at the airport to ensure that all persons conducting operations there are aware of its contents. It can be used to assist all personnel at the airport when monitoring operations in accordance with the airport's security awareness program.

Airport arrival and departure route descriptions, air traffic control clearance procedures, flight plan requirements, communications procedures, and procedures for transponder use will be established by ATC. Requiring these procedures to be included in the approved security procedures will provide all operators with an additional readily available reference to consult in flight planning. A copy of the security procedures must also be made available for inspection by the Administrator upon request.

Approval holders must also implement and maintain a security awareness program at the airport. This program should address both airport and aircraft security and include procedures for persons conducting operations at the airport to report suspicious activity. Approval holders should notify all operators of the need to monitor the security of aircraft at the airport and to establish procedures to immediately secure any unsecured aircraft. A means of rapidly notifying aircraft owners of improperly secured aircraft or non-compliance with the approved security procedures for an airport is essential.

Although security procedures must meet the requirements of the SFAR, persons seeking approval of security procedures should ensure that the procedures are tailored to meet the specific operational needs of airport and aircraft operators. The security procedures should address the various types of threat vulnerabilities that could apply to operations conducted to or from the affected airport. The FAA expects that threat conditions may change rapidly, and therefore may withdraw approvals of security procedures or require the implementation of revised security procedures at certain times in response to changed threats. Additionally, to

ensure that the Administrator can evaluate the effectiveness of approved security procedures, the procedures must describe the means that will be provided to the Administrator to make any inspection to determine compliance with approved security procedures. Non-compliance with approved security procedures may result in withdrawal of the approval for the security procedures at an airport.

The FAA will inform all aircraft operators that an airport has approved security procedures. The FAA will publish specific procedures that airmen must comply with as Notices to Airman (NOTAMs) and in the Airport/Facility Directory. The FAA also expects to publish these procedures on its web site (www.faa.gov). Persons can obtain specific guidance on complying with, drafting, or obtaining approval for security procedures by contacting the Washington Civil Aviation Security Field Office specified under **FOR FURTHER INFORMATION CONTACT.** Persons can also find guidance on drafting security procedures at http://cas.faa.gov/usa.html.

Waivers

Paragraph 5 of this SFAR specifies that the FAA may issue a waiver if it finds that an operation at an affected airport is in the public interest, can be conducted safely, and that an equivalent level of security can be provided under the terms of the waiver. The FAA notes, for instance, that some operators subject to this SFAR may be implementing strong security practices that may not meet the specific provisions of the SFAR. The FAA may consider whether those or other practices warrant the grant of a waiver.

Official Contacts

Due to the emergency nature of this rule and the need to develop security procedures that can be rapidly implemented, the FAA has discussed the provisions of this SFAR with representatives of the airports affected by the SFAR and a number of industry associations whose members will also be affected by the SFAR. The FAA has discussed and received information regarding security procedures that could be implemented by these airports from the National Association of State Aviation Officials (NASAO), State of Maryland Department of Aviation, National Business Aviation Association (NBAA), Aircraft Owners and Pilots Association (AOPA), National Air Transportation Association (NATA), Helicopter Association International (HAI), and individual airport operators. Information submitted by these associations and individuals is contained in the docket for this rule.

Justification for Immediate Adoption

Because the circumstances described herein warrant immediate action, the Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and contrary to the public interest. Further, the Administrator finds that good cause exists under 5 U.S.C. 553(d) for making this rule effective less than 30 days after publication in the **Federal Register**. This action is necessary to permit aircraft operations to resume at the affected airports while preventing possible hazardous actions directed against aircraft, persons, and property within the United States.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA determined that there are no ICAO Standards and Recommended Practices that correspond to this SFAR.

Paperwork Reduction Act

This emergency rule contains information collection activities subject to the Paperwork Reduction Act (44 U.S.C. 3507(d)). In accordance with the Paperwork Reduction Act, the paperwork burden associated with the rule will be submitted to the Office of Management and Budget (OMB) for review. As protection provided by the Paperwork Reduction Act, 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. In accordance with section 3507(j)(1)(b) of that statute, the FAA requested the Office of Management and Budget to grant an immediate emergency clearance on a paperwork package it has submitted. The collection of information was approved and assigned OMB Control Number 2120–0677 and expires August 2002. The following is a summary of the information collection activity.

Need: This rule will constitute a recordkeeping burden for persons conducting operations at specific airports in the Washington, DC area.

Description of Respondents: Airport operators, flightcrew members, Maryland State government.

Estimated Burden: The FAA expects that this rule will affect three airports, the State of Maryland, and persons flying to or from these airports. The final rule, while imposing additional reporting and recordkeeping requirements on those operators, will have the following impacts:

- All airports will have to prepare a security program and get it approved by the FAA. This will take approximately 30 hours per program.
- Each airport having approved security procedures must maintain a copy of the procedures and make it available to FAA personnel upon request. This will take approximately 10 hours annually per airport, for a total of 30 hours.
- After receipt of a notice to modify its security procedures, an airport operator may either submit modified procedures or request that the FAA reconsider the modification. This will take approximately 4 hours annually per airport, for a total of 12 hours.
- Each airport manager will need to spend 2 hours each to prepare a security-related briefing for all airport employees and pilots. This will take approximately 2 hours per airport, for a total of 6 hours.
- Persons seeking to operate to or from the affected airports will need to provide specific documentation to the FAA. This will take a total of approximately 183 hours.
- Persons seeking to operate to or from the affected airports will need to go to specified locations to get fingerprinted. This will take approximately 438 hours.
- All persons operating to or from these airports will have to file a flight plan. While the number of flights at these airports may decline, the FAA is assuming time and costs based on the historical number of flights from each airport. This will take approximately 7,416 hours annually.
- Persons who wish to fly from these three airports after they open will need to receive a briefing and be fingerprinted. This will take approximately 124 hours annually.

Based on the above, we estimate the total annual burden on the public to be 8,299 hours, with a corresponding hourly cost of $255,868.

Economic Analyses

This rulemaking action is taken under an emergency situation within the meaning of Section 6(a)(3)(D) of Executive Order 12866, Regulatory Planning and Review. It also is considered an emergency regulation under Paragraph 11g of the Department of Transportation (DOT) Regulatory Policies and Procedures. In addition, it is a significant rule within the meaning of the Executive Order and DOT's

policies and procedures. No regulatory analysis or evaluation accompanies this rule. The FAA is not able to assess whether this rule will have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act of 1980, as amended. When no notice of proposed rulemaking has first been published, no such assessment is required for a final rule. The FAA recognizes that this rule may impose significant costs on some airports and aircraft operators. These costs will occur as a result of developing and implementing security procedures and also as a result of the loss of aircraft and airport utility incurred when those security procedures are implemented. To ensure the safety and security of operations at the affected airports, however, the current security threat requires that operators comply with approved security procedures.

Executive Order 13132, Federalism

The FAA has analyzed this rule under the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we have determined that this final rule does not have federalism implications.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104–4 on March 22, 1995 is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.''

This rule does not contain such a mandate. Additionally, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply when no notice of proposed rulemaking has first been published. Accordingly, the FAA has not prepared a statement under the Act.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j) this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of this SFAR has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Public Law 94–163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that this SFAR is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Security.

The Amendment

For the reasons stated in the preamble, the Federal Aviation Administration amends 14 CFR chapter I as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 40101, 44111, 44701, 44709, 44711; 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 stat. 1180).

2. Add Special Federal Aviation Regulation (SFAR) No. 94 to read as follows:

SFAR No. 94—Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area

1. *Applicability.* This Special Federal Aviation Regulation (SFAR) establishes rules for all persons operating an aircraft to or from the following airports located within the airspace designated as the Washington, DC Metropolitan Area Special Flight Rules Area:

(a) College Park Airport (CGS).

(b) Potomac Airfield (VKX).

(c) Washington Executive/Hyde Field (W32).

2. *Definitions.* For the purposes of this SFAR the following definitions apply:

Administrator means the Federal Aviation Administrator, the Under Secretary of Transportation for Security, or any person delegated the authority of the Federal Aviation Administrator or Under Secretary of Transportation for Security.

Washington, DC Metropolitan Area Special Flight Rules Area means that airspace within an area from the surface up to but not including Flight Level 180, bounded by a line beginning at the Washington (DCA) VOR/DME 300 degree radial at 15 nautical miles (Lat. 38°56′55″ N., Long. 77°20′08″ W.); thence clockwise along the DCA 15 nautical mile arc to the DCA 022 degree radial at 15 nautical miles (Lat. 39°06′11″ N., Long 76°57′51″ W.); thence southeast via a line drawn to the DCA 049 degree radial at 14 nautical miles (Lat. 39°02′18″ N., Long. 76°50′38″ W.); thence south via a line drawn to the DCA 064 degree radial at 13 nautical miles (Lat. 38°59′01″ N., Long. 76°48′32″ W.); thence clockwise along the DCA 13 nautical mile arc to the DCA 282 degree radial at 13 nautical miles (Lat. 38°52′14″ N., Long 77°18′48″ W.); thence north via a line drawn to the point of the beginning; excluding the airspace within a one nautical mile radius of Freeway Airport (W00), Mitchellville, Md.

3. *Operating requirements.*

(a) Except as specified in paragraph 3(c) of this SFAR, no person may operate an aircraft to or from an airport to which this SFAR applies unless security procedures that meet the provisions of paragraph 4 of this SFAR have been approved by the Administrator for operations at that airport.

(b) Except as specified in paragraph 3(c) of this SFAR, each person serving as a required flightcrew member of an aircraft operating to or from an airport to which this SFAR applies must:

(1) Prior to obtaining authorization to operate to or from the airport, present to the Administrator the following:

(i) A current and valid airman certificate;

(ii) A current medical certificate;

(iii) One form of Government issued picture identification; and

(iv) A list containing the make, model, and registration number of each aircraft that the pilot intends to operate to or from the airport;

(2) Successfully complete a background check by a law enforcement agency, which may include submission of fingerprints and the conduct of a criminal history, records check.

(3) Attend a briefing acceptable to the Administrator that describes procedures for operating to or from the airport;

(4) Not have been convicted or found not guilty by reason of insanity, in any jurisdiction, during the 10 years prior to being authorized to operate to or from the airport, or while authorized to operate to or from the airport, of those crimes specified in § 108.229 (d) of this chapter;

(5) Not have a record on file with the FAA of:

(i) A violation of a prohibited area designated under part 73 of this chapter, a flight restriction established under § 91.141 of this chapter, or special security instructions issued under § 99.7 of this chapter; or

(ii) More than one violation of a restricted area designated under part 73 of this chapter, emergency air traffic rules issued under § 91.139 of this chapter, a temporary flight restriction designated under § 91.137, § 91.138, or § 91.145 of this chapter, an area designated under § 91.143 of this chapter, or any combination thereof;

(6) Be authorized by the Administrator to conduct operations to or from the airport;

(7) Protect from unauthorized disclosure any identification information issued by the Administrator for the conduct of operations to or from the airport;

(8) Operate an aircraft that is authorized by the Administrator for operations to or from the airport;

(9) File an IFR or VFR flight plan telephonically with Leesburg AFSS prior to departure and obtain an ATC clearance prior to entering the Washington, DC Metropolitan Area Special Flight Rules Area;

(10) Operate the aircraft in accordance with an open IFR or VFR flight plan while in the Washington, DC Metropolitan Area Special Flight Rules Area, unless otherwise authorized by ATC;

(11) Maintain two-way communications with an appropriate ATC facility while in the Washington, DC Metropolitan Area Special Flight Rules Area;

(12) Ensure that the aircraft is equipped with an operable transponder with altitude reporting capability and use an assigned discrete beacon code while operating in the Washington, DC Metropolitan Area Special Flight Rules Area;

(13) Comply with any instructions issued by ATC for the flight;

(14) Secure the aircraft after returning to the airport from any flight;

(15) Comply with all additional safety and security requirements specified in applicable NOTAMs; and

(16) Comply with any Transportation Security Administration, or law enforcement requirements to operate to or from the airport.

(c) A person may operate a U.S. Armed Forces, law enforcement, or aeromedical services aircraft to or from an affected airport provided the operator complies with paragraphs 3(b)(10) through 3(b)(16) of this SFAR and any additional procedures specified by the Administrator necessary to provide for the security of aircraft operations to or from the airport.

4. *Airport Security Procedures.*

(a) Airport security procedures submitted to the Administrator for approval must:

(1) Identify and provide contact information for the airport manager who is responsible for ensuring that the security procedures at the airport are implemented and maintained;

(2) Contain procedures to identify those aircraft eligible to be authorized for operations to or from the airport;

(3) Contain procedures to ensure that a current record of those persons authorized to conduct operations to or from the airport and the aircraft in which the person is authorized to conduct those operations is maintained at the airport;

(4) Contain airport arrival and departure route descriptions, air traffic control clearance procedures, flight plan requirements, communications procedures, and procedures for transponder use;

(5) Contain procedures to monitor the security of aircraft at the airport during operational and non-operational hours and to alert aircraft owners and operators, airport operators, and the Administrator of unsecured aircraft;

(6) Contain procedures to ensure that security awareness procedures are implemented and maintained at the airport;

(7) Contain procedures to ensure that a copy of the approved security procedures is maintained at the airport and can be made available for inspection upon request of the Administrator;

(8) Contain procedures to provide the Administrator with the means necessary to make any inspection to determine compliance with the approved security procedures; and

(9) Contain any additional procedures necessary to provide for the security of aircraft operations to or from the airport.

(b) Airport security procedures are approved without an expiration date and remain in effect unless the Administrator makes a determination that operations at the airport have not been conducted in accordance with those procedures or that those procedures must be amended in accordance with paragraph 4.(a)(9) of this SFAR.

5. *Waivers.* The Administrator may permit an operation to or from an airport to which this SFAR applies, in deviation from the provisions of this SFAR if the Administrator finds that such action is in the public interest, provides the level of security required by this SFAR, and the operation can be conducted safely under the terms of the waiver.

6. *Delegation.* The authority of the Administrator under this SFAR is also exercised by the Associate Administrator for Civil Aviation Security and the Deputy Associate Administrator for Civil Aviation Security. This authority may be further delegated.

7. *Expiration.* This Special Federal Aviation Regulation shall remain in effect until February 13, 2003.

Issued in Washington, DC on February 12, 2002.

Jane F. Garvey,

Administrator.

[FR Doc. 02–3846 Filed 2–13–02; 10:48 am]

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Federal Register

Tuesday,
February 19, 2002

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 91

Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2002–11580; SFAR 94]

RIN 2120–AH62

Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, request for comments.

SUMMARY: This action requires any person operating an aircraft to or from College Park Airport (CGS), Potomac Airfield (VKX), and Washington Executive/Hyde Field (W32) to conduct those operations in accordance with security procedures approved by the Administrator. Operations under 14 CFR part 91 have been prohibited at these airports as a result of Notices to Airmen (NOTAMs) issued after September 11, 2001. This action is being taken to restore aircraft operations at these airports while attempting to counter possible terrorist threats to the National Capital region.

DATES: This action is effective February 13, 2002, and shall remain in effect until February 13, 2003. Submit comments by April 22, 2002.

ADDRESSES: Address your comments to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW, Washington, DC 20590. You must identify the docket number FAA–2002–11580 at the beginning of your comments, and you should submit two copies of your comments. If you wish to receive confirmation that the FAA received your comments, include a self-addressed, stamped postcard. You may also submit comments through the Internet to http://dms.dot.gov.

You may review the public docket containing comments to these regulations in person in the Dockets Office between 9:00 a.m. and 5:00p.m., Monday through Friday, except Federal holidays. The Dockets Office is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. You may also review public dockets on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: *Questions on this rulemaking:* Bruce Landry, ACP–200, Office of Civil Aviation Security Policy and Planning, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591; telephone (202) 267–8320.

Questions on security procedures and obtaining security procedure approval or waivers: Washington Civil Aviation Security Field Office (WAS CASFO), Washington Dulles International Airport, 45005 Aviation Drive Suite 110, Washington, DC 20166; telephone (703) 661–6070. You can also find guidance on drafting security procedures at http://cas.faa.gov/usa.html.

SUPPLEMENTARY INFORMATION:

Comments Invited

This final rule is being adopted without prior notice and prior public comment. The Regulatory Policies and Procedures of the Department of Transportation (DOT) (44 FR 1134; Feb 26, 1979) provide that, to the maximum extent possible, operating administrations for the DOT should provide an opportunity for public comment on regulations issued without notice. Accordingly, interested persons are invited to participate in the rulemaking by submitting written data, views, or arguments. Comments relating to the environmental, energy, federalism, or economic impact that might result from this amendment also are invited. Comments must include the docket number or amendment number and must be submitted in duplicate to the address above. All comments received, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking, will be filed in the public docket. The docket is available for public inspection before and after the comment closing date.

The FAA will consider all comments received on or before the closing date for comments. Late-filed comments will be considered to the extent practicable. The final rule may be amended in light of the comments received.

See **ADDRESSES** above for information on how to submit comments.

Availability of This Action

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to search function of the Department of Transportation's electronic Docket Management System (DMS) Web page (http://dms.dot.gov/search).

(2) On the search page type in the last five digits of the docket number shown at the beginning of this document. Click on ''search.''

(3) On the next page, which contains the docket summary information for the Docket you selected, click on the final rule.

You can also get an electronic copy using the Internet through FAA's web page at http://www.faa.gov/avr/armhome.htm or the Government Printing Office's web page at http://www.access.gpo.gov/su_docs/aces/aces140html.

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW, Washington, DC 20591, or by calling (202) 267–9680. Be sure to identify the amendment number or docket number of this final rule.

Small Entity Inquiries

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within the FAA's jurisdiction. Therefore, any small entity that has a question regarding this document may contact its local FAA official. Internet users can find additional information on SBREFA on the FAA's web page at http:www.faa.gov/avr/arm/sbrefa.htm and send electronic inquiries to the following Internet address: 9-AWA-SBREFA@faa.gov.

Background

After the September 11, 2001, terrorist attacks against four U.S. commercial aircraft resulting in the tragic loss of human life at the World Trade Center, the Pentagon, and in southwest Pennsylvania, the FAA immediately prohibited all aircraft operations within the territorial airspace of the United States, with the exception of certain military, law enforcement, and emergency related aircraft operations. This general prohibition was lifted in part on September 13, 2001. In the Washington, DC Metropolitan area, however, aircraft operations remained prohibited at all civil airports within a 25-nautical mile radius of the Washington (DCA) VOR/DME. This action was accomplished through emergency air traffic rules issued pursuant to title 14, Code of Federal Regulations (14 CFR) 91.139 and the implementation of temporary flight restrictions (TFRs) issued pursuant to 14 CFR 91.137.

On October 4, 2001, limited air carrier operations were permitted to resume at Ronald Reagan Washington National Airport (DCA). On October 5, 2001, the FAA issued NOTAM 1/0989, which authorized instrument flight rules (IFR) operations and limited visual flight rules (VFR) operations within an 18 to 25 nautical mile radius from the DCA

VOR/DME in accordance with emergency air traffic rules issued under 14 CFR 91.139. Exceptions to the restrictions affecting part 91 operations in the Washington, DC area issued since September 11th were made to permit the repositioning of aircraft from airports within the area of the TFR and to permit certain operations conducted under waivers issued by the FAA.

On December 19, 2001, the FAA canceled NOTAM 1/0989 and issued NOTAM 1/3354 that set forth special security instructions under 14 CFR 99.7 and created a new TFR under 14 CFR 91.137. That action significantly decreased the size of the area subject to the earlier prohibitions on part 91 operations in the Washington, DC area and permitted operations at Freeway (W00), Maryland (2W5), and Suburban (W18) airports. At the same time, the FAA eliminated all ''enhanced Class B airspace flight restrictions'' Enhanced Class B airspace consisted of that airspace underlying and overlying Class B airspace from the surface to flight level 180. The associated rules and/or the services prescribed for Class B airspace and the underlying/overlying airspace were not changed by the imposition or elimination of Enhanced Class B airspace flight restrictions.

Although many of the restrictions on operations in the Washington, DC area have been eliminated, NOTAM 1/3354 continues to prohibit aircraft operations under part 91 at College Park Airport, Potomac Airfield, and Washington Executive/Hyde Field. In 2000, approximately 89,000 part 91operations were conducted from these airports. The current restrictions have caused significant economic hardship for these airport operators, aircraft owners and operators based at the airports, and businesses located on, or dependent upon, the continued operation of the airports. These operational restrictions have remained in effect longer than the restrictions imposed in other areas because of the proximity of the airports to the significant number of critical government assets in the National Capital region and the continuing threat to that area.

After discussions with the National Security Council, the United States Secret Service, the Department of Defense, and the Office of Homeland Security, it was determined that national security concerns regarding operations at College Park Airport, Potomac Airfield, and Washington Executive/Hyde Field could be addressed by permitting operations at these airports in accordance with the air traffic and security procedures set forth in this SFAR. Applying the restrictions in this SFAR to operations to or from these airports will help to protect critical national assets against an airborne threat while permitting the resumption of operations at these airports. This action is taken in accordance with the Administrator's statutory mandate found in section 44701(a)(5) of Title 49, United States Code (49 U.S.C.) to promote the safe flight of civil aircraft in air commerce by prescribing regulations and minimum standards necessary for safety in air commerce and national security.

Justification for Emergency Final Rule

Because flight operations at airports affected by this SFAR have been prohibited since September 11, 2001, and in recognition of the need to restore operations at these airports in a manner that responds to the current security threat, the FAA is adopting this SFAR as an emergency final rule pursuant to section 553 of the Administrative Procedures Act (APA). Section 553(b)(B) of the APA permits an agency to forego notice and comment rulemaking when ''the agency for good cause finds * * * that notice and public procedures thereon are impracticable, unnecessary or contrary to the public interest.'' The FAA finds that the use of notice and public procedures for this SFAR is impracticable and contrary to the public interest. The use of notice and comment procedures prior to issuing this final rule would only delay the relief provided by this SFAR to airport operators, aircraft operators, and businesses affected by the prohibition on operations at the affected airports. A delay would significantly increase the economic burden on persons conducting operations that have been prohibited under previous actions enacted without notice and public comment and possibly result in the permanent closure of affected airports. As previously noted, however, the FAA is requesting comments on this SFAR and may modify the rule in response to these comments.

Discussion

Affected Airports and Operations

This SFAR requires each person operating an aircraft to or from College Park Airport (CGS), Potomac Airfield (VKX), and Washington Executive/Hyde Field (W32) to comply with specified air traffic procedures and security procedures approved by the Administrator. As a general operating rule, its provisions apply to any person operating an aircraft to or from one of these airports. It affects all aircraft operations at these airports, including those conducted under 14 CFR part 91, those for which an air carrier or an operating certificate may be issued under 14 CFR part 119 (14 CFR parts 121, 125, and 135), and those which may be conducted under part 129, 133, or 137.

The provisions of this rule do not apply to the operation of ultralight vehicles, which must be conducted in accordance with 14 CFR part 103. Part 103 contains prohibitions on the operation of ultralight vehicles in certain airspace, including both prohibited and restricted areas, and other areas designated by NOTAM. Operators of ultralight vehicles should review current NOTAMs to determine the status of ultralight operations at these airports and within the special flight rules area.

Although the FAA considered including operations to or from other airports within the Washington, DC Metropolitan Area Special Flight Rules Area under the provisions of this rule, only operations to or from the three airports specified in this SFAR are subject to its provisions. The FAA intends to specifically address air traffic and security procedures for part 91 operations at other airports within the Washington, DC Metropolitan Area Special Flight Rules Area in future actions.

In formulating this rule, the FAA considered retaining the current prohibition on operations to and from these airports and permitting operations at these airports with operational restrictions more stringent than those imposed by this rule. The FAA has determined, however, that it is inappropriate and unnecessary to continue the current prohibition on operations at these airports, and that the costs of imposing more restrictive measures on such operations would far outweigh any potential benefits.

Definitions

For the purpose of this rule, the FAA defines the terms ''Administrator'' and ''Washington, DC Metropolitan Area Special Flight Rules Area.''

The definition of ''Administrator'' is similar to the definition of ''Administrator'' contained in 14 CFR 1.1. The definition includes a reference to the Under Secretary of Transportation for Security, which clarifies that the Under Secretary may also take any of those actions that may be taken by the Administrator under this rule.

The SFAR also defines the Washington, DC Metropolitan Area Special Flight Rules Area. The airspace defined as the Washington, DC Metropolitan Area Special Flight Rules

Area generally approximates an area that varies in distance from 13-to-15 nautical miles from the Washington (DCA) VOR/DME (with specific exclusions to permit operations at Freeway airport (W00) and a VFR corridor between Washington and Baltimore).

Operating Requirements

Under the provisions of this SFAR, no person may operate an aircraft to or from an affected airport unless security procedures have been approved by the Administrator for operations at that airport. Additionally, each person serving as a required flightcrew member of an aircraft operating to or from an affected airport must provide certain information to the Administrator, meet certain background requirements, comply with specified air traffic rules, and comply with the approved security procedures for operations at those airports.

This SFAR does not impose information collection requirements on persons intending to operate to or from the affected airports. Rather, the FAA is requiring those persons to present their airman and medical certificates and picture identifications to ensure that the FAA can properly confirm their identities. This identification information will be shared with the United States Secret Service, the Transportation Security Administration (TSA), and other law enforcement authorities to facilitate security checks, background investigations, and criminal records checks necessary to permit a person to receive authorization to operate to or from an airport.

This SFAR requires a person seeking authorization to operate to or from an affected airport to successfully complete a background check by a law enforcement agency. This check routinely requires the submission of fingerprints and the conduct of a criminal history records check. The completion of a background check, which includes the collection of fingerprints and the conduct of a criminal history records check, will be conducted under the authority provided to the Under Secretary of Transportation for Security in section 101 of the Aviation and Transportation Security Act (Pub. L. 107–71) as codified in 49 U.S.C. 114(f)(2)(3) and (5). That section states that the Under Secretary has the authority to ''assess threats to transportation; develop policies, strategies and plans for dealing with threats to transportation security; [and] serve as the primary liaison to the intelligence and law enforcement communities.''

Any person seeking authorization to operate to or from an affected airport will also be required to identify any aircraft that he or she intends to fly to or from that airport. This information will be correlated with a list of aircraft based at the airport. This list will be provided to the FAA in accordance with an affected airport's approved security procedures. The FAA initially intends to authorize operations of those aircraft based at an airport on September 11, 2001. After a procedural validation period, the FAA may authorize operations to or from an affected airport by persons operating aircraft not based at the airport.

Persons seeking to operate to or from an affected airport can present the information required by this rule in person to the Washington Civil Aviation Security Field Office (CASFO). To minimize the administrative burden of this procedure, the FAA will have personnel at the affected airports or other local venues to accept this information at specified times.

This SFAR also requires each person seeking authorization to attend a briefing that will describe procedures for operating to or from the airport. The requirement to attend a briefing stems from the FAA's recognition of the criticality of ensuring full compliance with the provisions of this SFAR. To ensure all authorized persons understand their responsibilities under this SFAR, attendance at a briefing is a prerequisite to conducting operations at an affected airport. These briefings initially will be presented by FAA Civil Aviation Security, Flight Standards, and Air Traffic Services personnel, and representatives of the Secret Service. The FAA will provide the widest possible dissemination of information specifying the time and place of these briefings. After an initial validation period, the FAA may permit persons responsible for implementing approved security procedures at affected airports or other specified individuals to give these briefings.

To minimize the possibility that a person inclined to engage in an action that might constitute a threat to government assets contained in the National Capital region, the SFAR requires that a person not have been convicted, or found not guilty by reason of insanity, in any jurisdiction of certain crimes during the 10 years prior to being authorized to operate to or from the airport, or while authorized to operate to or from the airport. The information and fingerprints provided by a person seeking to operate to or from an affected airport will be used to facilitate the conduct of criminal records history checks by TSA, or other delegated law enforcement agencies to verify that this requirement has been met. Those crimes which would disqualify an individual from conducting operations at an affected airport are identical to those specified in 14 CFR 108.229(d) under the authority provided by 49 U.S.C. 44936. Section 108.229(d) applies to employees covered under a certification made to certain airport operators under 14 CFR part 107, individuals issued identification for unescorted access within a security identification display area (SIDA), and certain individuals assigned to perform or supervise screening functions.

The disqualifying criminal offenses are as follows—

(1) Forgery of certificates, false marking of aircraft, and other aircraft registration violation; 49 U.S.C. 46306.

(2) Interference with air navigation; 49 U.S.C. 46308.

(3) Improper transportation of a hazardous material; 49 U.S.C. 46312.

(4) Aircraft piracy; 49 U.S.C. 46502.

(5) Interference with flight crew members or flight attendants; 49 U.S.C. 46504.

(6) Commission of certain crimes aboard aircraft in flight; 49 U.S.C. 46506.

(7) Carrying a weapon or explosive aboard aircraft; 49 U.S.C. 46505.

(8) Conveying false information and threats; 49 U.S.C. 46507.

(9) Aircraft piracy outside the special aircraft jurisdiction of the United States; 49 U.S.C. 46502(b).

(10) Aircraft lighting violations involving transporting controlled substances; 49 U.S.C. 46315.

(11) Unlawful entry into an aircraft or airport area that serves air carriers or foreign air carriers contrary to established security requirements; 49 U.S.C. 46314.

(12) Destruction of an aircraft or aircraft facility; 18 U.S.C. 32.

(13) Murder.

(14) Assault with intent to murder.

(15) Espionage.

(16) Sedition.

(17) Kidnapping or hostage taking.

(18) Treason.

(19) Rape or aggravated sexual abuse.

(20) Unlawful possession, use, sale, distribution, or manufacture of an explosive or weapon.

(21) Extortion.

(22) Armed or felony unarmed robbery.

(23) Distribution of, or intent to distribute, a controlled substance.

(24) Felony arson.

(25) Felony involving a threat.

(26) Felony involving—

(i) Willful destruction of property;

(ii) Importation or manufacture of a controlled substance;
(iii) Burglary;
(iv) Theft;
(v) Dishonesty, fraud, or misrepresentation;
(vi) Possession or distribution of stolen property;
(vii) Aggravated assault;
(viii) Bribery; or
(ix) Illegal possession of a controlled substance punishable by a maximum term of imprisonment of more than 1 year.
(27) Violence at international airports; 18 U.S.C. 37.
(28) Conspiracy or attempt to commit any of the criminal acts listed in this paragraph.

Additionally, TSA or other delegated law enforcement authorities may impose specific requirements for the conduct of operations to or from the affected airports, such as a requirement for the collection of fingerprints to facilitate the completion of a background investigation. Persons seeking to operate to or from the affected airports will be notified of any additional requirements by TSA, other delegated law enforcement authorities, or the FAA. The FAA will not authorize a person to operate to or from an airport unless he or she has complied with these requirements.

A record of a single violation of a prohibited area designated under 14 CFR part 73, a flight restriction established under 14 CFR 91.141 (to protect the President, Vice President, or other public figures), or special security instructions issued under 14 CFR 99.7 is indicative of a potential risk that a pilot may possess a compliance disposition inappropriate for operations to or from airports which are located in close proximity to critical governmental assets. A record of multiple violations of a restricted area designated under 14 CFR part 73, emergency air traffic rules issued under 14 CFR 91.139, a temporary flight restriction designated under 14 CFR 91.137, 91.138, or 91.145 or an area designated under 14 CFR 91.143 (or any combination thereof) is also indicative of a similar risk. In view of the critical need to protect national assets within the Special Flight Rules Area, the FAA will review the records of airmen who request authorization to conduct operations at the affected airports and will not authorize operations if the airman's records contains a history of such violations.

As an alternative, the FAA considered eliminating the personnel verification requirements set forth above. In view of the current threat and the need to help preclude the possibility of persons with hostile intent from conducting operations at these airports, it has been determined that the absence of a personnel verification requirement would impose too significant a risk to the critical governmental assets contained within the National Capital region.

Upon meeting the specified requirements and completing the necessary records checks, an individual will be authorized by the FAA to conduct operations at an affected airport. The authorization will also specify those aircraft in which the person may conduct the authorized operations. Additionally, the authorization provided by the FAA will include a unique identification code, which the individual will use when filing a flight plan with Leesburg Automated Flight Service Station (AFSS), to operate to or from an affected airport. To ensure the security of operations to or from the affected airport, any individual who has received an identification code must protect it from unauthorized disclosure.

Operations to or from the affected airport while within the Special Flight Rules Area will only be permitted in accordance with an open IFR or VFR flight plan. This flight plan must be filed telephonically with Leesburg AFSS. Flight plans filed via Direct User Access Terminals (DUAT), while airborne, or with another Flight Service Station will not be accepted for operations to or from the affected airports.

Prior to departure from the airport, or prior to entering the Special Flight Rules Area en route to an affected airport, a pilot must obtain an air traffic control (ATC) clearance and maintain two-way radio communications with ATC. Aircraft must be equipped with an operable transponder with altitude reporting capability and transmit an assigned beacon code while operating in the Special Flight Rules Area. Aircraft will normally be cleared to or from the airport via specified direct routes. ATC will not issue clearances that permit closed traffic operations within the traffic patterns at these airports. The applicable ATC procedures will be published in the approved security procedures for the airport and may be published as NOTAMs or as graphical notices in the appropriate Airport/Facility Directory. Any attempt by a pilot to deviate from the assigned route or other provisions of an ATC clearance while within the Special Flight Rules Area will result in the exercise of appropriate protective measures by military or law enforcement personnel.

The SFAR requires that, upon returning to the airport, the operator take appropriate measures to secure the aircraft from unauthorized use. This may consist of locking the aircraft, securing the aircraft in a locked hangar, installing a propeller or throttle lock, or other similar measures.

The FAA recognizes that law enforcement, military, and aeromedical services aircraft may operate from the affected airports. The U.S. Armed Forces and law enforcement agencies have already adopted extensive security procedures to protect their aircraft from unauthorized use. Persons operating these aircraft have been subjected to extensive background and criminal records history checks. Because operators of these aircraft must comply with the extensive security procedures adopted by these agencies and departments, operators of these aircraft will not be subject to the procedural requirements in this rule intended primarily for private aircraft operations. They will, however, be required to comply with those ATC procedures necessary to ensure adequate control of operations at these airports and other specific requirements imposed by TSA or other delegated law enforcement agencies.

Due to the critical nature of operations conducted in aeromedical services aircraft, persons conducting operations in these aircraft will not be required to comply with the full range of security procedures at affected airports. The unscheduled and frequently critical nature of these operations necessitates relief from many of the security procedures required for other civil aircraft operations. Operators must, however, secure the aircraft while on the ground at the airport and comply with airport arrival and departure routes, ATC clearance procedures, flight plan requirements, communications procedures, procedures for transponder use, and other requirements that may be issued by TSA or other delegated law enforcement agencies.

Airport Security Procedures

This SFAR requires any person conducting operations to or from an affected airport within the Washington, DC Metropolitan Area Special Flight Rules Area to comply with security procedures approved by the Administrator. The affected airports currently are not required to implement security procedures under an approved security program such as that required at Ronald Reagan Washington National Airport under 14 CFR part 107. This rule will provide an increased level of security at affected airports by requiring

operations to be conducted in accordance with approved security procedures.

To provide persons seeking approval of security procedures with maximum flexibility in their development and implementation, the SFAR does not mandate that they be developed and implemented only by an airport operator. The SFAR does not preclude airport owners, airport authorities, and State or local governments from submitting procedures to the Administrator for approval.

For security procedures to be approved for an affected airport they must:

- Identify and provide contact information for the airport manager who is responsible for ensuring that the security procedures at the airport are implemented and maintained;
- Contain procedures to identify those aircraft eligible to be authorized for operations to or from the airport;
- Contain procedures to ensure that a current record of those persons authorized to conduct operations to or from the airport and the aircraft in which the person is authorized to conduct those operations is maintained at the airport;
- Contain airport arrival and departure route descriptions, air traffic control clearance procedures, flight plan requirements, communications procedures, and procedures for transponder use;
- Contain procedures to monitor the security of aircraft at the airport during operational and non-operational hours and to alert aircraft owners and operators, airport operators, and the Administrator of unsecured aircraft;
- Contain procedures to ensure that security awareness procedures are implemented and maintained at the airport;
- Contain procedures to ensure that a copy of the approved security procedures is maintained at the airport and can be made available for inspection upon request of the Administrator;
- Contain procedures to provide the Administrator with the means necessary to make any inspection to determine compliance with the approved security procedures; and
- Contain any additional procedures necessary to provide for the security of aircraft operations to or from the airport.

The requirements specified in these security procedures are based upon current intelligence and threat assessments provided to the FAA. The FAA recognizes that the SFAR imposes requirements upon aircraft operators that will result in increased costs and inconvenience. The FAA has weighed these costs against the continued prohibition of aircraft operations at airports affected by the SFAR and has determined that affording operators of airports affected by this rule with an opportunity to resume operations is in the public interest.

In developing requirements for the contents of approved security procedures, the FAA considered numerous alternatives. For example, the FAA considered requiring an individual with law enforcement authority to inspect departing aircraft (and verify the identities of their occupants) at the affected airports and to require arriving aircraft to land at ''gateway airports'' outside the Special Flight Rules Area for similar inspections and checks prior to proceeding to an affected airport. The FAA determined that such requirements would impose significant costs on airport operators and persons conducting operations to or from the affected airports. Additionally, such requirements would significantly decrease the use of the affected airports and result in the further relocation of aircraft away from the airports specified in this rule. The FAA also considered permitting security personnel without law enforcement authority or personnel employed by fixed base operators to perform these inspections and checks. These alternatives were rejected for similar reasons.

To provide the FAA with a means to effectively ensure that security procedures are being implemented and maintained, approved security procedures must include the name and contact information for the airport manager who has responsibility for this task. The airport manager is specifically identified on the airport operating license issued by the Maryland Department of Transportation for an airport. The FAA must be able to contact this person if any deviation from the requirements of the approved security procedures is discovered. That action will ensure that any discrepancy is immediately corrected.

The requirement to identify aircraft eligible to be authorized to operate at an airport is intended to afford the FAA the means to effectively control operations at the airport. To properly evaluate the implementation of approved procedures, the FAA may initially only authorize the arrival and departure of aircraft based at an affected airport, and pilots conducting operations in such aircraft. By providing the FAA a list of based aircraft, the FAA will be able to more rapidly provide relief to those persons most in need of authorization to conduct operations at the affected airports.

The FAA will provide the approval holder with a list of those persons authorized to conduct operations at an airport and the aircraft those persons are authorized to operate. Upon authorizing any additional person to conduct operations at an airport, the FAA will provide the approval holder with a revised list. This list must be maintained at the airport. This list should be given the widest possible dissemination at the airport to ensure that all persons conducting operations there are aware of its contents. It can be used to assist all personnel at the airport when monitoring operations in accordance with the airport's security awareness program.

Airport arrival and departure route descriptions, air traffic control clearance procedures, flight plan requirements, communications procedures, and procedures for transponder use will be established by ATC. Requiring these procedures to be included in the approved security procedures will provide all operators with an additional readily available reference to consult in flight planning. A copy of the security procedures must also be made available for inspection by the Administrator upon request.

Approval holders must also implement and maintain a security awareness program at the airport. This program should address both airport and aircraft security and include procedures for persons conducting operations at the airport to report suspicious activity. Approval holders should notify all operators of the need to monitor the security of aircraft at the airport and to establish procedures to immediately secure any unsecured aircraft. A means of rapidly notifying aircraft owners of improperly secured aircraft or non-compliance with the approved security procedures for an airport is essential.

Although security procedures must meet the requirements of the SFAR, persons seeking approval of security procedures should ensure that the procedures are tailored to meet the specific operational needs of airport and aircraft operators. The security procedures should address the various types of threat vulnerabilities that could apply to operations conducted to or from the affected airport. The FAA expects that threat conditions may change rapidly, and therefore may withdraw approvals of security procedures or require the implementation of revised security procedures at certain times in response to changed threats. Additionally, to

ensure that the Administrator can evaluate the effectiveness of approved security procedures, the procedures must describe the means that will be provided to the Administrator to make any inspection to determine compliance with approved security procedures. Non-compliance with approved security procedures may result in withdrawal of the approval for the security procedures at an airport.

The FAA will inform all aircraft operators that an airport has approved security procedures. The FAA will publish specific procedures that airmen must comply with as Notices to Airman (NOTAMs) and in the Airport/Facility Directory. The FAA also expects to publish these procedures on its web site (www.faa.gov). Persons can obtain specific guidance on complying with, drafting, or obtaining approval for security procedures by contacting the Washington Civil Aviation Security Field Office specified under **FOR FURTHER INFORMATION CONTACT.** Persons can also find guidance on drafting security procedures at http://cas.faa.gov/usa.html.

Waivers

Paragraph 5 of this SFAR specifies that the FAA may issue a waiver if it finds that an operation at an affected airport is in the public interest, can be conducted safely, and that an equivalent level of security can be provided under the terms of the waiver. The FAA notes, for instance, that some operators subject to this SFAR may be implementing strong security practices that may not meet the specific provisions of the SFAR. The FAA may consider whether those or other practices warrant the grant of a waiver.

Official Contacts

Due to the emergency nature of this rule and the need to develop security procedures that can be rapidly implemented, the FAA has discussed the provisions of this SFAR with representatives of the airports affected by the SFAR and a number of industry associations whose members will also be affected by the SFAR. The FAA has discussed and received information regarding security procedures that could be implemented by these airports from the National Association of State Aviation Officials (NASAO), State of Maryland Department of Aviation, National Business Aviation Association (NBAA), Aircraft Owners and Pilots Association (AOPA), National Air Transportation Association (NATA), Helicopter Association International (HAI), and individual airport operators. Information submitted by these associations and individuals is contained in the docket for this rule.

Justification for Immediate Adoption

Because the circumstances described herein warrant immediate action, the Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and contrary to the public interest. Further, the Administrator finds that good cause exists under 5 U.S.C. 553(d) for making this rule effective less than 30 days after publication in the **Federal Register**. This action is necessary to permit aircraft operations to resume at the affected airports while preventing possible hazardous actions directed against aircraft, persons, and property within the United States.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA determined that there are no ICAO Standards and Recommended Practices that correspond to this SFAR.

Paperwork Reduction Act

This emergency rule contains information collection activities subject to the Paperwork Reduction Act (44 U.S.C. 3507(d)). In accordance with the Paperwork Reduction Act, the paperwork burden associated with the rule will be submitted to the Office of Management and Budget (OMB) for review. As protection provided by the Paperwork Reduction Act, 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. In accordance with section 3507(j)(1)(b) of that statute, the FAA requested the Office of Management and Budget to grant an immediate emergency clearance on a paperwork package it has submitted. The collection of information was approved and assigned OMB Control Number 2120–0677 and expires August 2002. The following is a summary of the information collection activity.

Need: This rule will constitute a recordkeeping burden for persons conducting operations at specific airports in the Washington, DC area.

Description of Respondents: Airport operators, flightcrew members, Maryland State government.

Estimated Burden: The FAA expects that this rule will affect three airports, the State of Maryland, and persons flying to or from these airports. The final rule, while imposing additional reporting and recordkeeping requirements on those operators, will have the following impacts:

- All airports will have to prepare a security program and get it approved by the FAA. This will take approximately 30 hours per program.
- Each airport having approved security procedures must maintain a copy of the procedures and make it available to FAA personnel upon request. This will take approximately 10 hours annually per airport, for a total of 30 hours.
- After receipt of a notice to modify its security procedures, an airport operator may either submit modified procedures or request that the FAA reconsider the modification. This will take approximately 4 hours annually per airport, for a total of 12 hours.
- Each airport manager will need to spend 2 hours each to prepare a security-related briefing for all airport employees and pilots. This will take approximately 2 hours per airport, for a total of 6 hours.
- Persons seeking to operate to or from the affected airports will need to provide specific documentation to the FAA. This will take a total of approximately 183 hours.
- Persons seeking to operate to or from the affected airports will need to go to specified locations to get fingerprinted. This will take approximately 438 hours.
- All persons operating to or from these airports will have to file a flight plan. While the number of flights at these airports may decline, the FAA is assuming time and costs based on the historical number of flights from each airport. This will take approximately 7,416 hours annually.
- Persons who wish to fly from these three airports after they open will need to receive a briefing and be fingerprinted. This will take approximately 124 hours annually.

Based on the above, we estimate the total annual burden on the public to be 8,299 hours, with a corresponding hourly cost of $255,868.

Economic Analyses

This rulemaking action is taken under an emergency situation within the meaning of Section 6(a)(3)(D) of Executive Order 12866, Regulatory Planning and Review. It also is considered an emergency regulation under Paragraph 11g of the Department of Transportation (DOT) Regulatory Policies and Procedures. In addition, it is a significant rule within the meaning of the Executive Order and DOT's

policies and procedures. No regulatory analysis or evaluation accompanies this rule. The FAA is not able to assess whether this rule will have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act of 1980, as amended. When no notice of proposed rulemaking has first been published, no such assessment is required for a final rule. The FAA recognizes that this rule may impose significant costs on some airports and aircraft operators. These costs will occur as a result of developing and implementing security procedures and also as a result of the loss of aircraft and airport utility incurred when those security procedures are implemented. To ensure the safety and security of operations at the affected airports, however, the current security threat requires that operators comply with approved security procedures.

Executive Order 13132, Federalism

The FAA has analyzed this rule under the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we have determined that this final rule does not have federalism implications.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Public Law 104–4 on March 22, 1995 is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments. Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a ''significant regulatory action.''

This rule does not contain such a mandate. Additionally, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply when no notice of proposed rulemaking has first been published. Accordingly, the FAA has not prepared a statement under the Act.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j) this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of this SFAR has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Public Law 94–163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that this SFAR is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Security.

The Amendment

For the reasons stated in the preamble, the Federal Aviation Administration amends 14 CFR chapter I as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 40101, 44111, 44701, 44709, 44711; 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 stat. 1180).

2. Add Special Federal Aviation Regulation (SFAR) No. 94 to read as follows:

SFAR No. 94—Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area

1. *Applicability.* This Special Federal Aviation Regulation (SFAR) establishes rules for all persons operating an aircraft to or from the following airports located within the airspace designated as the Washington, DC Metropolitan Area Special Flight Rules Area:

(a) College Park Airport (CGS).

(b) Potomac Airfield (VKX).

(c) Washington Executive/Hyde Field (W32).

2. *Definitions.* For the purposes of this SFAR the following definitions apply:

Administrator means the Federal Aviation Administrator, the Under Secretary of Transportation for Security, or any person delegated the authority of the Federal Aviation Administrator or Under Secretary of Transportation for Security.

Washington, DC Metropolitan Area Special Flight Rules Area means that airspace within an area from the surface up to but not including Flight Level 180, bounded by a line beginning at the Washington (DCA) VOR/DME 300 degree radial at 15 nautical miles (Lat. 38°56′55″ N., Long. 77°20′08″ W.); thence clockwise along the DCA 15 nautical mile arc to the DCA 022 degree radial at 15 nautical miles (Lat. 39°06′11″ N., Long 76°57′51″ W.); thence southeast via a line drawn to the DCA 049 degree radial at 14 nautical miles (Lat. 39°02′18″ N., Long. 76°50′38″ W.); thence south via a line drawn to the DCA 064 degree radial at 13 nautical miles (Lat. 38°59′01″ N., Long. 76°48′32″ W.); thence clockwise along the DCA 13 nautical mile arc to the DCA 282 degree radial at 13 nautical miles (Lat. 38°52′14″ N., Long 77°18′48″ W.); thence north via a line drawn to the point of the beginning; excluding the airspace within a one nautical mile radius of Freeway Airport (W00), Mitchellville, Md.

3. *Operating requirements.*

(a) Except as specified in paragraph 3(c) of this SFAR, no person may operate an aircraft to or from an airport to which this SFAR applies unless security procedures that meet the provisions of paragraph 4 of this SFAR have been approved by the Administrator for operations at that airport.

(b) Except as specified in paragraph 3(c) of this SFAR, each person serving as a required flightcrew member of an aircraft operating to or from an airport to which this SFAR applies must:

(1) Prior to obtaining authorization to operate to or from the airport, present to the Administrator the following:

(i) A current and valid airman certificate;

(ii) A current medical certificate;

(iii) One form of Government issued picture identification; and

(iv) A list containing the make, model, and registration number of each aircraft that the pilot intends to operate to or from the airport;

(2) Successfully complete a background check by a law enforcement agency, which may include submission of fingerprints and the conduct of a criminal history, records check.

(3) Attend a briefing acceptable to the Administrator that describes procedures for operating to or from the airport;

(4) Not have been convicted or found not guilty by reason of insanity, in any jurisdiction, during the 10 years prior to being authorized to operate to or from the airport, or while authorized to operate to or from the airport, of those crimes specified in § 108.229 (d) of this chapter;

(5) Not have a record on file with the FAA of:

(i) A violation of a prohibited area designated under part 73 of this chapter, a flight restriction established under § 91.141 of this chapter, or special security instructions issued under § 99.7 of this chapter; or

(ii) More than one violation of a restricted area designated under part 73 of this chapter, emergency air traffic rules issued under § 91.139 of this chapter, a temporary flight restriction designated under § 91.137, § 91.138, or § 91.145 of this chapter, an area designated under § 91.143 of this chapter, or any combination thereof;

(6) Be authorized by the Administrator to conduct operations to or from the airport;

(7) Protect from unauthorized disclosure any identification information issued by the Administrator for the conduct of operations to or from the airport;

(8) Operate an aircraft that is authorized by the Administrator for operations to or from the airport;

(9) File an IFR or VFR flight plan telephonically with Leesburg AFSS prior to departure and obtain an ATC clearance prior to entering the Washington, DC Metropolitan Area Special Flight Rules Area;

(10) Operate the aircraft in accordance with an open IFR or VFR flight plan while in the Washington, DC Metropolitan Area Special Flight Rules Area, unless otherwise authorized by ATC;

(11) Maintain two-way communications with an appropriate ATC facility while in the Washington, DC Metropolitan Area Special Flight Rules Area;

(12) Ensure that the aircraft is equipped with an operable transponder with altitude reporting capability and use an assigned discrete beacon code while operating in the Washington, DC Metropolitan Area Special Flight Rules Area;

(13) Comply with any instructions issued by ATC for the flight;

(14) Secure the aircraft after returning to the airport from any flight;

(15) Comply with all additional safety and security requirements specified in applicable NOTAMs; and

(16) Comply with any Transportation Security Administration, or law enforcement requirements to operate to or from the airport.

(c) A person may operate a U.S. Armed Forces, law enforcement, or aeromedical services aircraft to or from an affected airport provided the operator complies with paragraphs 3(b)(10) through 3(b)(16) of this SFAR and any additional procedures specified by the Administrator necessary to provide for the security of aircraft operations to or from the airport.

4. *Airport Security Procedures.*

(a) Airport security procedures submitted to the Administrator for approval must:

(1) Identify and provide contact information for the airport manager who is responsible for ensuring that the security procedures at the airport are implemented and maintained;

(2) Contain procedures to identify those aircraft eligible to be authorized for operations to or from the airport;

(3) Contain procedures to ensure that a current record of those persons authorized to conduct operations to or from the airport and the aircraft in which the person is authorized to conduct those operations is maintained at the airport;

(4) Contain airport arrival and departure route descriptions, air traffic control clearance procedures, flight plan requirements, communications procedures, and procedures for transponder use;

(5) Contain procedures to monitor the security of aircraft at the airport during operational and non-operational hours and to alert aircraft owners and operators, airport operators, and the Administrator of unsecured aircraft;

(6) Contain procedures to ensure that security awareness procedures are implemented and maintained at the airport;

(7) Contain procedures to ensure that a copy of the approved security procedures is maintained at the airport and can be made available for inspection upon request of the Administrator;

(8) Contain procedures to provide the Administrator with the means necessary to make any inspection to determine compliance with the approved security procedures; and

(9) Contain any additional procedures necessary to provide for the security of aircraft operations to or from the airport.

(b) Airport security procedures are approved without an expiration date and remain in effect unless the Administrator makes a determination that operations at the airport have not been conducted in accordance with those procedures or that those procedures must be amended in accordance with paragraph 4.(a)(9) of this SFAR.

5. *Waivers.* The Administrator may permit an operation to or from an airport to which this SFAR applies, in deviation from the provisions of this SFAR if the Administrator finds that such action is in the public interest, provides the level of security required by this SFAR, and the operation can be conducted safely under the terms of the waiver.

6. *Delegation.* The authority of the Administrator under this SFAR is also exercised by the Associate Administrator for Civil Aviation Security and the Deputy Associate Administrator for Civil Aviation Security. This authority may be further delegated.

7. *Expiration.* This Special Federal Aviation Regulation shall remain in effect until February 13, 2003.

Issued in Washington, DC on February 12, 2002.

Jane F. Garvey,

Administrator.

[FR Doc. 02–3846 Filed 2–13–02; 10:48 am]

BILLING CODE 4910–13–U

Federal Register

Tuesday,
February 19, 2002

Part V

Department of Education

Special Education: State Program Improvement Grants Program Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.323A]

Special Education: State Program Improvement Grants Program Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the applicable regulations governing this program, including the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for a grant under this program.

Purpose of Program: The purpose of this program, authorized under the Individuals with Disabilities Education Act (IDEA) Amendments of 1997, is to assist State educational agencies and their partners referred to in section 652(b) of IDEA with reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities.

Eligible Applicants: A State educational agency of one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico or an outlying area (United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands).

Deadline for Transmittal of Applications: April 29, 2002.

Deadline for Intergovernmental Review: June 28, 2002.

Available Funds: $13.5 million.

Estimated Range of Awards: Awards will be not less than $530,000, nor more than $2,120,000 in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and not less than $84,800, in the case of an outlying area. Pursuant to subsection 655(a)(1) the Secretary has increased the minimum and maximum award amount above the minimum and maximum award amount for the FY 1999, 2000, and 2001 competitions to account for inflation. The Secretary anticipates that there may be additional funds available subsequent to making awards under this year's competition. To utilize additional funds that might become available, the Secretary intends to run a separate competition under which only grantees from the FY 1999, 2000 and 2001 competitions would be eligible. This competitive supplement could be used to enhance those State Improvement Grant activities that can be shown, based on the project's data-based evaluation, to have impacted positively on the goal(s) of the project.

Consistent with EDGAR 34 CFR 75.104(b), we will reject any application that proposes a project funding level for any year that exceeds the stated maximum award amount for that year.

We will set the amount of each grant after considering:

(1) The amount of funds available for making the grants;

(2) The relative population of the State or outlying area; and

(3) The types of activities proposed by the State or outlying area.

Estimated Average Size of Awards: $1,000,000.

Estimated Number of Awards: 13.

Note: The Department of Education is not bound by the estimated size and number of awards in this notice.

Project Period: Not less than one year and not more than five years.

Page Limits: Part III of each application submitted under a priority in this notice, the application narrative, is where an applicant addresses the selection criteria that are used by reviewers in evaluating the application. You must limit Part III to the equivalent of no more than 100 pages, using the following standards:

- A ''page'' is 8.5″ x 11″ (on one side only) with one-inch margins (top, bottom, and sides).
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, and captions, as well as all text in charts, tables, figures, and graphs.
- If using a proportional computer font, use no smaller than a 12-point font, and an average character density no greater than 18 characters per inch. If using a nonproportional font or a typewriter, do not use more than 12 characters per inch.

The page limit does not apply to Part I—the cover sheet; Part II—the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography or references, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject without consideration or evaluation any application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99; and (b) The selection criteria for this program are drawn from EDGAR in 34 CFR 75.210.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

General Requirements

(a) Projects funded under this notice must make positive efforts to employ and advance in employment qualified individuals with disabilities in project activities (see section 606 of IDEA);

(b) Applicants and grant recipients funded under this notice must involve individuals with disabilities or parents of individuals with disabilities in planning, implementing, and evaluating the projects (see section 661(f)(1)(A) of IDEA); and

(c) Projects funded under these priorities must budget for a two-day Project Directors' meeting in Washington, D.C. during each year of the project.

Description of Program

The statutory authorization for this program and the application requirements that apply to this competition are set out in sections 651–655 of the IDEA.

Findings and Purposes

(a) States are responding with some success to multiple pressures to improve educational and transitional services and results for children with disabilities in response to growing demands imposed by ever-changing factors, such as demographics, social policies, and labor and economic markets.

(b) In order for States to address those demands and to facilitate lasting systemic change that is of benefit to all students, including children with disabilities, States must involve local educational agencies, parents, individuals with disabilities and their families, teachers and other service providers, and other interested individuals and organizations in carrying out comprehensive strategies to improve educational results for children with disabilities.

(c) Targeted Federal financial resources are needed to assist States, working in partnership with others, to identify and make needed changes to address the needs of children with disabilities into the next century.

(d) State educational agencies, in partnership with local educational agencies and other individuals and organizations, are in the best position to identify and design ways to meet

emerging and expanding demands to improve education for children with disabilities and to address their special needs.

(e) Research, demonstration, and practice over the past 20 years in special education and related disciplines have built a foundation of knowledge on which State and local systemic-change activities can now be based.

(f) Research, demonstration, and practice in special education and related disciplines have demonstrated that an effective educational system now and in the future must—

(1) Maintain high academic standards and clear performance goals for children with disabilities, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that students who are children with disabilities have maximum opportunities to achieve those standards and goals;

(2) Create a system that fully addresses the needs of all students, including children with disabilities, by addressing the needs of children with disabilities in carrying out educational reform activities;

(3) Clearly define, in measurable terms, the school and post-school results that children with disabilities are expected to achieve;

(4) Promote service integration, and the coordination of State and local education, social, health, mental health, and other services, in addressing the full range of student needs, particularly the needs of children with disabilities who require significant levels of support to maximize their participation and learning in school and the community;

(5) Ensure that children with disabilities are provided assistance and support in making transitions as described in section 674(b)(3)(C) of the Act;

(6) Promote comprehensive programs of professional development to ensure that the persons responsible for the education or a transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of those children;

(7) Disseminate to teachers and other personnel serving children with disabilities research-based knowledge about successful teaching practices and models and provide technical assistance to local educational agencies and schools on how to improve results for children with disabilities;

(8) Create school-based disciplinary strategies that will be used to reduce or eliminate the need to use suspension and expulsion as disciplinary options for children with disabilities;

(9) Establish placement-neutral funding formulas and cost-effective strategies for meeting the needs of children with disabilities; and

(10) Involve individuals with disabilities and parents of children with disabilities in planning, implementing, and evaluating systemic-change activities and educational reforms.

Absolute Priority

Under section 653 and 34 CFR 75.105(c)(3), we will give an absolute preference to applications that meet the following priority. We will fund under this competition only those applications that meet this absolute priority.

This priority supports projects that assist State educational agencies and their partners in reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities.

State Improvement Plan

Applicants must submit a State improvement plan that—

(a) Is integrated, to the maximum extent possible, with State plans under the Elementary and Secondary Education Act of 1965 and the Rehabilitation Act of 1973, if appropriate;

(b) Identifies those critical aspects of early intervention, general education, and special education programs (including professional development, based on an assessment of State and local needs) that must be improved to enable children with disabilities to meet the goals established by the State under section 612(a)(16) of the Act. Specifically, applicants must include:

(1) An analysis of all information, reasonably available to the State educational agency, on the performance of children with disabilities in the State, including—

(i) Their performance on State assessments and other performance indicators established for all children, including drop-out rates and graduation rates;

(ii) Their participation in postsecondary education and employment; and

(iii) How their performance on the assessments and indicators compares to that of non-disabled children;

(2) An analysis of State and local needs for professional development for personnel to serve children with disabilities that includes, at a minimum:

(i) The number of personnel providing special education and related services; and

(ii) Relevant information on current and anticipated personnel vacancies and shortages (including the number of individuals described in paragraph (b)(2)(i) with temporary certification), and on the extent of certification or retraining necessary to eliminate those shortages, that is based, to the maximum extent possible, on existing assessments of personnel needs;

(3) An analysis of the major findings of the Secretary's most recent reviews of State compliance, as they relate to improving results for children with disabilities; and

(4) An analysis of other information, reasonably available to the State, on the effectiveness of the State's systems of early intervention, special education, and general education in meeting the needs of children with disabilities;

(c) Describes a partnership agreement that—

(1) Specifies—

(i) The nature and extent of the partnership among the State educational agency, local educational agencies, and other State agencies involved in, or concerned with, the education of children with disabilities, and the respective roles of each member of the partnership; and

(ii) How those agencies will work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of these persons and organizations; and

(2) Is in effect for the period of the grant;

(d) Describes how grant funds will be used in undertaking the systemic-change activities, and the amount and nature of funds from any other sources, including funds under part B of the Act retained for use at the State level under sections 611(f) and 619(d) of the Act, that will be committed to the systemic-change activities;

(e) Describes the strategies the State will use to address the needs identified under paragraph (b), including how it will—

(1) Change State policies and procedures to address systemic barriers to improving results for children with disabilities;

(2) Hold local educational agencies and schools accountable for educational progress of children with disabilities;

(3) Provide technical assistance to local educational agencies and schools

to improve results for children with disabilities;

(4) Address the identified needs for in-service and pre-service preparation to ensure that all personnel who work with children with disabilities (including both professional and paraprofessional personnel who provide special education, general education, related services, or early intervention services) have the skills and knowledge necessary to meet the needs of children with disabilities, including a description of how it will—

(i) Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities, including how the State will work with other States on common certification criteria;

(ii) Prepare professionals and paraprofessionals in the area of early intervention with the content knowledge and collaborative skills needed to meet the needs of infants and toddlers with disabilities;

(iii) Work with institutions of higher education and other entities that (on both a pre-service and an in-service basis) prepare personnel who work with children with disabilities to ensure that those institutions and entities develop the capacity to support quality professional development programs that meet State and local needs;

(iv) Work to develop collaborative agreements with other States for the joint support and development of programs to prepare personnel for which there is not sufficient demand within a single State to justify support or development of a program of preparation;

(v) Work in collaboration with other States, particularly neighboring States, to address the lack of uniformity and reciprocity in the credentialing of teachers and other personnel;

(vi) Enhance the ability of teachers and others to use strategies, like behavioral interventions, to address the conduct of children with disabilities that impedes the learning of children with disabilities and others;

(vii) Acquire and disseminate, to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources, and how the State, if appropriate, will adopt promising practices, materials, and technology;

(viii) Recruit, prepare, and retain qualified personnel, including personnel with disabilities and personnel from groups that are underrepresented in the fields of regular education, special education, and related services;

(ix) Integrate its plan, to the maximum extent possible, with other professional development plans and activities, including plans and activities developed and carried out under other Federal and State laws that address personnel recruitment and training; and

(x) Provide for the joint training of parents and special education, related services, and general education personnel;

(5) Address systemic problems identified in Federal compliance reviews, including shortages of qualified personnel;

(6) Disseminate results of the local capacity-building and improvement projects funded under section 611(f)(4) of the Act;

(7) Address improving results for children with disabilities in the geographic areas of greatest need;

(8) Assess, on a regular basis, the extent to which the strategies implemented under this subpart have been effective; and

(9) Coordinate its improvement strategies with public and private sector resources.

Required Partners

Applicants must:

(a) Establish a partnership with local educational agencies and other State agencies involved in, or concerned with, the education of children with disabilities; and

(b) Work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, including—

(1) The Governor;

(2) Parents of children with disabilities;

(3) Parents of nondisabled children;

(4) Individuals with disabilities;

(5) Organizations representing individuals with disabilities and their parents, such as the parent training and information centers;

(6) Community-based and other nonprofit organizations involved in the education and employment of individuals with disabilities;

(7) The lead State agency for part C of the Act;

(8) General and special education teachers, and early intervention personnel;

(9) The State advisory panel established under part B of the Act;

(10) The State interagency coordinating council established under part C of the Act; and

(11) Institutions of higher education within the State.

Optional Partners

A partnership established by applicants may also include—

(a) Individuals knowledgeable about vocational education;

(b) The State agency for higher education;

(c) The State vocational rehabilitation agency;

(d) Public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice; and

(e) Other individuals.

Reporting Procedures

Each State educational agency that receives a grant must submit performance reports to the Secretary pursuant to a schedule to be determined by the Secretary, but not more frequently than annually. The reports must describe the progress of the State in meeting the performance goals established under section 612(a)(16) of the Act, analyze the effectiveness of the State's strategies in meeting those goals, and identify any changes in the strategies needed to improve its performance. Grantees must also provide information required under EDGAR at 34 CFR 80.40.

Use of Funds

Each State educational agency that receives a State Improvement Grant under this program—

(a) May use grant funds to carry out any activities that are described in the State's application and that are consistent with the purpose of this program;

(b) Shall, consistent with its partnership agreement established under the grant, award contracts or subgrants to local educational agencies, institutions of higher education, and parent training and information centers, as appropriate, to carry out its State improvement plan; and

(c) May award contracts and subgrants to other public and private entities, including the lead agency under part C of the Act, to carry out that plan;

(d)(1) Shall use not less than 75 percent of the funds it receives under the grant for any fiscal year—

(i) To ensure that there are sufficient regular education, special education, and related services personnel who have the skills and knowledge necessary to meet the needs of children with disabilities and developmental goals of young children; or

(ii) To work with other States on common certification criteria; or

(2) Shall use not less than 50 percent of those funds for these purposes, if the State demonstrates to the Secretary's

satisfaction that it has the personnel described in paragraph (d)(1).

Selection Criteria

We will use the following selection criteria in 34 CFR 75.210 to evaluate applications for new grants under this competition. The maximum score for all of these criteria is 100 points. The maximum score for each criterion is indicated in parentheses.

(a) *Need for project.* (19 points). (1) The Secretary considers the need for the proposed project.

(2) In determining the need for the proposed project the Secretary considers the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(b) *Significance.* (19 points). (1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the likelihood that the proposed project will result in system change or improvement.

(c) *Quality of the project design.* (19 points). (1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(iii) The extent to which the proposed activities constitute a coherent, sustained program of training in the field.

(iv) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(v) The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing services to the target population.

(vi) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(d) *Quality of project personnel.* (8 points). (1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel.

(ii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(e) *Adequacy of resources.* (8 points). (1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(ii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(iii) The extent to which the budget is adequate to support the proposed project.

(iv) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(v) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to this type of support.

(f) *Quality of the management plan.* (8 points). (1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

(g) *Quality of the project evaluation.* (19 points). (1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(iii) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(iv) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

Competitive Preference: Within this absolute priority, we will give the following competitive preference under section 606 of IDEA and 34 CFR 75.105(c)(2)(i) to applications that are otherwise eligible for funding under this priority:

Up to ten (10) points based on the effectiveness of the applicant's strategies for employing and advancing in employment qualified individuals with disabilities as project employees in project activities as required under paragraph (a) of the ''General Requirements'' section of this notice. In determining the effectiveness of those strategies, we may consider the applicant's past success in pursuit of this goal.

For purposes of this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria for this priority. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Applicants must contact the appropriate State Single Point of Contact (SPOC) to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the SPOC for each of those States and follow the procedure established in each State under the Executive Order. See the latest official SPOC list on the Website of the Office of Management and Budget at the following address: *http://www.whitehouse.gov/omb/grants/spoc.html* In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State SPOC and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.323A, U.S. Department of Education, room 7E200, 400 Maryland Avenue, SW., Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address.*

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant must—

(1) Mail the original and six copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA#84.323A), 7th and D Streets, SW., Room 3633, Regional Office Building #3, Washington, DC 20202–4725. or

(2) Hand-deliver the original and six copies of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.323A), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC 20202–4725.

The Application Control Center accepts application deliveries daily between 8 a.m. and 4:30 p.m. (Washington, DC time), except Saturdays, Sundays, and Federal holidays. The Center accepts application deliveries through the D Street entrance only. A person delivering an application must show identification to enter the building.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes

(1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9493.

(3) If your application is late, we will notify you that we will not consider the application.

(4) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 4 of the Application for Federal Assistance (ED 424 (exp.11/30/2004)) the CFDA number and suffix letter, if any, of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this notice is divided into three parts, plus a statement regarding estimated public reporting burden, additional non-regulatory guidance, and various assurances, certifications, and required documentation. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 11–2001)) and instructions.

Part II: Budget Information—Non-Construction Programs (ED Form No. 524) and instructions. The budget section of the application form requires all applicants for multi-year projects to provide detailed budget information for the total grant period requested. The Department will establish, at the time of initial award, the funding levels for each year of the grant award. By requesting detailed budget information in the initial application for the total grant period, the need for a formal noncompeting continuation application in the remaining years has been eliminated. A performance report will be required annually to determine substantial progress, rather than a non-competing continuation application.

Part III: Application Narrative.

Additional Materials

The following forms and other items must be included in the application:

a. Estimated Public Reporting Burden.

b. Assurances—Non-Construction Programs (Standard Form 424B) and instructions.

c. Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

d. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (ED 80–0014) and instructions. (Note: ED Form GCS–0014 is intended for the use of grantees and should not be transmitted to the Department.)

e. Certification of Eligibility for Federal Assistance in Certain Programs (ED 80–0016).

f. Disclosure of Lobbying Activities (Standard Form LLL) (Rev. 7–97) and instructions.

g. Table of Contents.

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. All applicants must submit *ONE* original signed application, including ink signatures on all forms and assurances, and THREE copies of the application. Please mark each application as ''original'' or ''copy''. No grant may be awarded unless a completed application has been received. *FOR APPLICATIONS AND GENERAL INFORMATION CONTACT:* Requests for applications and general information should be addressed to the Grants and Contracts Services Team,

400 Maryland Avenue, SW., room 3317, Switzer Building, Washington, DC 20202–2641. The preferred method for requesting information is to FAX your request to: (202) 205–8717. Telephone: (202) 260–9182. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number: (202) 205–8953.

Individuals with disabilities may obtain a copy of this notice or the application packages referred to in this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Department as listed above. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/legislation/FedRegister*

To use PDF you must have Adobe Acrobat Reader, which is available free at the previous site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC., area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO access at: *http://www.access.gpo/nara/index.html*

Program Authority: 20 U.S.C. 1405, 1461, 1472, 1474, and 1487.

Dated: February 13 2002.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

Instructions for Estimated Public Reporting Burden

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB No. 1820–0620. The time required to complete this information collection is estimated to average between 50–130 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. *If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to:* U.S. Department of Education, Washington, DC 20202–4651. *If you have any comments or concerns regarding the status of your individual submission of this form, write directly to:* Office of Special Education Programs, U.S. Department of Education, 400 Independence Avenue, SW., Washington, DC 20202–2641.

Application Narrative

The narrative should address fully all aspects of the selection criteria in the order listed and should give detailed information regarding each criterion. Do not simply paraphrase the criteria. Provide position descriptions, not resumes.

Budget

Budget line items must support the goals and objectives of the proposed project and be directly applicable to the program design and all other project components.

Final Application Preparation

Use the above checklist to verify that all items are addressed. Prepare one original with an original signature, and include six additional copies. Do not use elaborate bindings or covers. The application must be mailed to the Application Control Center (ACC) and postmarked by the deadline date of February 15, 2002.

Questions and Answers

Following is a series of questions and answers that will serve as guidance for State educational agency (SEA) in completing the grant application for a State Improvement Grant (SIG) as authorized by the Individuals with Disabilities Education Act (IDEA). The questions were chosen to provide additional insight into the statutory requirements contained in the grant application. The questions were generated from a number of sources including parents of students with disabilities, Regional Resource Centers, the Federal Resource Center, State Directors of Special Education, SEA staff and staff from the Office of Special Education Programs.

Eligible Applicants

1. Who May Apply for a State Improvement Grant?

A State educational agency of one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico or an outlying area (United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) [1] (sections 602(18), 602(27), 652(a), and 655(a)(1)(2)).

2. Can Two or More SEAs Apply Jointly for a SIG?

No. A State applying for a State Improvement Grant must submit an individual application. However, included in the application will be a description of how: (1) The State will work to develop collaborative agreements with other States for the joint support and development of programs to prepare personnel for which there is not sufficient demand within a single State to justify support or development of this type of program of preparation; and (2) the State will work in collaboration with other States, particularly neighboring States, to address the lack of uniformity and reciprocity in the credentialing of teachers and other personnel (section 653(c)(3)(D)(iv) and (v)).

Partners

3. With Whom Is the State Supposed To Form Partnerships and How Are the Partnerships Structured?

Part D Subpart 1—State Program Improvement Grants for Children with Disabilities, section 652(b) describes three types of State partners. In order to be considered for a State Improvement Grant, a State educational agency must establish a partnership with individuals and organizations considered ''Required Partners.'' Required partners are made up of two subsets of partners—those called ''Contractual partners'' and those called ''Other partners.'' The SEA's contractual partners are local educational agencies and other State agencies involved in, or concerned with, the education of children with disabilities. These partners are called contractual because they must be parties to a formal ''partnership agreement'' that is explained further below in question four.

Other partners include individuals and organizations involved in, and concerned with, the education of children with disabilities, with whom the SEA works in partnership to implement the State improvement grant. Other partners may be, but the SEA is not required to make them, parties to the formal partnership agreement. Those ''other partners'' may include the Governor; parents of children with disabilities; parents of nondisabled

[1] Unless otherwise noted, the term ''State'' refers to the 50 States, the District of Columbia, the Commonwealth of Puerto Rico and the outlying areas (United States Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands).

children; individuals with disabilities; organizations representing individuals with disabilities and their parents, such as the parent training and information centers; [2] community-based and other nonprofit organizations involved in the education and employment of individuals with disabilities; the lead State agency for Part C; general and special education teachers, and early intervention personnel; the State advisory panel established under Part B; the State interagency coordinating council established under Part C; and institutions of higher education (IHEs) within the State. The State is encouraged to only partner with those IHEs that are currently implementing or, based on the partnership Agreement, will develop and implement, training programs that are consistent with the principles of IDEA Amendments of 1997 (e.g., training that facilitates access to the general education curriculum; training that facilitates inclusionary practices; joint training of general educators, special educators and parents, where appropriate; training that targets pedagogical practices that focus on accommodating and modifying instruction to meet State standards). Based on the needs assessment, the State must focus at least 75% of the funds received under the State Improvement Grant on the professional development and training of regular education, special education, or related services personnel (only 50% of the funds must be used on professional development if the State can demonstrate to the Department that it has sufficient personnel; see question 13 for additional clarification). In order to ensure that the perspectives of school based staff are represented in the grant activities, the State is encouraged to incorporate into its partnership agreement and partnership activities, professional organizations that negotiate for and may represent school-based staff.

In addition to required partners, the SEA, at its option, may include as partner's individuals and organizations called ''Optional Partners''. The SEA may include ''optional partners'' as parties to the formal partnership agreement or work in partnership with them, without them being parties to the partnership agreement. Those optional partners may include individuals knowledgeable about vocational education, the State agency for higher education, the State vocational rehabilitation agency, public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice and other individuals.

4. What Is the Partnership Agreement and What Must It Include?

Each State's application must include a description of the partnership agreement entered into by the SEA with its contractual partners and with any ''other'' and ''optional'' partners who will be parties to the partnership agreement. As specified in the grant application package, the partnership agreement must specify the nature and extent of the partnership among the SEA, the LEAs, and other State agencies involved in, or concerned with, the education of children with disabilities. It must specify the respective roles of each member of the partnership in the implementation of the proposed State improvement grant. The partnership agreement must also specify how the SEA, LEAs, and other State agencies identified above, will work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities (these would be the ''other partners'' and any ''optional partners''), and must specify the respective roles of each of these persons and organizations (section 653(c)(1)(B)).

The partnership agreement must indicate that it is in effect for the period of the grant. The terms of the partnership agreement will determine whether the SEA will award subgrants or contracts to any of the partners listed in section 654(a)(2)(A).

5. What Is the Connection Between the Partnership Agreement and the SEA's Use of Funds?

The SEA must, as appropriate, award contracts or subgrants to LEAs, IHEs, and parent training and information centers identified in the partnership agreement to carry out the State improvement grant activities. To carry out the State improvement grant activities, the SEA may also award contracts and subgrants to other public and private entities, including the lead agency under Part C and other agencies that are partners, as well as public and private entities that are not partners. It is anticipated that a SEA will need and desire the resources of other individuals and organizations to develop and implement all of the systemic change, technical assistance, in-service and pre-service training, dissemination and assessment activities designated in the State improvement grant application. There is, however, no required amount of funds that must be used for contracts or subgrants (section 654(a)(2)).

Funding Availability and Levels

6. What are the grant amounts to States?

We must make a grant to each State educational agency whose application we selected for funding under this subpart in an amount for each fiscal year that is: (1) Not less than $530,000, nor more than $2,120,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and (2) not less than $84,800, in the case of an outlying area (United States Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands (Section 655(a)). This means that the Department will reject and will not consider any application that proposes a budget that exceeds the maximum award amount or is less than the minimum award amount for any single budget period of 12 months.

7. How Will Decisions Be Made Regarding the Amount of Funds That States Will Receive If Approved for a State Improvement Grant?

The Department will set the amount of each grant, within the limits outlined in the response to question 6, after considering: (1) The relative population of the State; (2) the types of activities proposed by the State; and (3) the amount of funds available for making the grants (section 655(c)). Using the same considerations, (but without the increase in the minimum and maximum awards to account for inflation that we have added for this competition) we funded successful applications for fiscal years 1998, 1999 and 2000 at the following levels:

North Dakota	$500,000
Vermont	500,000
Wyoming	500,000
Alaska	550,000
Montana	550,000
Nebraska	575,816
Utah	578,551
Maine	600,000
New Hampshire	600,000
Hawaii	600,000
Idaho	625,000
Oklahoma	814,000
Oregon	850,000
Iowa	875,526
New Mexico	880,000
Kansas	900,000
Connecticut	920,000
Kentucky	1,000,000
Washington	1,088,288
Massachusetts	1,009,000
Minnesota	1,015,000
Alabama	1,025,000
Georgia	1,060,000
Maryland	1,095,000
Louisiana	1,100,000
Missouri	1,145,000
New Jersey	1,200,000

[2] States in which Community Parent Resource Centers are located are encouraged to include these organizations as ''other partners.''

North Carolina	1,210,000
Virginia	1,240,000
Ohio	1,320,000
Pennsylvania	1,320,000
Michigan	1,320,000
Illinois	1,400,000
Florida	1,550,000
New York	1,650,000
California	1,840,000

8. How Will the Connection Between Grant Amounts and ''Need'' Be Determined?

As previously stated in the response to question 7, we must set the amount of each grant after considering: (1) The relative population of the State; (2) the types of activities proposed by the State or outlying area; and (3) the amount of funds available for making the grants. ''Need'' will be determined through the quality of the needs assessment performed under section 653(b) including: (i) An analysis of all information, reasonably available to the State educational agency, on the performance of children with disabilities in the State; (ii) an analysis of State and local needs for professional development for personnel to serve children with disabilities; (iii) an analysis of the major findings of the Department's most recent reviews of State compliance, as they relate to improving results for children with disabilities; and (iv) an analysis of other information, for example, findings made by the Department's Office for Civil Rights, reasonably available to the State, on the effectiveness of the State's systems of early intervention, special education, and general education in meeting the needs of children with disabilities.

9. What We Will Consider In Making An Award On a Competitive Basis?

Using the selection criteria identified elsewhere in this application package, we expect to select for funding applications from States that demonstrate a need for improvement and effective strategies to meet those State needs. The application should show how the State plans to fulfill the purpose of the State Improvement Grant, which is to assist State educational agencies and their partners in reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities. We will give priority to applications on the basis of need, as indicated by information from the findings of Federal compliance reviews (section 653(d)).

Improvement Strategies and Use of Funds

10. Can Funds From the State Improvement Grants Be Distributed to LEAs on a Competitive Basis?

Yes. The statute does not provide a particular method for States to use when distributing State Improvement Grant funds to LEAs or other entities. When awarding and administering subgrants, under 34 CFR 80.37(a), the State must follow State law and procedures. As long as the SEA's proposal to contract or subgrant SIG funds is consistent with the partnership agreement and the funds are used to support the activities specified in the approved grant application, there is no statutory prohibition against the funds being distributed to LEAs on a competitive basis.

11. Can Charter Schools Be Involved as Partners in the State Improvement Grant?

Yes. Charter schools are schools under contract—or charter—between a public agency and groups of parents, teachers, community leaders or others who want to create alternatives and choice within the public school system. Charter schools can be involved as partners in the State Improvement Grant, either as an LEA or as part of an existing LEA, consistent with the State charter schools law.

12. Does the ''Service Obligation'' Apply to the Use of State Improvement Grant Funds If They Are Being Used for Scholarships?

No. The ''service obligation'' contained under the personnel preparation discretionary grant program provides that a recipient of a scholarship funded by the personnel preparation program under section 673(b), (c), (e), and to the extent appropriate (d), must subsequently perform work in the field in which they were trained or repay the cost of the financial assistance. The service obligation only applies to scholarships awarded under the personnel preparation program. However, consistent with State law, a SEA may impose its own service obligation.

13. Can Funds Be Used To Prepare Early Intervention Personnel?

Yes, but only in limited circumstances. Under section 654(b)(1), a State educational agency that receives a grant must use not less than 75 percent of the funds it receives under the grant for any fiscal year to work with other States on common certification criteria or to ensure that there are sufficient regular education, special education, and related services personnel who have the skills and knowledge necessary to meet the needs of children with disabilities and developmental goals of young children. This section ensures that based on the needs assessment, the State focuses at least 75% of the funds received under the State Improvement Grant on the professional development and training of regular education, special education, or related services personnel. Only 50% of the funds must be used on professional development if the State can demonstrate to the Department that it has sufficient personnel. Training that prepares personnel to deliver early intervention services that could not also be considered regular education, special education, or related services would not be a permissible use of the 75%, or 50% as the case may be, of the funds. However, it would be permissible for early intervention personnel to participate in training in those areas of special education and related services that would be useful to them, even if the training is funded using the 75% of the funds. There is no limitation on the use of the remaining 25% of the funds received under the SIG; it can be used to train personnel to provide early intervention services or for any other activity in an approved SIG.

14. How Does a State Demonstrate That It Meets the Requirement To Use at Least 75% (or 50% If Applicable) of the Grant Funds for Professional Development?

States should structure the presentation of their budget so that the Department can easily determine that the State has met the 75% or 50% requirement as the case may be.

15. What Is the Relationship of the SIG to the State Set Aside Under Part B?

In order to carry out the activities proposed in the State's SIG application, a State may choose to supplement the State Improvement Grant award with funds from the IDEA Part B State set aside (i.e., the portion of the IDEA, Part B grant awards retained for use by the SEA under sections 611(f) and 619(d) of the Act for discretionary purposes).

16. Can Funds From Sources Other Than the SIG Be Used To Support the Required Activities for Awards Under This Program?

Yes. In addition to the SIG award, funds from other sources (e.g., other IDEA discretionary grants, Part B State set aside funds, preschool grants) may be used, so long as those activities are permissible under the funding statute

and regulations to carry out any activities described in the State's SIG application. States may also use funds from private sources (e.g. foundations) to carry out activities described in the State's application. In its State Improvement Plan, the State must describe the amount and nature of funds from any other sources, including the Part B funds retained for use under sections 611(f) and 619(d) of the Act and Part D discretionary funds that will be committed to the SIG program.

17. Can SIG Funds Be Used for Direct Services to Children With Disabilities?

Yes. The statute does not forbid the use of SIG funds for direct services to children with disabilities; however, funding for these services must come from the 25% or 50% of the grant award, as the case may be, not obligated by statute to fund professional development activities or to work with other States on common certification criteria. In addition, the need for direct services must be one of the critical aspects of early intervention, general education and special education identified in the State's need assessment. The direct services improvement strategy must be described in the States' application and be consistent with the purpose of the grant, which is to assist State educational agencies and their partners in reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities.

Strategies Used To Address Identified Needs

18. Is Interstate Personnel Preparation Mandatory?

No. The State is required to describe how it will work to develop collaborative agreements with other States for the joint support and development of programs to prepare personnel for which there is not sufficient demand within the State to justify support or development of this type of program of preparation (section 653(c)(3)(D)(iv)). If the State demonstrates, through its needs assessment, that there is sufficient demand within the State to support its own personnel preparation programs, then interstate collaborative agreements are not required.

19. Is Training of General Education Personnel Required?

Yes. In its application, the State is required to include a description of how the State will prepare general as well as special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities (section 653(c)(3)(D)(i)).

20. Is Training of Parents Required?

Yes. In its application, the State is required to include a description of how the State will provide for the joint training of parents and special education, related services, and general education personnel (section 653(c)(3)(D)(x)).

Role of Regional Resource Center/ Technical Assistance and Dissemination Projects

21. What Role Can the Regional Resource Center (RRC) Play in the Development of the State Improvement Grant Application?

The RRC is encouraged to provide general technical assistance to States in the development of their State improvement grant application. An RRC is funded to provide technical assistance and resources to all States within its region and must do so on an equitable basis across those States. Helping States improve their special education programs is the central mission of the RRCs and many State activities related to the State Improvement Grant program will be crucial in these improvement efforts. It would be inappropriate, however, for an RRC to help a State in drafting its grant application or even to provide technical assistance on strategies to improve the competitiveness of a State's application because it could be viewed as providing a competitive advantage to one potential applicant over another. On the other hand, helping States, for example, with data analyses, needs assessments, and facilitating meetings concerning planning the States' improvement activities could be, except as noted above, a part of the RRC's technical assistance activities to the States in their region. RRCs can also assist States in their implementation of a State Improvement Grant once those grants are awarded.

22. Can the State Use SIG Funds To Subcontract or Contract With the University or Entity in Which the RRC Is Located To Carry Out SIG Activities?

Yes. The State can use SIG funds to subgrant or contract with the University or entity in which the RRC is located to carry out SIG activities. However, the University or other entity would need to ensure that personnel time and other resources covered by the RRC's cooperative agreement with the Department are not used to work on SIG activities performed under the subgrant or contract and that work done under the other subcontract or contract is not represented as being performed as part of the cooperative agreement with the Department of Education.

23. Can Technical Assistance and Dissemination (TA&D) Projects Funded by OSEP Play a Role in SIG Activities?

Similarly to RRCs, TA&D projects funded by OSEP must ensure that the services they provide are fairly and evenhandedly available to their respective audience (under the terms of their OSEP funding agreement/grant/ contract) in all States, that the proposed SIG activity is permissible under the terms of the particular Project's funding agreement/ grant/contract/ with OSEP and that projects do not accept SIG funds under contract or grant with an SEA for activities they are currently receiving Federal funds to provide. In addition, TA&D projects, like the RRCs, should not engage in activities that could be seen as providing a competitive advantage to any one State over others in the SIG competition.

Relationship Between State Improvement Grant and Other Federal Statutes and Requirements

24. What Is the Link Between the Comprehensive System of Personnel Development (CSPD) and the SIG? What Are the Similarities and Differences?

The requirements for a CSPD as amended by IDEA Amendments of 1997 must be implemented by July 1, 1998 regardless of whether or not a State receives a SIG. Under section 612(a)(14) of IDEA, in order to be eligible for funding under Part B, a State must have in effect a comprehensive system of personnel development that is designed to ensure an adequate supply of qualified special education, regular education, related services, and early intervention personnel and that meets the requirements contained in the personnel development sections of the State Improvement Plan addressing needs assessment and improvement strategies. It is intended that the CSPD meet the SIG personnel development requirements so that it may serve as the framework for the State's personnel development part of a SIG grant application.

25. To What Extent Does the State Improvement Grant Proposal Have To Be Linked to the Elementary and Secondary Education Act of 1965 (ESEA) and the Rehabilitation Act of 1973?

To the ''maximum extent possible'' State improvement grant proposals must be linked to State plans under ESEA and the Rehabilitation Act of 1973. The IDEA Amendments of 1997 emphasize that children with disabilities have access to the general curriculum and general educational reforms. Although the legislation does not mention integration with any other State plans under any other Federal statute, because the State improvement grant proposal is focused on systems change for students with disabilities, integration with relevant State plans or projects would be beneficial (section 653(a)(2)(A)).

26. What Is the Relationship Between the Performance Goals and Indicators a State Must Have To Be Eligible for Part B and the State Improvement Grant Proposal?

Under Part B (section 612(a)(16)), in order to be eligible to receive financial assistance under Part B, the State must have in place by July 1, 1998 performance goals for children with disabilities that must promote the purposes of the IDEA and be consistent, to the maximum extent appropriate, with other goals and standards developed for children established by the State and performance indicators to assess progress toward achieving those goals. A State must have developed those performance goals and indicators in order to apply for a State Improvement Grant because in conducting the needs assessment required as part of its application, the State must identify those critical aspects of early intervention, general education, and special education programs that must be improved to enable children with disabilities to meet the performance goals and indicators established by the State for the performance of children with disabilities under section 612(a)(16). In submitting the required SIG performance reports to the Department under section 653(f), the State must describe the progress of the State in meeting the performance goals established under section 612(a)(16), analyze the effectiveness of the State's strategies in meeting those goals, and identify any changes in the strategies needed to improve its performance.

Monitoring and Corrective Action Plans

27. How Is the State Improvement Grant Aligned With Federal Compliance Reviews?

There are three areas in which the State Improvement Grant aligns with Federal compliance reviews. First, the State improvement plan must include an analysis of the major findings of the Department's most recent reviews of State compliance, as they relate to improving results for children with disabilities (section 653(b)(2)(C)). The second is that the State improvement plan must include a description of strategies that will address systemic problems identified in Federal compliance reviews, including shortages of qualified personnel (section 653(c)(3)(E)). The third area of alignment with monitoring is that in determining competitive awards we will give priority to applications on the basis of need, as indicated by information from the findings of Federal compliance reviews (section 653(d)(2)).

28. Can the State Improvement Grant Funds Be Used To Address Deficiencies Identified in Federal Compliance Reviews?

Yes, if the activities to address the deficiencies are consistent with the purposes of the grant and described in the State's application. If, for example, a Federal compliance review identified that a personnel shortage impacted on the provision of a free appropriate public education to students with disabilities, then it would be consistent with the purposes of the grant to use grant funds to address the personnel shortage.

Applications, Length of Awards, and Reapplication

29. Can the First Grant Be Written as a Planning Grant?

No. The purpose of the SIG program is to assist State educational agencies, and their partners referred to in section 652(b), in reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities. In order to be funded a State must include in its application improvement strategies that were developed to address State and local needs identified in the State needs assessment. The purpose of the needs assessment is to provide the necessary information to facilitate the development of a State improvement plan that identifies those critical aspects of early intervention, general education, and special education programs that must be improved to enable children with disabilities to meet the goals established by the State under section 612(a)(16). In conjunction with the needs assessment, the improvement strategies (section 653(c)) subsumed in the State improvement grant proposal constitute the State's plan for the use of SIG funds.

30. What Grant Period Can a State Request in Its Initial Application?

A State may request a grant of from one to five years. However, we may award a grant that is shorter than the State requests, but not less than one year, if the State's application does not sufficiently justify the full requested duration.

31. If a Project Is Funded for Less Than Five Years, Can It Be Extended Later?

No, with the exception of relatively short ''no-cost'' extensions that are sometimes given to allow the completion of project activities. These extensions do not award new funds or approve new activities.

32. After a State Completes One State Improvement Grant, Can It Apply for Another? If So, Will It Compete Against All Applicants or only Against Other States That Have Received Previous Grants?

Yes, a State can apply for another SIG after it completes one. It will be in competition with all applicants, not just those with previous grants. We will give priority to applications on the basis of need (section 653(d)(2)).

33. If a State Applies Unsuccessfully in One Year, Will It Be Able To Apply Again?

Yes.

34. Will a Project Be Approved and Funded All at Once or a Year at a Time?

At the time of the initial grant award, the project duration of one to five years will be determined and budgets for all years of the grant will be established. However, funds can only be awarded one-year at a time. States receiving multi-year grants will submit annual performance reports to demonstrate that their grants are making *substantial progress.* Funding for project years after the first will be based, in part, on these reports. This is not part of the competitive process of awarding funds, and it is expected that funding will be continued each year for the duration of the project, provided that substantial

progress is demonstrated and that Congress continues to fund the program.

35. Does Funding Have To Be the Same for All Years of the Project?

No, but it cannot exceed $2,120,000 or be less than $530,000 or $84,800 in the case of an outlying territory.

BILLING CODE 4000–01–U

OMB Control No. 1890-0007 (Exp. 09/30/2004)

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1890-0007.** The time required to complete this information collection is estimated to average 1.5 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, SW (Room 3652, GSA Regional Office Building No. 3). Washington, DC 20202-4248.

Application for Federal Education Assistance (ED 424)

U.S. Department of Education
Form Approved
OMB No. 1875-0106
Exp. 11/30/2004

Applicant Information

1. Name and Address
Legal Name: _____
Address: _____
_____
City _____ State _____ County _____ ZIP Code + 4 _____-_____

Organizational Unit

2. Applicant's D-U-N-S Number [ ][ ][ ][ ][ ][ ][ ][ ][ ]

3. Applicant's T-I-N [ ][ ]-[ ][ ][ ][ ][ ][ ][ ]

4. Catalog of Federal Domestic Assistance #: 8 4 [ ][ ][ ][ ]
Title: _____

5. Project Director: _____
Address: _____
City _____ State _____ ZIP Code + 4 _____-_____
Tel. #: ( ) _____-_____ Fax #: ( ) _____ - _____
E-Mail Address: _____

6. Novice Applicant ☐ Yes ☐ No

7. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No

8. Type of Applicant *(Enter appropriate letter in the box.)* ☐

A State	G Public College or University
B Local	H Private, Non-profit College or University
C Special District	I Non-profit Organization
D Indian Tribe	J Private, Profit-Making Organization
E Individual	K Other (*Specify*): _____
F Independent School District	

Application Information

9. Type of Submission:

—PreApplication	*—Application*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

10. Is application subject to review by Executive Order 12372 process?
☐ Yes (*Date made available to the Executive Order 12372 process for review):* ____/____/_____
☐ No *(If "No," check appropriate box below.)*
☐ Program is not covered by E.O. 12372.
☐ Program has not been selected by State for review.

11. Proposed Project Dates:

Start Date:	End Date:
____/____/_____	____/____/_____

12. Are any research activities involving human subjects planned at any time during the proposed project period?
☐ Yes (Go to 12a.) ☐ No (Go to item 13.)
12 a. Are **all** the research activities proposed designated to be exempt from the regulations?
☐ Yes (Provide Exemption(s) #): _____
☐ No (Provide Assurance #, if available): _____

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Authorized Representative *(Please type or print name clearly.)*

b. Title

c. Tel. #: ( ) _____ - _____ Fax #: ( ) _____ - _____

d. E-Mail Address:

e. Signature of Authorized Representative | Date: ___/___/_____

Instructions for Form ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com.**

3. **Taxpayer Identification Number.** Enter the taxpayer's identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested. The CFDA number can be found in the federal register notice and the application package.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Novice Applicant.** Check **"Yes"** or **"No"** only if assistance is being requested under a program that gives special consideration to novice applicants. Otherwise, **leave blank.**

   Check **"Yes"** if you meet the requirements for novice applicants specified in the regulations in 34 CFR 75.225 and included on the attached page entitled "Definitions for Form ED 424." By checking "Yes" the applicant certifies that it meets these novice applicant requirements. Check **"No"** if you do not meet the requirements for novice applicants.

7. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

8. **Type of Applicant.** Enter the appropriate letter in the box provided.

9. **Type of Submission.** See "Definitions for Form ED 424" attached.

10. **Executive Order 12372.** See "Definitions for Form ED 424" attached. Check **"Yes"** if the application is subject to review by E.O.12372. Also, please enter the month, day, and four (4) digit year (e.g., 12/12/2001). Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, day, and four (4) digit year (e.g., 12/12/2001).

12. **Human Subjects Research.** (See I.A. "Definitions" in attached page entitled "Definitions for Form ED 424.")

    If Not Human Subjects Research. Check **"No"** if research activities involving human subjects are not planned at any time during the proposed project period. The remaining parts of Item 12 are then not applicable.

    If Human Subjects Research. Check **"Yes"** if research activities involving human subjects are planned at any time during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution. Check **"Yes"** even if the research is exempt from the regulations for the protection of human subjects. (See I.B. "Exemptions" in attached page entitled "Definitions for Form ED 424.")

12a. **If Human Subjects Research is Exempt from the Human Subjects Regulations.** Check **"Yes"** if all the research activities proposed are designated to be exempt from the regulations. Insert the exemption number(s) corresponding to one or more of the six exemption categories listed in I.B. "Exemptions." In addition, follow the instructions in II.A. "Exempt Research Narrative" in the attached page entitled "Definitions for Form ED 424." Insert this narrative immediately following the ED 424 face page.

12a. **If Human Subjects Research is Not Exempt from Human Subjects Regulations.** Check **"No"** if some or all of the planned research activities are covered (not exempt), and provide the assurance number if available. In addition, follow the instructions in II.B. "Nonexempt Research Narrative" in the page entitled "Definitions for Form ED 424." Insert this narrative immediately following the ED 424 face page.

12a. **Human Subjects Assurance Number.** If the applicant has an approved Federal Wide (FWA) or Multiple Project Assurance (MPA) with the Office for Human Research Protections (OHRP), U.S. Department of Health and Human Services, that covers the specific activity, insert the number in the space provided. If the applicant does not have an approved assurance on file with OHRP, enter "None" in item 12b. In this case, the applicant, by signature on the face page, is declaring that it will comply with 34 CFR 97 and proceed to obtain the human subjects assurance upon request by the designated ED official. If the application is recommended/selected for funding, the designated ED official will request that the applicant obtain the assurance within 30 days after the specific formal request.

Note about Institutional Review Board Approval. ED does not require certification of Institutional Review Board approval with the application. However, if an application that involves non-exempt human subjects research is recommended/selected for funding, the designated ED official will request that the applicant obtain and send the certification to ED within 30 days after the formal request.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, day, and four (4) digit year (e.g., 12/12/2001) in the date signed field.

Paperwork Burden Statement. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106.** The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

Definitions for Form ED 424

Novice Applicant (See 34 CFR 75.225). For discretionary grant programs under which the Secretary gives special consideration to novice applications, a novice applicant means any applicant for a grant from ED that—

- Has never received a grant or subgrant under the program from which it seeks funding;
- Has never been a member of a group application, submitted in accordance with 34 CFR 75.127-75.129, that received a grant under the program from which it seeks funding; and
- Has not had an active discretionary grant from the Federal government in the five years before the deadline date for applications under the program. For the purposes of this requirement, a grant is active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

In the case of a group application submitted in accordance with 34 CFR 75.127-75.129, a group includes only parties that meet the requirements listed above.

Type of Submission. "Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). "Construction" also includes remodeling to meet standards, remodeling designed to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries. For the purposes of this paragraph, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

Executive Order 12372. The purpose of Executive Order 12372 is to foster an intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The application notice, as published in the Federal Register, informs the applicant as to whether the program is subject to the requirements of E.O. 12372. In addition, the application package contains information on the State Single Point of Contact. An applicant is still eligible to apply for a grant or grants even if its respective State, Territory, Commonwealth, etc. does not have a State Single Point of Contact. For additional information on E.O. 12372 go to http://www.cfda.gov/public/eo12372.htm.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH

I. Definitions and Exemptions

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Research

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Human Subject

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the **only** involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, exemption 2 applies only to research involving educational tests and observations of public behavior when the investigator(s)***

do not participate in the activities being observed. Exemption 2 does not apply if children are surveyed or interviewed or if the research involves observation of public behavior and the investigator(s) participate in the activities being observed. [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.

II. Instructions for Exempt and Nonexempt Human Subjects Research Narratives

If the applicant marked "Yes" for Item 12 on the ED 424, the applicant must provide a human subjects "exempt research" or "nonexempt research" narrative and insert it immediately following the ED 424 face page.

A. Exempt Research Narrative.

If you marked "Yes" for Item 12 a. and designated exemption number(s), provide the "exempt research" narrative. The narrative must contain sufficient information about the involvement of human subjects in the proposed research to allow a determination by ED that the designated exemption(s) are appropriate. The narrative must be succinct.

B. Nonexempt Research Narrative.

If you marked "No" for item 12 a. you must provide the "nonexempt research" narrative. The narrative must address the following seven points. Although no specific page limitation applies to this section of the application, be succinct.

(1) **Human Subjects Involvement and Characteristics**: Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) **Sources of Materials**: Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) **Recruitment and Informed Consent**: Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) **Potential Risks**: Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) **Protection Against Risk**: Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) **Importance of the Knowledge to be Gained**: Discuss the importance of the knowledge gained or to be gained as a result of the proposed research. Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

(7) **Collaborating Site(s)**: If research involving human subjects will take place at collaborating site(s) or other performance site(s), name the sites and briefly describe their involvement or role in the research.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff, Office of the Chief Financial Officer, U.S. Department of Education, Washington, D.C., 20202-4248, telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://www.ed.gov/offices/OCFO/humansub.html

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control Number: 1890-0004

Expiration Date: 02/28/2003

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED Form No. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

Certification of Eligibility for Federal Assistance in Certain Programs

I understand that 34 CFR 75.60, 75.61, and 75.62 require that I make specific certifications of eligibility to the U.S. Department of Education (ED) as a condition of applying for Federal funds in certain programs and that these requirements are in addition to any other eligibility requirements that ED imposes under program regulations. Under 34 CFR 75.60 – 75.62:

I. I certify that:

A. I do not owe a debt, or I am current in repaying a debt, or I am not in default (as that term is used at 34 CFR Part 668) on a debt:

1. To the Federal Government under a nonprocurement transaction (e.g., a previous loan, scholarship, grant, or cooperative agreement); or

2. For a fellowship, scholarship, stipend, discretionary grant, or loan in any program of ED that is subject to 34 CFR 75.60, 75.61, and 75.62, including:

- Federal Pell Grant Program (20 U.S.C. 1070a, et seq.);
- Federal Supplemental Educational Opportunity Grant (SEOG) Program (20 U.S.C. 1070(b), et seq.):
- State Student Incentive Grant Program (SSIG) 20 U.S.C. 1070c, et seq.);
- Federal Perkins Loan Program (20 U.S.C. 1087aa, et seq.);
- Income Contingent Direct Loan Demonstration Project (20 U.S.C. 1087a, note);
- Federal Stafford Loan Program, Federal Supplemental Loans for Students [SLS], Federal PLUS, or Federal Consolidation Loan Program (20 U.S.C. 1071, et seq.);
- William D. Ford Federal Direct Loan Program (20 U.S.C. 1087a, et. seq.);
- Cuban Student Loan Program (20 U.S.C. 2601, et seq.);
- Robert C. Byrd Honors Scholarship Program (20 U.S.C. 1070d-31, et seq.);
- Jacob K. Javits Fellows Program (20 U.S.C. 1134h-1134l);
- Patricia Roberts Harris Fellowship Program (20 U.S.C. 1134d-1134g);
- Christa McAuliffe Fellowship Program (20 U.S.C. 1105-1105i);
- Bilingual Education Fellowship Program (20 U.S.C. 3221-3262);
- Rehabilitation Long-Term Training Program (29 U.S.C. 774(b));
- Paul Douglas Teacher Scholarship Program (20 U.S.C. 1104, et seq.);
- Law Enforcement Education Program (42 U.S.C. 3775);
- Indian Fellowship Program (29 U.S.C. 774(b));
- Teacher Quality Enhancement Grants Program (20 U.S.C. 1021, et seq.);

OR

B. I have made arrangements satisfactory to ED to repay a debt as described in A.1. or A.2. (above) on which I had not been current in repaying or on which I was in default (as that term is used in 34 CFR Part 668).

II. I certify also that I have not been declared by a judge, as a condition of sentencing under section 5301 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 862), ineligible to receive Federal assistance for the period of this requested funding.

I understand that providing a false certification to any of the statements above makes me liable for repayment to ED for funds received on the basis of this certification, for civil penalties, and for criminal prosecution under 18 U.S.C. 1001.

_____ (Signature)

_____ (Date)

_____ (Typed or Printed Name)

Name or number of ED program under which this certification is being made: _____

ED 80-0016 (Revised 2/01)

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract ____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** a. bid/offer/application _____ b. initial award c. post-award	**3. Report Type:** a. initial filing _____ b. material change **For material change only:** Year _____ quarter _____ Date of last report_____
4. Name and Address of Reporting Entity: ____ Prime _____ Subawardee Tier_____, if Known: **Congressional District, if known:**	**5. If Reporting Entity in No. 4 is Subawardee,** Enter Name and Address of Prime: **Congressional District, if known:**	
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____	
8. Federal Action Number, *if known:*	**9. Award Amount,** *if known:* **$**	
10. a. Name and Address of Lobbying Registrant *(if individual, last name, first name, MI):*	**b. Individuals Performing Services** *(including address if different from No. 10a)* *(last name, first name, MI):*	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:**_____ **Title:**_____ **Telephone No.:** _____ **Date:** _____	
Federal Use Only	**Authorized for Local Reproduction** **Standard Form - LLL (Rev. 7-97)**	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

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Federal Register

Tuesday,
February 19, 2002

Part V

Department of Education

Special Education: State Program Improvement Grants Program Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.323A]

Special Education: State Program Improvement Grants Program Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the applicable regulations governing this program, including the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for a grant under this program.

Purpose of Program: The purpose of this program, authorized under the Individuals with Disabilities Education Act (IDEA) Amendments of 1997, is to assist State educational agencies and their partners referred to in section 652(b) of IDEA with reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities.

Eligible Applicants: A State educational agency of one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico or an outlying area (United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands).

Deadline for Transmittal of Applications: April 29, 2002.

Deadline for Intergovernmental Review: June 28, 2002.

Available Funds: $13.5 million.

Estimated Range of Awards: Awards will be not less than $530,000, nor more than $2,120,000 in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and not less than $84,800, in the case of an outlying area. Pursuant to subsection 655(a)(1) the Secretary has increased the minimum and maximum award amount above the minimum and maximum award amount for the FY 1999, 2000, and 2001 competitions to account for inflation. The Secretary anticipates that there may be additional funds available subsequent to making awards under this year's competition. To utilize additional funds that might become available, the Secretary intends to run a separate competition under which only grantees from the FY 1999, 2000 and 2001 competitions would be eligible. This competitive supplement could be used to enhance those State Improvement Grant activities that can be shown, based on the project's data-based evaluation, to have impacted positively on the goal(s) of the project.

Consistent with EDGAR 34 CFR 75.104(b), we will reject any application that proposes a project funding level for any year that exceeds the stated maximum award amount for that year.

We will set the amount of each grant after considering:

(1) The amount of funds available for making the grants;

(2) The relative population of the State or outlying area; and

(3) The types of activities proposed by the State or outlying area.

Estimated Average Size of Awards: $1,000,000.

Estimated Number of Awards: 13.

Note: The Department of Education is not bound by the estimated size and number of awards in this notice.

Project Period: Not less than one year and not more than five years.

Page Limits: Part III of each application submitted under a priority in this notice, the application narrative, is where an applicant addresses the selection criteria that are used by reviewers in evaluating the application. You must limit Part III to the equivalent of no more than 100 pages, using the following standards:

- A ''page'' is 8.5″ x 11″ (on one side only) with one-inch margins (top, bottom, and sides).
- Double-space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, and captions, as well as all text in charts, tables, figures, and graphs.
- If using a proportional computer font, use no smaller than a 12-point font, and an average character density no greater than 18 characters per inch. If using a nonproportional font or a typewriter, do not use more than 12 characters per inch.

The page limit does not apply to Part I—the cover sheet; Part II—the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography or references, or the letters of support. However, you must include all of the application narrative in Part III.

We will reject without consideration or evaluation any application if—

- You apply these standards and exceed the page limit; or
- You apply other standards and exceed the equivalent of the page limit.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85, 86, 97, 98, and 99; and (b) The selection criteria for this program are drawn from EDGAR in 34 CFR 75.210.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

General Requirements

(a) Projects funded under this notice must make positive efforts to employ and advance in employment qualified individuals with disabilities in project activities (see section 606 of IDEA);

(b) Applicants and grant recipients funded under this notice must involve individuals with disabilities or parents of individuals with disabilities in planning, implementing, and evaluating the projects (see section 661(f)(1)(A) of IDEA); and

(c) Projects funded under these priorities must budget for a two-day Project Directors' meeting in Washington, D.C. during each year of the project.

Description of Program

The statutory authorization for this program and the application requirements that apply to this competition are set out in sections 651–655 of the IDEA.

Findings and Purposes

(a) States are responding with some success to multiple pressures to improve educational and transitional services and results for children with disabilities in response to growing demands imposed by ever-changing factors, such as demographics, social policies, and labor and economic markets.

(b) In order for States to address those demands and to facilitate lasting systemic change that is of benefit to all students, including children with disabilities, States must involve local educational agencies, parents, individuals with disabilities and their families, teachers and other service providers, and other interested individuals and organizations in carrying out comprehensive strategies to improve educational results for children with disabilities.

(c) Targeted Federal financial resources are needed to assist States, working in partnership with others, to identify and make needed changes to address the needs of children with disabilities into the next century.

(d) State educational agencies, in partnership with local educational agencies and other individuals and organizations, are in the best position to identify and design ways to meet

emerging and expanding demands to improve education for children with disabilities and to address their special needs.

(e) Research, demonstration, and practice over the past 20 years in special education and related disciplines have built a foundation of knowledge on which State and local systemic-change activities can now be based.

(f) Research, demonstration, and practice in special education and related disciplines have demonstrated that an effective educational system now and in the future must—

(1) Maintain high academic standards and clear performance goals for children with disabilities, consistent with the standards and expectations for all students in the educational system, and provide for appropriate and effective strategies and methods to ensure that students who are children with disabilities have maximum opportunities to achieve those standards and goals;

(2) Create a system that fully addresses the needs of all students, including children with disabilities, by addressing the needs of children with disabilities in carrying out educational reform activities;

(3) Clearly define, in measurable terms, the school and post-school results that children with disabilities are expected to achieve;

(4) Promote service integration, and the coordination of State and local education, social, health, mental health, and other services, in addressing the full range of student needs, particularly the needs of children with disabilities who require significant levels of support to maximize their participation and learning in school and the community;

(5) Ensure that children with disabilities are provided assistance and support in making transitions as described in section 674(b)(3)(C) of the Act;

(6) Promote comprehensive programs of professional development to ensure that the persons responsible for the education or a transition of children with disabilities possess the skills and knowledge necessary to address the educational and related needs of those children;

(7) Disseminate to teachers and other personnel serving children with disabilities research-based knowledge about successful teaching practices and models and provide technical assistance to local educational agencies and schools on how to improve results for children with disabilities;

(8) Create school-based disciplinary strategies that will be used to reduce or eliminate the need to use suspension and expulsion as disciplinary options for children with disabilities;

(9) Establish placement-neutral funding formulas and cost-effective strategies for meeting the needs of children with disabilities; and

(10) Involve individuals with disabilities and parents of children with disabilities in planning, implementing, and evaluating systemic-change activities and educational reforms.

Absolute Priority

Under section 653 and 34 CFR 75.105(c)(3), we will give an absolute preference to applications that meet the following priority. We will fund under this competition only those applications that meet this absolute priority.

This priority supports projects that assist State educational agencies and their partners in reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities.

State Improvement Plan

Applicants must submit a State improvement plan that—

(a) Is integrated, to the maximum extent possible, with State plans under the Elementary and Secondary Education Act of 1965 and the Rehabilitation Act of 1973, if appropriate;

(b) Identifies those critical aspects of early intervention, general education, and special education programs (including professional development, based on an assessment of State and local needs) that must be improved to enable children with disabilities to meet the goals established by the State under section 612(a)(16) of the Act. Specifically, applicants must include:

(1) An analysis of all information, reasonably available to the State educational agency, on the performance of children with disabilities in the State, including—

(i) Their performance on State assessments and other performance indicators established for all children, including drop-out rates and graduation rates;

(ii) Their participation in postsecondary education and employment; and

(iii) How their performance on the assessments and indicators compares to that of non-disabled children;

(2) An analysis of State and local needs for professional development for personnel to serve children with disabilities that includes, at a minimum:

(i) The number of personnel providing special education and related services; and

(ii) Relevant information on current and anticipated personnel vacancies and shortages (including the number of individuals described in paragraph (b)(2)(i) with temporary certification), and on the extent of certification or retraining necessary to eliminate those shortages, that is based, to the maximum extent possible, on existing assessments of personnel needs;

(3) An analysis of the major findings of the Secretary's most recent reviews of State compliance, as they relate to improving results for children with disabilities; and

(4) An analysis of other information, reasonably available to the State, on the effectiveness of the State's systems of early intervention, special education, and general education in meeting the needs of children with disabilities;

(c) Describes a partnership agreement that—

(1) Specifies—

(i) The nature and extent of the partnership among the State educational agency, local educational agencies, and other State agencies involved in, or concerned with, the education of children with disabilities, and the respective roles of each member of the partnership; and

(ii) How those agencies will work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, including the respective roles of each of these persons and organizations; and

(2) Is in effect for the period of the grant;

(d) Describes how grant funds will be used in undertaking the systemic-change activities, and the amount and nature of funds from any other sources, including funds under part B of the Act retained for use at the State level under sections 611(f) and 619(d) of the Act, that will be committed to the systemic-change activities;

(e) Describes the strategies the State will use to address the needs identified under paragraph (b), including how it will—

(1) Change State policies and procedures to address systemic barriers to improving results for children with disabilities;

(2) Hold local educational agencies and schools accountable for educational progress of children with disabilities;

(3) Provide technical assistance to local educational agencies and schools

to improve results for children with disabilities;

(4) Address the identified needs for in-service and pre-service preparation to ensure that all personnel who work with children with disabilities (including both professional and paraprofessional personnel who provide special education, general education, related services, or early intervention services) have the skills and knowledge necessary to meet the needs of children with disabilities, including a description of how it will—

(i) Prepare general and special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities, including how the State will work with other States on common certification criteria;

(ii) Prepare professionals and paraprofessionals in the area of early intervention with the content knowledge and collaborative skills needed to meet the needs of infants and toddlers with disabilities;

(iii) Work with institutions of higher education and other entities that (on both a pre-service and an in-service basis) prepare personnel who work with children with disabilities to ensure that those institutions and entities develop the capacity to support quality professional development programs that meet State and local needs;

(iv) Work to develop collaborative agreements with other States for the joint support and development of programs to prepare personnel for which there is not sufficient demand within a single State to justify support or development of a program of preparation;

(v) Work in collaboration with other States, particularly neighboring States, to address the lack of uniformity and reciprocity in the credentialing of teachers and other personnel;

(vi) Enhance the ability of teachers and others to use strategies, like behavioral interventions, to address the conduct of children with disabilities that impedes the learning of children with disabilities and others;

(vii) Acquire and disseminate, to teachers, administrators, school board members, and related services personnel, significant knowledge derived from educational research and other sources, and how the State, if appropriate, will adopt promising practices, materials, and technology;

(viii) Recruit, prepare, and retain qualified personnel, including personnel with disabilities and personnel from groups that are underrepresented in the fields of regular education, special education, and related services;

(ix) Integrate its plan, to the maximum extent possible, with other professional development plans and activities, including plans and activities developed and carried out under other Federal and State laws that address personnel recruitment and training; and

(x) Provide for the joint training of parents and special education, related services, and general education personnel;

(5) Address systemic problems identified in Federal compliance reviews, including shortages of qualified personnel;

(6) Disseminate results of the local capacity-building and improvement projects funded under section 611(f)(4) of the Act;

(7) Address improving results for children with disabilities in the geographic areas of greatest need;

(8) Assess, on a regular basis, the extent to which the strategies implemented under this subpart have been effective; and

(9) Coordinate its improvement strategies with public and private sector resources.

Required Partners

Applicants must:

(a) Establish a partnership with local educational agencies and other State agencies involved in, or concerned with, the education of children with disabilities; and

(b) Work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities, including—

(1) The Governor;

(2) Parents of children with disabilities;

(3) Parents of nondisabled children;

(4) Individuals with disabilities;

(5) Organizations representing individuals with disabilities and their parents, such as the parent training and information centers;

(6) Community-based and other nonprofit organizations involved in the education and employment of individuals with disabilities;

(7) The lead State agency for part C of the Act;

(8) General and special education teachers, and early intervention personnel;

(9) The State advisory panel established under part B of the Act;

(10) The State interagency coordinating council established under part C of the Act; and

(11) Institutions of higher education within the State.

Optional Partners

A partnership established by applicants may also include—

(a) Individuals knowledgeable about vocational education;

(b) The State agency for higher education;

(c) The State vocational rehabilitation agency;

(d) Public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice; and

(e) Other individuals.

Reporting Procedures

Each State educational agency that receives a grant must submit performance reports to the Secretary pursuant to a schedule to be determined by the Secretary, but not more frequently than annually. The reports must describe the progress of the State in meeting the performance goals established under section 612(a)(16) of the Act, analyze the effectiveness of the State's strategies in meeting those goals, and identify any changes in the strategies needed to improve its performance. Grantees must also provide information required under EDGAR at 34 CFR 80.40.

Use of Funds

Each State educational agency that receives a State Improvement Grant under this program—

(a) May use grant funds to carry out any activities that are described in the State's application and that are consistent with the purpose of this program;

(b) Shall, consistent with its partnership agreement established under the grant, award contracts or subgrants to local educational agencies, institutions of higher education, and parent training and information centers, as appropriate, to carry out its State improvement plan; and

(c) May award contracts and subgrants to other public and private entities, including the lead agency under part C of the Act, to carry out that plan;

(d)(1) Shall use not less than 75 percent of the funds it receives under the grant for any fiscal year—

(i) To ensure that there are sufficient regular education, special education, and related services personnel who have the skills and knowledge necessary to meet the needs of children with disabilities and developmental goals of young children; or

(ii) To work with other States on common certification criteria; or

(2) Shall use not less than 50 percent of those funds for these purposes, if the State demonstrates to the Secretary's

satisfaction that it has the personnel described in paragraph (d)(1).

Selection Criteria

We will use the following selection criteria in 34 CFR 75.210 to evaluate applications for new grants under this competition. The maximum score for all of these criteria is 100 points. The maximum score for each criterion is indicated in parentheses.

(a) *Need for project.* (19 points). (1) The Secretary considers the need for the proposed project.

(2) In determining the need for the proposed project the Secretary considers the extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(b) *Significance.* (19 points). (1) The Secretary considers the significance of the proposed project.

(2) In determining the significance of the proposed project, the Secretary considers the likelihood that the proposed project will result in system change or improvement.

(c) *Quality of the project design.* (19 points). (1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(iii) The extent to which the proposed activities constitute a coherent, sustained program of training in the field.

(iv) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(v) The extent to which the proposed project will establish linkages with other appropriate agencies and organizations providing services to the target population.

(vi) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(d) *Quality of project personnel.* (8 points). (1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factors:

(i) The qualifications, including relevant training and experience, of key project personnel.

(ii) The qualifications, including relevant training and experience, of project consultants or subcontractors.

(e) *Adequacy of resources.* (8 points). (1) The Secretary considers the adequacy of resources for the proposed project.

(2) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(ii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(iii) The extent to which the budget is adequate to support the proposed project.

(iv) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(v) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to this type of support.

(f) *Quality of the management plan.* (8 points). (1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project, including those of parents, teachers, the business community, a variety of disciplinary and professional fields, recipients or beneficiaries of services, or others, as appropriate.

(g) *Quality of the project evaluation.* (19 points). (1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(iii) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(iv) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

Competitive Preference: Within this absolute priority, we will give the following competitive preference under section 606 of IDEA and 34 CFR 75.105(c)(2)(i) to applications that are otherwise eligible for funding under this priority:

Up to ten (10) points based on the effectiveness of the applicant's strategies for employing and advancing in employment qualified individuals with disabilities as project employees in project activities as required under paragraph (a) of the ''General Requirements'' section of this notice. In determining the effectiveness of those strategies, we may consider the applicant's past success in pursuit of this goal.

For purposes of this competitive preference, applicants can be awarded up to a total of 10 points in addition to those awarded under the published selection criteria for this priority. That is, an applicant meeting this competitive preference could earn a maximum total of 110 points.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Applicants must contact the appropriate State Single Point of Contact (SPOC) to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the SPOC for each of those States and follow the procedure established in each State under the Executive Order. See the latest official SPOC list on the Website of the Office of Management and Budget at the following address: *http://www.whitehouse.gov/omb/grants/spoc.html* In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State SPOC and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.323A, U.S. Department of Education, room 7E200, 400 Maryland Avenue, SW., Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address.*

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant must—

(1) Mail the original and six copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA#84.323A), 7th and D Streets, SW., Room 3633, Regional Office Building #3, Washington, DC 20202–4725. or

(2) Hand-deliver the original and six copies of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.323A), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC 20202–4725.

The Application Control Center accepts application deliveries daily between 8 a.m. and 4:30 p.m. (Washington, DC time), except Saturdays, Sundays, and Federal holidays. The Center accepts application deliveries through the D Street entrance only. A person delivering an application must show identification to enter the building.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes

(1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9493.

(3) If your application is late, we will notify you that we will not consider the application.

(4) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 4 of the Application for Federal Assistance (ED 424 (exp.11/30/2004)) the CFDA number and suffix letter, if any, of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this notice is divided into three parts, plus a statement regarding estimated public reporting burden, additional non-regulatory guidance, and various assurances, certifications, and required documentation. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 11–2001)) and instructions.

Part II: Budget Information—Non-Construction Programs (ED Form No. 524) and instructions. The budget section of the application form requires all applicants for multi-year projects to provide detailed budget information for the total grant period requested. The Department will establish, at the time of initial award, the funding levels for each year of the grant award. By requesting detailed budget information in the initial application for the total grant period, the need for a formal noncompeting continuation application in the remaining years has been eliminated. A performance report will be required annually to determine substantial progress, rather than a non-competing continuation application.

Part III: Application Narrative.

Additional Materials

The following forms and other items must be included in the application:

a. Estimated Public Reporting Burden.

b. Assurances—Non-Construction Programs (Standard Form 424B) and instructions.

c. Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

d. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (ED 80–0014) and instructions. (Note: ED Form GCS–0014 is intended for the use of grantees and should not be transmitted to the Department.)

e. Certification of Eligibility for Federal Assistance in Certain Programs (ED 80–0016).

f. Disclosure of Lobbying Activities (Standard Form LLL) (Rev. 7–97) and instructions.

g. Table of Contents.

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. All applicants must submit *ONE* original signed application, including ink signatures on all forms and assurances, and THREE copies of the application. Please mark each application as ''original'' or ''copy''. No grant may be awarded unless a completed application has been received. *FOR APPLICATIONS AND GENERAL INFORMATION CONTACT:* Requests for applications and general information should be addressed to the Grants and Contracts Services Team,

400 Maryland Avenue, SW., room 3317, Switzer Building, Washington, DC 20202–2641. The preferred method for requesting information is to FAX your request to: (202) 205–8717. Telephone: (202) 260–9182. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number: (202) 205–8953.

Individuals with disabilities may obtain a copy of this notice or the application packages referred to in this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the Department as listed above. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *www.ed.gov/legislation/FedRegister*

To use PDF you must have Adobe Acrobat Reader, which is available free at the previous site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC., area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO access at: *http://www.access.gpo/nara/index.html*

Program Authority: 20 U.S.C. 1405, 1461, 1472, 1474, and 1487.

Dated: February 13 2002.

Robert H. Pasternack,

Assistant Secretary for Special Education and Rehabilitative Services.

Instructions for Estimated Public Reporting Burden

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB No. 1820–0620. The time required to complete this information collection is estimated to average between 50–130 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. *If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to:* U.S. Department of Education, Washington, DC 20202–4651. *If you have any comments or concerns regarding the status of your individual submission of this form, write directly to:* Office of Special Education Programs, U.S. Department of Education, 400 Independence Avenue, SW., Washington, DC 20202–2641.

Application Narrative

The narrative should address fully all aspects of the selection criteria in the order listed and should give detailed information regarding each criterion. Do not simply paraphrase the criteria. Provide position descriptions, not resumes.

Budget

Budget line items must support the goals and objectives of the proposed project and be directly applicable to the program design and all other project components.

Final Application Preparation

Use the above checklist to verify that all items are addressed. Prepare one original with an original signature, and include six additional copies. Do not use elaborate bindings or covers. The application must be mailed to the Application Control Center (ACC) and postmarked by the deadline date of February 15, 2002.

Questions and Answers

Following is a series of questions and answers that will serve as guidance for State educational agency (SEA) in completing the grant application for a State Improvement Grant (SIG) as authorized by the Individuals with Disabilities Education Act (IDEA). The questions were chosen to provide additional insight into the statutory requirements contained in the grant application. The questions were generated from a number of sources including parents of students with disabilities, Regional Resource Centers, the Federal Resource Center, State Directors of Special Education, SEA staff and staff from the Office of Special Education Programs.

Eligible Applicants

1. Who May Apply for a State Improvement Grant?

A State educational agency of one of the 50 States, the District of Columbia, or the Commonwealth of Puerto Rico or an outlying area (United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands) [1] (sections 602(18), 602(27), 652(a), and 655(a)(1)(2)).

2. Can Two or More SEAs Apply Jointly for a SIG?

No. A State applying for a State Improvement Grant must submit an individual application. However, included in the application will be a description of how: (1) The State will work to develop collaborative agreements with other States for the joint support and development of programs to prepare personnel for which there is not sufficient demand within a single State to justify support or development of this type of program of preparation; and (2) the State will work in collaboration with other States, particularly neighboring States, to address the lack of uniformity and reciprocity in the credentialing of teachers and other personnel (section 653(c)(3)(D)(iv) and (v)).

Partners

3. With Whom Is the State Supposed To Form Partnerships and How Are the Partnerships Structured?

Part D Subpart 1—State Program Improvement Grants for Children with Disabilities, section 652(b) describes three types of State partners. In order to be considered for a State Improvement Grant, a State educational agency must establish a partnership with individuals and organizations considered ''Required Partners.'' Required partners are made up of two subsets of partners—those called ''Contractual partners'' and those called ''Other partners.'' The SEA's contractual partners are local educational agencies and other State agencies involved in, or concerned with, the education of children with disabilities. These partners are called contractual because they must be parties to a formal ''partnership agreement'' that is explained further below in question four.

Other partners include individuals and organizations involved in, and concerned with, the education of children with disabilities, with whom the SEA works in partnership to implement the State improvement grant. Other partners may be, but the SEA is not required to make them, parties to the formal partnership agreement. Those ''other partners'' may include the Governor; parents of children with disabilities; parents of nondisabled

[1] Unless otherwise noted, the term ''State'' refers to the 50 States, the District of Columbia, the Commonwealth of Puerto Rico and the outlying areas (United States Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands).

children; individuals with disabilities; organizations representing individuals with disabilities and their parents, such as the parent training and information centers; [2] community-based and other nonprofit organizations involved in the education and employment of individuals with disabilities; the lead State agency for Part C; general and special education teachers, and early intervention personnel; the State advisory panel established under Part B; the State interagency coordinating council established under Part C; and institutions of higher education (IHEs) within the State. The State is encouraged to only partner with those IHEs that are currently implementing or, based on the partnership Agreement, will develop and implement, training programs that are consistent with the principles of IDEA Amendments of 1997 (e.g., training that facilitates access to the general education curriculum; training that facilitates inclusionary practices; joint training of general educators, special educators and parents, where appropriate; training that targets pedagogical practices that focus on accommodating and modifying instruction to meet State standards). Based on the needs assessment, the State must focus at least 75% of the funds received under the State Improvement Grant on the professional development and training of regular education, special education, or related services personnel (only 50% of the funds must be used on professional development if the State can demonstrate to the Department that it has sufficient personnel; see question 13 for additional clarification). In order to ensure that the perspectives of school based staff are represented in the grant activities, the State is encouraged to incorporate into its partnership agreement and partnership activities, professional organizations that negotiate for and may represent school-based staff.

In addition to required partners, the SEA, at its option, may include as partner's individuals and organizations called ''Optional Partners''. The SEA may include ''optional partners'' as parties to the formal partnership agreement or work in partnership with them, without them being parties to the partnership agreement. Those optional partners may include individuals knowledgeable about vocational education, the State agency for higher education, the State vocational rehabilitation agency, public agencies with jurisdiction in the areas of health, mental health, social services, and juvenile justice and other individuals.

4. What Is the Partnership Agreement and What Must It Include?

Each State's application must include a description of the partnership agreement entered into by the SEA with its contractual partners and with any ''other'' and ''optional'' partners who will be parties to the partnership agreement. As specified in the grant application package, the partnership agreement must specify the nature and extent of the partnership among the SEA, the LEAs, and other State agencies involved in, or concerned with, the education of children with disabilities. It must specify the respective roles of each member of the partnership in the implementation of the proposed State improvement grant. The partnership agreement must also specify how the SEA, LEAs, and other State agencies identified above, will work in partnership with other persons and organizations involved in, and concerned with, the education of children with disabilities (these would be the ''other partners'' and any ''optional partners''), and must specify the respective roles of each of these persons and organizations (section 653(c)(1)(B)).

The partnership agreement must indicate that it is in effect for the period of the grant. The terms of the partnership agreement will determine whether the SEA will award subgrants or contracts to any of the partners listed in section 654(a)(2)(A).

5. What Is the Connection Between the Partnership Agreement and the SEA's Use of Funds?

The SEA must, as appropriate, award contracts or subgrants to LEAs, IHEs, and parent training and information centers identified in the partnership agreement to carry out the State improvement grant activities. To carry out the State improvement grant activities, the SEA may also award contracts and subgrants to other public and private entities, including the lead agency under Part C and other agencies that are partners, as well as public and private entities that are not partners. It is anticipated that a SEA will need and desire the resources of other individuals and organizations to develop and implement all of the systemic change, technical assistance, in-service and pre-service training, dissemination and assessment activities designated in the State improvement grant application. There is, however, no required amount of funds that must be used for contracts or subgrants (section 654(a)(2)).

Funding Availability and Levels

6. What are the grant amounts to States?

We must make a grant to each State educational agency whose application we selected for funding under this subpart in an amount for each fiscal year that is: (1) Not less than $530,000, nor more than $2,120,000, in the case of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and (2) not less than $84,800, in the case of an outlying area (United States Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands (Section 655(a)). This means that the Department will reject and will not consider any application that proposes a budget that exceeds the maximum award amount or is less than the minimum award amount for any single budget period of 12 months.

7. How Will Decisions Be Made Regarding the Amount of Funds That States Will Receive If Approved for a State Improvement Grant?

The Department will set the amount of each grant, within the limits outlined in the response to question 6, after considering: (1) The relative population of the State; (2) the types of activities proposed by the State; and (3) the amount of funds available for making the grants (section 655(c)). Using the same considerations, (but without the increase in the minimum and maximum awards to account for inflation that we have added for this competition) we funded successful applications for fiscal years 1998, 1999 and 2000 at the following levels:

North Dakota	$500,000
Vermont	500,000
Wyoming	500,000
Alaska	550,000
Montana	550,000
Nebraska	575,816
Utah	578,551
Maine	600,000
New Hampshire	600,000
Hawaii	600,000
Idaho	625,000
Oklahoma	814,000
Oregon	850,000
Iowa	875,526
New Mexico	880,000
Kansas	900,000
Connecticut	920,000
Kentucky	1,000,000
Washington	1,088,288
Massachusetts	1,009,000
Minnesota	1,015,000
Alabama	1,025,000
Georgia	1,060,000
Maryland	1,095,000
Louisiana	1,100,000
Missouri	1,145,000
New Jersey	1,200,000

[2] States in which Community Parent Resource Centers are located are encouraged to include these organizations as ''other partners.''

North Carolina	1,210,000
Virginia	1,240,000
Ohio	1,320,000
Pennsylvania	1,320,000
Michigan	1,320,000
Illinois	1,400,000
Florida	1,550,000
New York	1,650,000
California	1,840,000

8. How Will the Connection Between Grant Amounts and ''Need'' Be Determined?

As previously stated in the response to question 7, we must set the amount of each grant after considering: (1) The relative population of the State; (2) the types of activities proposed by the State or outlying area; and (3) the amount of funds available for making the grants. ''Need'' will be determined through the quality of the needs assessment performed under section 653(b) including: (i) An analysis of all information, reasonably available to the State educational agency, on the performance of children with disabilities in the State; (ii) an analysis of State and local needs for professional development for personnel to serve children with disabilities; (iii) an analysis of the major findings of the Department's most recent reviews of State compliance, as they relate to improving results for children with disabilities; and (iv) an analysis of other information, for example, findings made by the Department's Office for Civil Rights, reasonably available to the State, on the effectiveness of the State's systems of early intervention, special education, and general education in meeting the needs of children with disabilities.

9. What We Will Consider In Making An Award On a Competitive Basis?

Using the selection criteria identified elsewhere in this application package, we expect to select for funding applications from States that demonstrate a need for improvement and effective strategies to meet those State needs. The application should show how the State plans to fulfill the purpose of the State Improvement Grant, which is to assist State educational agencies and their partners in reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities. We will give priority to applications on the basis of need, as indicated by information from the findings of Federal compliance reviews (section 653(d)).

Improvement Strategies and Use of Funds

10. Can Funds From the State Improvement Grants Be Distributed to LEAs on a Competitive Basis?

Yes. The statute does not provide a particular method for States to use when distributing State Improvement Grant funds to LEAs or other entities. When awarding and administering subgrants, under 34 CFR 80.37(a), the State must follow State law and procedures. As long as the SEA's proposal to contract or subgrant SIG funds is consistent with the partnership agreement and the funds are used to support the activities specified in the approved grant application, there is no statutory prohibition against the funds being distributed to LEAs on a competitive basis.

11. Can Charter Schools Be Involved as Partners in the State Improvement Grant?

Yes. Charter schools are schools under contract—or charter—between a public agency and groups of parents, teachers, community leaders or others who want to create alternatives and choice within the public school system. Charter schools can be involved as partners in the State Improvement Grant, either as an LEA or as part of an existing LEA, consistent with the State charter schools law.

12. Does the ''Service Obligation'' Apply to the Use of State Improvement Grant Funds If They Are Being Used for Scholarships?

No. The ''service obligation'' contained under the personnel preparation discretionary grant program provides that a recipient of a scholarship funded by the personnel preparation program under section 673(b), (c), (e), and to the extent appropriate (d), must subsequently perform work in the field in which they were trained or repay the cost of the financial assistance. The service obligation only applies to scholarships awarded under the personnel preparation program. However, consistent with State law, a SEA may impose its own service obligation.

13. Can Funds Be Used To Prepare Early Intervention Personnel?

Yes, but only in limited circumstances. Under section 654(b)(1), a State educational agency that receives a grant must use not less than 75 percent of the funds it receives under the grant for any fiscal year to work with other States on common certification criteria or to ensure that there are sufficient regular education, special education, and related services personnel who have the skills and knowledge necessary to meet the needs of children with disabilities and developmental goals of young children. This section ensures that based on the needs assessment, the State focuses at least 75% of the funds received under the State Improvement Grant on the professional development and training of regular education, special education, or related services personnel. Only 50% of the funds must be used on professional development if the State can demonstrate to the Department that it has sufficient personnel. Training that prepares personnel to deliver early intervention services that could not also be considered regular education, special education, or related services would not be a permissible use of the 75%, or 50% as the case may be, of the funds. However, it would be permissible for early intervention personnel to participate in training in those areas of special education and related services that would be useful to them, even if the training is funded using the 75% of the funds. There is no limitation on the use of the remaining 25% of the funds received under the SIG; it can be used to train personnel to provide early intervention services or for any other activity in an approved SIG.

14. How Does a State Demonstrate That It Meets the Requirement To Use at Least 75% (or 50% If Applicable) of the Grant Funds for Professional Development?

States should structure the presentation of their budget so that the Department can easily determine that the State has met the 75% or 50% requirement as the case may be.

15. What Is the Relationship of the SIG to the State Set Aside Under Part B?

In order to carry out the activities proposed in the State's SIG application, a State may choose to supplement the State Improvement Grant award with funds from the IDEA Part B State set aside (i.e., the portion of the IDEA, Part B grant awards retained for use by the SEA under sections 611(f) and 619(d) of the Act for discretionary purposes).

16. Can Funds From Sources Other Than the SIG Be Used To Support the Required Activities for Awards Under This Program?

Yes. In addition to the SIG award, funds from other sources (e.g., other IDEA discretionary grants, Part B State set aside funds, preschool grants) may be used, so long as those activities are permissible under the funding statute

and regulations to carry out any activities described in the State's SIG application. States may also use funds from private sources (e.g. foundations) to carry out activities described in the State's application. In its State Improvement Plan, the State must describe the amount and nature of funds from any other sources, including the Part B funds retained for use under sections 611(f) and 619(d) of the Act and Part D discretionary funds that will be committed to the SIG program.

17. Can SIG Funds Be Used for Direct Services to Children With Disabilities?

Yes. The statute does not forbid the use of SIG funds for direct services to children with disabilities; however, funding for these services must come from the 25% or 50% of the grant award, as the case may be, not obligated by statute to fund professional development activities or to work with other States on common certification criteria. In addition, the need for direct services must be one of the critical aspects of early intervention, general education and special education identified in the State's need assessment. The direct services improvement strategy must be described in the States' application and be consistent with the purpose of the grant, which is to assist State educational agencies and their partners in reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities.

Strategies Used To Address Identified Needs

18. Is Interstate Personnel Preparation Mandatory?

No. The State is required to describe how it will work to develop collaborative agreements with other States for the joint support and development of programs to prepare personnel for which there is not sufficient demand within the State to justify support or development of this type of program of preparation (section 653(c)(3)(D)(iv)). If the State demonstrates, through its needs assessment, that there is sufficient demand within the State to support its own personnel preparation programs, then interstate collaborative agreements are not required.

19. Is Training of General Education Personnel Required?

Yes. In its application, the State is required to include a description of how the State will prepare general as well as special education personnel with the content knowledge and collaborative skills needed to meet the needs of children with disabilities (section 653(c)(3)(D)(i)).

20. Is Training of Parents Required?

Yes. In its application, the State is required to include a description of how the State will provide for the joint training of parents and special education, related services, and general education personnel (section 653(c)(3)(D)(x)).

Role of Regional Resource Center/ Technical Assistance and Dissemination Projects

21. What Role Can the Regional Resource Center (RRC) Play in the Development of the State Improvement Grant Application?

The RRC is encouraged to provide general technical assistance to States in the development of their State improvement grant application. An RRC is funded to provide technical assistance and resources to all States within its region and must do so on an equitable basis across those States. Helping States improve their special education programs is the central mission of the RRCs and many State activities related to the State Improvement Grant program will be crucial in these improvement efforts. It would be inappropriate, however, for an RRC to help a State in drafting its grant application or even to provide technical assistance on strategies to improve the competitiveness of a State's application because it could be viewed as providing a competitive advantage to one potential applicant over another. On the other hand, helping States, for example, with data analyses, needs assessments, and facilitating meetings concerning planning the States' improvement activities could be, except as noted above, a part of the RRC's technical assistance activities to the States in their region. RRCs can also assist States in their implementation of a State Improvement Grant once those grants are awarded.

22. Can the State Use SIG Funds To Subcontract or Contract With the University or Entity in Which the RRC Is Located To Carry Out SIG Activities?

Yes. The State can use SIG funds to subgrant or contract with the University or entity in which the RRC is located to carry out SIG activities. However, the University or other entity would need to ensure that personnel time and other resources covered by the RRC's cooperative agreement with the Department are not used to work on SIG activities performed under the subgrant or contract and that work done under the other subcontract or contract is not represented as being performed as part of the cooperative agreement with the Department of Education.

23. Can Technical Assistance and Dissemination (TA&D) Projects Funded by OSEP Play a Role in SIG Activities?

Similarly to RRCs, TA&D projects funded by OSEP must ensure that the services they provide are fairly and evenhandedly available to their respective audience (under the terms of their OSEP funding agreement/grant/ contract) in all States, that the proposed SIG activity is permissible under the terms of the particular Project's funding agreement/ grant/contract/ with OSEP and that projects do not accept SIG funds under contract or grant with an SEA for activities they are currently receiving Federal funds to provide. In addition, TA&D projects, like the RRCs, should not engage in activities that could be seen as providing a competitive advantage to any one State over others in the SIG competition.

Relationship Between State Improvement Grant and Other Federal Statutes and Requirements

24. What Is the Link Between the Comprehensive System of Personnel Development (CSPD) and the SIG? What Are the Similarities and Differences?

The requirements for a CSPD as amended by IDEA Amendments of 1997 must be implemented by July 1, 1998 regardless of whether or not a State receives a SIG. Under section 612(a)(14) of IDEA, in order to be eligible for funding under Part B, a State must have in effect a comprehensive system of personnel development that is designed to ensure an adequate supply of qualified special education, regular education, related services, and early intervention personnel and that meets the requirements contained in the personnel development sections of the State Improvement Plan addressing needs assessment and improvement strategies. It is intended that the CSPD meet the SIG personnel development requirements so that it may serve as the framework for the State's personnel development part of a SIG grant application.

25. To What Extent Does the State Improvement Grant Proposal Have To Be Linked to the Elementary and Secondary Education Act of 1965 (ESEA) and the Rehabilitation Act of 1973?

To the ''maximum extent possible'' State improvement grant proposals must be linked to State plans under ESEA and the Rehabilitation Act of 1973. The IDEA Amendments of 1997 emphasize that children with disabilities have access to the general curriculum and general educational reforms. Although the legislation does not mention integration with any other State plans under any other Federal statute, because the State improvement grant proposal is focused on systems change for students with disabilities, integration with relevant State plans or projects would be beneficial (section 653(a)(2)(A)).

26. What Is the Relationship Between the Performance Goals and Indicators a State Must Have To Be Eligible for Part B and the State Improvement Grant Proposal?

Under Part B (section 612(a)(16)), in order to be eligible to receive financial assistance under Part B, the State must have in place by July 1, 1998 performance goals for children with disabilities that must promote the purposes of the IDEA and be consistent, to the maximum extent appropriate, with other goals and standards developed for children established by the State and performance indicators to assess progress toward achieving those goals. A State must have developed those performance goals and indicators in order to apply for a State Improvement Grant because in conducting the needs assessment required as part of its application, the State must identify those critical aspects of early intervention, general education, and special education programs that must be improved to enable children with disabilities to meet the performance goals and indicators established by the State for the performance of children with disabilities under section 612(a)(16). In submitting the required SIG performance reports to the Department under section 653(f), the State must describe the progress of the State in meeting the performance goals established under section 612(a)(16), analyze the effectiveness of the State's strategies in meeting those goals, and identify any changes in the strategies needed to improve its performance.

Monitoring and Corrective Action Plans

27. How Is the State Improvement Grant Aligned With Federal Compliance Reviews?

There are three areas in which the State Improvement Grant aligns with Federal compliance reviews. First, the State improvement plan must include an analysis of the major findings of the Department's most recent reviews of State compliance, as they relate to improving results for children with disabilities (section 653(b)(2)(C)). The second is that the State improvement plan must include a description of strategies that will address systemic problems identified in Federal compliance reviews, including shortages of qualified personnel (section 653(c)(3)(E)). The third area of alignment with monitoring is that in determining competitive awards we will give priority to applications on the basis of need, as indicated by information from the findings of Federal compliance reviews (section 653(d)(2)).

28. Can the State Improvement Grant Funds Be Used To Address Deficiencies Identified in Federal Compliance Reviews?

Yes, if the activities to address the deficiencies are consistent with the purposes of the grant and described in the State's application. If, for example, a Federal compliance review identified that a personnel shortage impacted on the provision of a free appropriate public education to students with disabilities, then it would be consistent with the purposes of the grant to use grant funds to address the personnel shortage.

Applications, Length of Awards, and Reapplication

29. Can the First Grant Be Written as a Planning Grant?

No. The purpose of the SIG program is to assist State educational agencies, and their partners referred to in section 652(b), in reforming and improving their systems for providing educational, early intervention, and transitional services, including their systems for professional development, technical assistance, and dissemination of knowledge about best practices, to improve results for children with disabilities. In order to be funded a State must include in its application improvement strategies that were developed to address State and local needs identified in the State needs assessment. The purpose of the needs assessment is to provide the necessary information to facilitate the development of a State improvement plan that identifies those critical aspects of early intervention, general education, and special education programs that must be improved to enable children with disabilities to meet the goals established by the State under section 612(a)(16). In conjunction with the needs assessment, the improvement strategies (section 653(c)) subsumed in the State improvement grant proposal constitute the State's plan for the use of SIG funds.

30. What Grant Period Can a State Request in Its Initial Application?

A State may request a grant of from one to five years. However, we may award a grant that is shorter than the State requests, but not less than one year, if the State's application does not sufficiently justify the full requested duration.

31. If a Project Is Funded for Less Than Five Years, Can It Be Extended Later?

No, with the exception of relatively short ''no-cost'' extensions that are sometimes given to allow the completion of project activities. These extensions do not award new funds or approve new activities.

32. After a State Completes One State Improvement Grant, Can It Apply for Another? If So, Will It Compete Against All Applicants or only Against Other States That Have Received Previous Grants?

Yes, a State can apply for another SIG after it completes one. It will be in competition with all applicants, not just those with previous grants. We will give priority to applications on the basis of need (section 653(d)(2)).

33. If a State Applies Unsuccessfully in One Year, Will It Be Able To Apply Again?

Yes.

34. Will a Project Be Approved and Funded All at Once or a Year at a Time?

At the time of the initial grant award, the project duration of one to five years will be determined and budgets for all years of the grant will be established. However, funds can only be awarded one-year at a time. States receiving multi-year grants will submit annual performance reports to demonstrate that their grants are making *substantial progress.* Funding for project years after the first will be based, in part, on these reports. This is not part of the competitive process of awarding funds, and it is expected that funding will be continued each year for the duration of the project, provided that substantial

progress is demonstrated and that Congress continues to fund the program.

35. Does Funding Have To Be the Same for All Years of the Project?

No, but it cannot exceed $2,120,000 or be less than $530,000 or $84,800 in the case of an outlying territory.

BILLING CODE 4000–01–U

OMB Control No. 1890-0007 (Exp. 09/30/2004)

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Public Law (P.L.) 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1890-0007.** The time required to complete this information collection is estimated to average 1.5 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, SW (Room 3652, GSA Regional Office Building No. 3). Washington, DC 20202-4248.

Application for Federal Education Assistance (ED 424)

U.S. Department of Education
Form Approved
OMB No. 1875-0106
Exp. 11/30/2004

Applicant Information

1. Name and Address
Legal Name: _____
Address: _____
_____
City _____ State _____ County _____ ZIP Code + 4 _____-_____

Organizational Unit

2. Applicant's D-U-N-S Number [ ][ ][ ][ ][ ][ ][ ][ ][ ]

3. Applicant's T-I-N [ ][ ]-[ ][ ][ ][ ][ ][ ][ ]

4. Catalog of Federal Domestic Assistance #: 8 4 [ ][ ][ ][ ]
Title: _____

5. Project Director: _____
Address: _____
City _____ State _____ ZIP Code + 4 _____-_____
Tel. #: ( ) _____-_____ Fax #: ( ) _____ - _____
E-Mail Address: _____

6. Novice Applicant ☐ Yes ☐ No

7. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No

8. Type of Applicant *(Enter appropriate letter in the box.)* ☐

A State	G Public College or University
B Local	H Private, Non-profit College or University
C Special District	I Non-profit Organization
D Indian Tribe	J Private, Profit-Making Organization
E Individual	K Other (*Specify*): _____
F Independent School District	

Application Information

9. Type of Submission:

—PreApplication	*—Application*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

10. Is application subject to review by Executive Order 12372 process?
☐ Yes (*Date made available to the Executive Order 12372 process for review):* ____/____/_____
☐ No *(If "No," check appropriate box below.)*
☐ Program is not covered by E.O. 12372.
☐ Program has not been selected by State for review.

11. Proposed Project Dates:

Start Date:	End Date:
____/____/_____	____/____/_____

12. Are any research activities involving human subjects planned at any time during the proposed project period?
☐ Yes (Go to 12a.) ☐ No (Go to item 13.)
12 a. Are **all** the research activities proposed designated to be exempt from the regulations?
☐ Yes (Provide Exemption(s) #): _____
☐ No (Provide Assurance #, if available): _____

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Authorized Representative *(Please type or print name clearly.)*

b. Title

c. Tel. #: ( ) _____ - _____ Fax #: ( ) _____ - _____

d. E-Mail Address:

e. Signature of Authorized Representative | Date: ___/___/_____

Instructions for Form ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com.**

3. **Taxpayer Identification Number.** Enter the taxpayer's identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested. The CFDA number can be found in the federal register notice and the application package.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Novice Applicant.** Check **"Yes"** or **"No"** only if assistance is being requested under a program that gives special consideration to novice applicants. Otherwise, **leave blank.**

   Check **"Yes"** if you meet the requirements for novice applicants specified in the regulations in 34 CFR 75.225 and included on the attached page entitled "Definitions for Form ED 424." By checking "Yes" the applicant certifies that it meets these novice applicant requirements. Check **"No"** if you do not meet the requirements for novice applicants.

7. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

8. **Type of Applicant.** Enter the appropriate letter in the box provided.

9. **Type of Submission.** See "Definitions for Form ED 424" attached.

10. **Executive Order 12372.** See "Definitions for Form ED 424" attached. Check **"Yes"** if the application is subject to review by E.O.12372. Also, please enter the month, day, and four (4) digit year (e.g., 12/12/2001). Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, day, and four (4) digit year (e.g., 12/12/2001).

12. **Human Subjects Research.** (See I.A. "Definitions" in attached page entitled "Definitions for Form ED 424.")

    If Not Human Subjects Research. Check **"No"** if research activities involving human subjects are not planned at any time during the proposed project period. The remaining parts of Item 12 are then not applicable.

    If Human Subjects Research. Check **"Yes"** if research activities involving human subjects are planned at any time during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution. Check **"Yes"** even if the research is exempt from the regulations for the protection of human subjects. (See I.B. "Exemptions" in attached page entitled "Definitions for Form ED 424.")

12a. **If Human Subjects Research is Exempt from the Human Subjects Regulations.** Check **"Yes"** if all the research activities proposed are designated to be exempt from the regulations. Insert the exemption number(s) corresponding to one or more of the six exemption categories listed in I.B. "Exemptions." In addition, follow the instructions in II.A. "Exempt Research Narrative" in the attached page entitled "Definitions for Form ED 424." Insert this narrative immediately following the ED 424 face page.

12a. **If Human Subjects Research is Not Exempt from Human Subjects Regulations.** Check **"No"** if some or all of the planned research activities are covered (not exempt), and provide the assurance number if available. In addition, follow the instructions in II.B. "Nonexempt Research Narrative" in the page entitled "Definitions for Form ED 424." Insert this narrative immediately following the ED 424 face page.

12a. **Human Subjects Assurance Number.** If the applicant has an approved Federal Wide (FWA) or Multiple Project Assurance (MPA) with the Office for Human Research Protections (OHRP), U.S. Department of Health and Human Services, that covers the specific activity, insert the number in the space provided. If the applicant does not have an approved assurance on file with OHRP, enter "None" in item 12b. In this case, the applicant, by signature on the face page, is declaring that it will comply with 34 CFR 97 and proceed to obtain the human subjects assurance upon request by the designated ED official. If the application is recommended/selected for funding, the designated ED official will request that the applicant obtain the assurance within 30 days after the specific formal request.

Note about Institutional Review Board Approval. ED does not require certification of Institutional Review Board approval with the application. However, if an application that involves non-exempt human subjects research is recommended/selected for funding, the designated ED official will request that the applicant obtain and send the certification to ED within 30 days after the formal request.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, day, and four (4) digit year (e.g., 12/12/2001) in the date signed field.

Paperwork Burden Statement. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106.** The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

Definitions for Form ED 424

Novice Applicant (See 34 CFR 75.225). For discretionary grant programs under which the Secretary gives special consideration to novice applications, a novice applicant means any applicant for a grant from ED that—

- Has never received a grant or subgrant under the program from which it seeks funding;
- Has never been a member of a group application, submitted in accordance with 34 CFR 75.127-75.129, that received a grant under the program from which it seeks funding; and
- Has not had an active discretionary grant from the Federal government in the five years before the deadline date for applications under the program. For the purposes of this requirement, a grant is active until the end of the grant's project or funding period, including any extensions of those periods that extend the grantee's authority to obligate funds.

In the case of a group application submitted in accordance with 34 CFR 75.127-75.129, a group includes only parties that meet the requirements listed above.

Type of Submission. "Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). "Construction" also includes remodeling to meet standards, remodeling designed to conserve energy, renovation or remodeling to accommodate new technologies, and the purchase of existing historic buildings for conversion to public libraries. For the purposes of this paragraph, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

Executive Order 12372. The purpose of Executive Order 12372 is to foster an intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development. The application notice, as published in the Federal Register, informs the applicant as to whether the program is subject to the requirements of E.O. 12372. In addition, the application package contains information on the State Single Point of Contact. An applicant is still eligible to apply for a grant or grants even if its respective State, Territory, Commonwealth, etc. does not have a State Single Point of Contact. For additional information on E.O. 12372 go to http://www.cfda.gov/public/eo12372.htm.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH

I. Definitions and Exemptions

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Research

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Human Subject

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the **only** involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, exemption 2 applies only to research involving educational tests and observations of public behavior when the investigator(s)***

do not participate in the activities being observed. Exemption 2 does not apply if children are surveyed or interviewed or if the research involves observation of public behavior and the investigator(s) participate in the activities being observed. [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S. Department of Agriculture.

II. Instructions for Exempt and Nonexempt Human Subjects Research Narratives

If the applicant marked "Yes" for Item 12 on the ED 424, the applicant must provide a human subjects "exempt research" or "nonexempt research" narrative and insert it immediately following the ED 424 face page.

A. Exempt Research Narrative.

If you marked "Yes" for Item 12 a. and designated exemption number(s), provide the "exempt research" narrative. The narrative must contain sufficient information about the involvement of human subjects in the proposed research to allow a determination by ED that the designated exemption(s) are appropriate. The narrative must be succinct.

B. Nonexempt Research Narrative.

If you marked "No" for item 12 a. you must provide the "nonexempt research" narrative. The narrative must address the following seven points. Although no specific page limitation applies to this section of the application, be succinct.

(1) **Human Subjects Involvement and Characteristics**: Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) **Sources of Materials**: Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) **Recruitment and Informed Consent**: Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) **Potential Risks**: Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) **Protection Against Risk**: Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) **Importance of the Knowledge to be Gained**: Discuss the importance of the knowledge gained or to be gained as a result of the proposed research. Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

(7) **Collaborating Site(s)**: If research involving human subjects will take place at collaborating site(s) or other performance site(s), name the sites and briefly describe their involvement or role in the research.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff, Office of the Chief Financial Officer, U.S. Department of Education, Washington, D.C., 20202-4248, telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://www.ed.gov/offices/OCFO/humansub.html

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control Number: 1890-0004

Expiration Date: 02/28/2003

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED Form No. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

Certification of Eligibility for Federal Assistance in Certain Programs

I understand that 34 CFR 75.60, 75.61, and 75.62 require that I make specific certifications of eligibility to the U.S. Department of Education (ED) as a condition of applying for Federal funds in certain programs and that these requirements are in addition to any other eligibility requirements that ED imposes under program regulations. Under 34 CFR 75.60 – 75.62:

I. I certify that:

A. I do not owe a debt, or I am current in repaying a debt, or I am not in default (as that term is used at 34 CFR Part 668) on a debt:

1. To the Federal Government under a nonprocurement transaction (e.g., a previous loan, scholarship, grant, or cooperative agreement); or

2. For a fellowship, scholarship, stipend, discretionary grant, or loan in any program of ED that is subject to 34 CFR 75.60, 75.61, and 75.62, including:

- Federal Pell Grant Program (20 U.S.C. 1070a, et seq.);
- Federal Supplemental Educational Opportunity Grant (SEOG) Program (20 U.S.C. 1070(b), et seq.):
- State Student Incentive Grant Program (SSIG) 20 U.S.C. 1070c, et seq.);
- Federal Perkins Loan Program (20 U.S.C. 1087aa, et seq.);
- Income Contingent Direct Loan Demonstration Project (20 U.S.C. 1087a, note);
- Federal Stafford Loan Program, Federal Supplemental Loans for Students [SLS], Federal PLUS, or Federal Consolidation Loan Program (20 U.S.C. 1071, et seq.);
- William D. Ford Federal Direct Loan Program (20 U.S.C. 1087a, et. seq.);
- Cuban Student Loan Program (20 U.S.C. 2601, et seq.);
- Robert C. Byrd Honors Scholarship Program (20 U.S.C. 1070d-31, et seq.);
- Jacob K. Javits Fellows Program (20 U.S.C. 1134h-1134l);
- Patricia Roberts Harris Fellowship Program (20 U.S.C. 1134d-1134g);
- Christa McAuliffe Fellowship Program (20 U.S.C. 1105-1105i);
- Bilingual Education Fellowship Program (20 U.S.C. 3221-3262);
- Rehabilitation Long-Term Training Program (29 U.S.C. 774(b));
- Paul Douglas Teacher Scholarship Program (20 U.S.C. 1104, et seq.);
- Law Enforcement Education Program (42 U.S.C. 3775);
- Indian Fellowship Program (29 U.S.C. 774(b));
- Teacher Quality Enhancement Grants Program (20 U.S.C. 1021, et seq.);

OR

B. I have made arrangements satisfactory to ED to repay a debt as described in A.1. or A.2. (above) on which I had not been current in repaying or on which I was in default (as that term is used in 34 CFR Part 668).

II. I certify also that I have not been declared by a judge, as a condition of sentencing under section 5301 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 862), ineligible to receive Federal assistance for the period of this requested funding.

I understand that providing a false certification to any of the statements above makes me liable for repayment to ED for funds received on the basis of this certification, for civil penalties, and for criminal prosecution under 18 U.S.C. 1001.

_____ (Signature)

_____ (Date)

_____ (Typed or Printed Name)

Name or number of ED program under which this certification is being made: _____

ED 80-0016 (Revised 2/01)

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract ____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** a. bid/offer/application _____ b. initial award c. post-award	**3. Report Type:** a. initial filing _____ b. material change **For material change only:** Year _____ quarter _____ Date of last report_____
4. Name and Address of Reporting Entity: ____ Prime _____ Subawardee Tier_____, if Known: **Congressional District, if known:**	**5. If Reporting Entity in No. 4 is Subawardee,** Enter Name and Address of Prime: **Congressional District, if known:**	
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____	
8. Federal Action Number, *if known:*	**9. Award Amount,** *if known:* **$**	
10. a. Name and Address of Lobbying Registrant *(if individual, last name, first name, MI):*	**b. Individuals Performing Services** *(including address if different from No. 10a)* *(last name, first name, MI):*	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:**_____ **Title:**_____ **Telephone No.:** _____ **Date:** _____	
Federal Use Only	**Authorized for Local Reproduction** **Standard Form - LLL (Rev. 7-97)**	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

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Federal Register

Tuesday,
February 19, 2002

Part VI

Environmental Protection Agency

40 CFR Part 300

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List; Final Rule and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7144–2]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Direct final notice of deletion of the Luke Air Force Base Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 9 is publishing a direct final notice of deletion of the Luke Air Force Base (AFB) Superfund Site (Site), located in Glendale, AZ from the National Priorities List (NPL).

The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final notice of deletion is being published by EPA with the concurrence of the State of Arizona through the Arizona Department of Environmental Quality (ADEQ) because EPA has determined that all appropriate response actions under CERCLA have been completed and, therefore, further remedial action pursuant to CERCLA is not appropriate.

DATES: This direct final deletion will be effective April 22, 2002, unless EPA receives adverse comments by March 21, 2002. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Comments may be mailed to: Xuan-Mai Tran, Remedial Project Manager (RPM) (SFD–8–3), Tran.Xuan-Mai@epa.gov, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA USA 94105, 415–972–3002 or 1–800–231–3075.

Information Repositories: Comprehensive information about the Site is available for viewing and copying at the Site information repositories located at: U.S. EPA Region 9 Superfund Record Center, 95 Hawthorne Street, San Francisco CA USA 94105, 415–536–2000 Monday through Friday 8:00 a.m. to 5:00 p.m.; Glendale Public Library, 5959 West Brown Street, Glendale, AZ 85302, 623–930–3531; Arizona Department of Environmental Quality, WPD/SPS/FPU Section/Federal Projects Unit, 3033 N. Central Ave., Phoenix, AZ 85012, 602–207–2300 or 1–800–234–5677.

FOR FURTHER INFORMATION CONTACT: Xuan-Mai Tran, Remedial Project Manager (SFD–8–3), Tran.Xuan-Mai@epa.gov, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, CA USA, 94105, 415–972–3002 or 1–800–231–3075.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

EPA Region 9 is publishing this direct final notice of deletion of the Luke AFB Superfund Site from the NPL.

The EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions if conditions at a deleted site warrant such action.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication of a notice of intent to delete. This action will be effective April 22, 2002, unless EPA receives adverse comments by March 21, 2002, on this notice or the parallel notice of intent to delete published in the Proposed Rules section of today's **Federal Register**. If adverse comments are received within the 30-day public comment period on this document or the Notice of Intent to Delete, EPA will publish a timely withdrawal of this Direct Final Notice of Deletion before the effective date of the deletion and the deletion will not take effect. EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Luke AFB Superfund Site and demonstrates how it meets the deletion criteria. Section V discusses EPA's action to delete the Site from the NPL unless adverse comments are received during the public comment period.

II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. All appropriate Fund-financed (Hazardous Substance Superfund Response Trust Fund) response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the deleted site above levels that allow for unlimited use and unrestricted exposure, CERCLA section 121(c), 42 U.S.C. 9621(c) requires that a subsequent review of the site be conducted at least every five years after the initiation of the remedial action at the deleted site to ensure that the action remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) The EPA consulted with Arizona on the deletion of the Site from the NPL prior to developing this direct final notice of deletion.

(2) Arizona concurred with deletion of the Site from the NPL.

(3) Concurrently with the publication of this direct final notice of deletion, a notice of the availability of the parallel notice of intent to delete published today in the ''Proposed Rules'' section of the **Federal Register** is being published in a major local newspaper of general circulation at or near the Site and is being distributed to appropriate federal, state, and local government officials and other interested parties; the newspaper notice announces the 30-day public comment period concerning the notice of intent to delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the deletion in the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this notice or the companion notice of intent to delete also published in today's **Federal Register**, EPA will publish a timely notice of

withdrawal of this direct final notice of deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Location

Luke AFB, an advanced fighter pilot training installation, covers approximately 4,000 acres west of the Phoenix metropolitan area in Glendale, Arizona.

Site History

Luke AFB is an active Air Force installation. Aircraft maintenance and light industrial operations which support advanced flight training missions have been in existence at Luke AFB since its inception in 1941. These activities generated potentially hazardous wastes such as petroleum residues, cleaning solvents, and other related materials.

The central and western portions of Luke AFB include the runways, aircraft operation, training, and maintenance facilities, and open space. The eastern portion of the Base consists of a variety of administrative offices, barracks, recreation centers, residential housing, the Base hospital, and other commercial areas.

The site was listed on the National Priorities List on August 30, 1990. On September 27, 1990, the EPA, Arizona Department of Environmental Quality (ADEQ), Arizona Department of Water Resources (ADWR), and the United States Air Force (USAF) signed a Federal Facilities Agreement (FFA) to establish the procedural framework for conducting the required environmental investigations at Luke AFB.

Remedial Investigation and Feasibility Study (RI/FS)

To aid in the management of the remedial investigation/feasibility study (RI/FS), the FFA parties divided the thirty-three potential sources of contamination (PSCs) sites into two Operable Units, OU–1 and OU–2. OU–1 included the investigation of the soils at twenty-five PSCs and the Base-wide investigation of air, surface water, and groundwater resources. OU–2 included the investigation of soils at eight PSCs sites at which petroleum-related wastes were believed to have been disposed.

Record of Decision Findings

OU–1: The Record of Decision (ROD) for OU–1 was signed in May 1999. This document was issued by EPA to set forth the results of the investigation of the soils at twenty-five PSCs and the Base-wide investigation of air, surface water, and groundwater resources:

- Eight of those twenty-five PSCs (OT–01, OT–08, OT–09, DP–24, SS–15, SS–16, ST–19, and OT–10) were classified as ''No Action'' because either: (1) data obtained during an extensive review of Base records showed that hazardous materials or wastes were never handled or disposed at these areas, (2) the PSCs contained underground storage tanks and therefore were placed under the jurisdiction of the ADEQ Underground Storage Tanks section, or (3) the PSCs were consolidated with other PSCs. These eight PSCs did not require further action under Superfund Authority.
- Nine more of those twenty-five PSCs (SS–11, OT–12, SS–17, SD–20, SD–21, SD–26, LF–37, SD–39, and OT–41) were also classified as ''No Action.'' These PSCs were evaluated initially in the Remedial Investigation (RI) and in the Base-wide Risk Assessment, but remedial actions were not developed for these PSCs because the risk assessment showed that the risks were within or below the EPA's risk-based remediation benchmarks for unrestricted use. These nine PSCs did not require cleanup.
- Five more PSCs (LF–03, FT–07E, DP–13, LF–14, and SD–38) need institutional controls only. Institutional controls will serve to maintain the current site conditions and will control the risks to human health by prohibiting residential development and requiring personal protective equipment in the case of excavation.

At the remaining three PSCs, EPA required the Air Force to conduct remedial actions:

- PSC RW–02 is the former 28-acre landfill located within the Wastewater Treatment Plant (WWTP) annex area and is located approximately two miles east of the main Base. This landfill served as the main refuse disposal location for Luke AFB from 1953 to 1970. Investigations concluded that concentrations of chemicals of concern (COCs) identified for soil (BNAs, TRPH, metals) and groundwater (i.e., arsenic, lead) at RW–02 did not pose adverse health effects under current land use scenarios (military/industrial).

However, within a portion of the PSC RW–02, a small quantity of low-level radioactive electron tubes and radium dials were buried in a concrete containment structure in 1956. The buried containment structure is double-fenced and designated with signs warning of the presence of radiological materials. Recent monitoring results indicate that the soils surrounding the buried containment structure have not been impacted and that surface measurements are comparable to background levels. Although the investigations and Base-wide risk assessment concluded that current risks from radionuclides are within or below acceptable risks levels for current use, the presence of the buried low-level radioactive containment structure would prevent residential land use in the future. The remedial actions selected for the structure include: long-term radiological monitoring, at least once a year for the next 30 years, and perimeter fencing and other institutional controls prohibiting residential development.

At PSC LF–25, the Northwest Landfill consists of an area formerly used for landfilling along the southwest boundary of the Base, between the west perimeter and the northwest runway. Portions of this landfill are located immediately downrange of the Base skeet shooting range. Lead and antimony were present in the surface soils in the form of metal shot that was fired from the adjacent Base skeet shooting range. Metal shot was remediated via mechanical sifting and gravimetric separation, and metals recovery. Institutional controls were imposed prohibiting residential development and requiring personal protective equipment in the case of excavation.

- PSC SS–42 was the Bulk Fuels Storage area where volatile organic compounds and waste oil were detected constituents in groundwater samples. The Air Force was required to conduct soil vapor extraction (SVE) and five years of groundwater monitoring after the SVE was completed. An initial soil confirmation sampling event was conducted in June 1997. Post-remediation sampling was conducted in January of 1999.

OU–2: The Record of Decision for OU–2 was signed in January 1994. This document was issued by EPA to set forth the results of the investigation of

soils at eight PSCs at which petroleum-related wastes were believed to have been disposed.

• Six PSCs (OT–04, DP–05, FT–06, FT–07W, DP–22, and SD–40) were classified as ''No Action'' because the OU–2 site-specific risk assessment concluded that soil conditions did not represent a significant hazard to human health or the environment.

At the other two PSCs, EPA required the Air Force to conduct remedial actions:

• PSC ST–18 (Facility 993) consists of a former liquid waste storage facility located in the southern part of the Base. Capping, surface controls, and monitoring the concrete cap were required as remedies for PSC ST–18. Maintenance and inspection of the concrete cap is an ongoing requirement. Also, groundwater monitoring will take place during each five-year review.

• PSC DP–23 (old surface impoundment west of Facility 999): Excavation, soil composting, confirmation sampling, and on-site disposal of impacted soils were required as remedies for this PSC.

Characterization of Risk

The Air Force conducted a baseline Base-wide risk assessment for Luke AFB to evaluate risks associated with exposure to soils at each of the OU–1 and OU–2 PSCs and a Base-wide evaluation of risks associated with exposure to constituents detected in soil, groundwater, surface water, sediment and air. The risk assessment was prepared based on the analytical results of soil, sediment, surface water, and groundwater collected as part of the RIs for OU–1 and OU–2 and related investigations for the period 1989 through 1996. The methodology used for the human health portion of the Base-wide risk assessment was developed based on criteria established by the EPA for conducting risk assessments at Superfund sites.

In addition to evaluating potential human health risks, an ecological risk assessment was also performed. Based on the results of the ecological risk assessment, it is unlikely site-related chemicals of concern (COC) concentrations would propose a risk to ecological receptors at Luke AFB. The selected remedies at Luke AFB are protective of human health and the environment and exposure pathways that could result in unacceptable risks are being controlled.

Response Actions and Cleanup Standards

OU–1:

• Five PSCs (LF–03, FT–07E, DP–13, LF–14, and SD–38) need institutional controls only. Institutional controls consist of a Voluntary Environmental Mitigation Use Restrictions (VEMUR) and constraints within the Base General Plan (BGP) that must be implemented, maintained, and enforced to limit future residential development. Depending on the specific site conditions, a variety of different institutional controls may be used alone or combined to provide the appropriate level of protection. Institutional controls will serve to maintain the current site conditions and will control the risks to human health by prohibiting residential development and requiring personal protective equipment in the case of excavation. The specific remedial components implemented were VEMURs, modifications to the BGP, and development of an Institutional Control Plan (ICP).

• PSC RW–02, Wastewater Treatment Annex Landfill: The Air Force was required to conduct long-term (30-year) monitoring, install fencing, and put in place institutional controls at the low-level radioactive area. Perimeter fencing was installed around the low-level radioactive area. Signs were attached to the fence to clearly indicate that radioactive materials were present. Institutional controls include a VEMUR, modifications to BGP, and development of an ICP to restrict residential development.

• PSC LF–25, Northwest Landfill: The Air Force was required to conduct shot recovery activities which included mechanical sifting of soil and gravimetric separation methods to reduce the concentration of lead and antimony. Approximately 2,800 pounds of metal shot were recovered from the site. Based on the results of the analysis after the completion of the recovery process, lead and antimony were not detected above their respective Arizona Soil Remediation Levels for residential use standards of 400 mg/kg and 31 mg/kg respectively. Institutional controls components included a VEMUR, modifications to BGP, and development of an ICP to restrict residential development and to impose restrictions while excavating in the area.

• PSC SS–42, Bulk Fuels Storage: The Air Force was required to install a SVE system that operated from August 1996 to November 1998 removing 66,586 gallons of total volatile hydrocarbons. Post-SVE sampling showed that the subsurface soil was cleaned up to protective levels using the Arizona Groundwater Protection Levels model. The ROD requires that groundwater monitoring will be conducted annually upon completion of the SVE for a minimum of five years. If petroleum-related contaminants are not detectable in the groundwater during the monitoring period, no additional groundwater monitoring will be required. However, if conditions change during the monitoring period and petroleum related contaminants are detected at concentrations above the levels established in the ROD for groundwater, the need for additional monitoring will be reexamined, and an alternative monitoring program may be necessary. The first annual groundwater monitoring for this site was completed on May 16, 2000. The analytical results indicate that the groundwater did not contain total petroleum hydrocarbons (TPH) or volatile organic compounds (VOCs) above the levels established in the ROD or above laboratory detection limits. No additional construction activities are required.

OU–2:

• PSC ST–18: The contaminants of concern are TPH and VOCs. The Air Force was required to install a concrete cap in 1987 as part of the Resource Conservation and Recovery Act (RCRA) closure requirements. There were no other construction activities associated with this remedy. The Air Force was required to maintain and repair the concrete cap as needed in accordance with the Air Force design guidance for airfield pavement maintenance. The remedy also requires 30 years of groundwater monitoring. The groundwater monitoring plan was developed prior to EPA's CERCLA involvement. The plan is consistent with standard EPA sampling and analytical protocols and provides data of known quality. Groundwater sampling through 1999 indicates no quantifiable concentrations of hazardous substances in the groundwater resources above Federal and State drinking water standards. In addition to the groundwater monitoring, a vadose-zone model, Multimed, was utilized to determine the leaching effects of the chemicals of concern present at their corresponding depths. It was determined that there would be negligible impact to the groundwater from the waste left in place.

• PSC DP–23, Old surface impoundment west of Facility 999: The contaminants of concern are polynuclear aromatic hydrocarbons (PAHs). The remedial actions required were excavation, soil composting to respective Preliminary Remediation Goals (PRGs), on-site disposal, and monitoring. Upon completion of soil composting activities, the highest detected concentration of

benzo(a)pyrene was 0.508 mg/kg which did not exceed its corresponding PRG of 0.78 mg/kg. The standard was Region 9 Industrial PRGs. No other PAHs were detected. The ROD did not require that institutional control measures be implemented for this site. The BGP limits types of activities, including residential development, in areas adjacent to the runway. Since this site is adjacent to the runway, the BGP provides restrictions against residential development, as long as the facility remains an active military base.

The Luke AFB conducted a final PSCs inspection in August 1997. Also, EPA and ADEQ conducted a final site inspection in April 2000 and determined that the Air Force has constructed the remedy in accordance with the requirements in the RODs for OU–1 and OU–2, and the Remedial Action Work Plans. The Air Force completed all activities necessary to achieve performance standards, and initiated activities necessary to achieve site cleanup completion.

Operation and Maintenance

The final ICP dated December 15, 2000 provides specific requirements for the establishment, implementation, and maintenance of institutional controls at Luke AFB. Institutional controls are an integral part of the remedial alternatives selected for Luke AFB. The ICP was designed to facilitate training and education of all personnel involved with the implementation and enforcement of the required institutional controls. The ICP details the objectives and rationales for establishing institutional controls and describes the procedures that will be implemented to ensure that the required institutional controls are enforced. The ICP also includes provisions for annual reviews and updates of the BGP, thus ensuring regular checks and balances are in place into the foreseeable future.

Ongoing monitoring is required at PSC RW–02 and PSC SS–42. The requirements for monitoring at RW–02 are outlined in the November 2000 Long-Term Radiological Monitoring Plan. The requirements for monitoring at PSC SS–42 included 5-years of groundwater monitoring and the details are outlined in the November 2000 Long-Term Monitoring Plan. Also, there are ongoing operations and maintenance requirements associated with the selected remedial alternative for PSC ST–18. As per the OU–2 ROD, Luke AFB maintains and repairs the concrete cap as needed in accordance with the Air Force design guidance for airfield pavement maintenance. This guidance is contained in the Air Force technical manual CEEDO–TR–77–44, Volume II, Section V, Guidelines for Determining Maintenance and Repair Requirements. Once Luke AFB is delisted from the NPL, ADEQ will continue the oversight on long-term activities at the Base.

Five-Year Review

The CERCLA or Superfund requires a five-year review of all sites with hazardous substances remaining above the health-based levels for unrestricted use of the site. Pursuant to CERCLA 121 (c) and as provided in the current guidance on five-year reviews, the AF, ADEQ, and EPA will conduct statutory reviews at this site. The AF submitted the Draft Final of the First Five Year Review (Report) on December 3, 2001. EPA agreed with the findings, conclusions, and recommendations provided in the Report, and concurred with the AF that the remedies remain protective of human health and the environment at Luke AFB. EPA signed the concurrence letter on January 30, 2002. The AF is scheduled to complete the next Five Year Review by January 2007.

Community Involvement

Public participation activities have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617. Documents in the deletion docket which EPA relied on for recommendation of the deletion from the NPL are available to the public in the information repositories.

V. Deletion Action

The EPA, with concurrence of the State of Arizona, has determined that all appropriate responses under CERCLA have been completed, and that no further response actions, under CERCLA, other than O&M and five-year reviews, are necessary. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication of a notice of intent to delete. This action will be effective April 22, 2002, unless EPA receives adverse comments by March 21, 2002, on a parallel notice of intent to delete published in the Proposed Rule section of today's **Federal Register**. If adverse comments are received within the 30-day public comment period on the proposal, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion and it will not take effect, and EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

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

Dated: February 6, 2002.

Wayne Nastri,

Regional Administrator, Region 9.

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

PART 300—[AMENDED]

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

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

Appendix B—[Amended]

2. Table 2 of appendix B to part 300 is amended under Arizona (''AZ'') by removing the site name ''Luke Air Force Base'' and the city ''Glendale.''

[FR Doc. 02–3764 Filed 2–15–02; 1:38 pm]

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Federal Register

Tuesday,
February 19, 2002

Part VI

Environmental Protection Agency

40 CFR Part 300

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List; Final Rule and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7144–2]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Direct final notice of deletion of the Luke Air Force Base Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 9 is publishing a direct final notice of deletion of the Luke Air Force Base (AFB) Superfund Site (Site), located in Glendale, AZ from the National Priorities List (NPL).

The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final notice of deletion is being published by EPA with the concurrence of the State of Arizona through the Arizona Department of Environmental Quality (ADEQ) because EPA has determined that all appropriate response actions under CERCLA have been completed and, therefore, further remedial action pursuant to CERCLA is not appropriate.

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II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that releases may be deleted from the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. All appropriate Fund-financed (Hazardous Substance Superfund Response Trust Fund) response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the deleted site above levels that allow for unlimited use and unrestricted exposure, CERCLA section 121(c), 42 U.S.C. 9621(c) requires that a subsequent review of the site be conducted at least every five years after the initiation of the remedial action at the deleted site to ensure that the action remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the deleted site may be restored to the NPL without application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the Site:

(1) The EPA consulted with Arizona on the deletion of the Site from the NPL prior to developing this direct final notice of deletion.

(2) Arizona concurred with deletion of the Site from the NPL.

(3) Concurrently with the publication of this direct final notice of deletion, a notice of the availability of the parallel notice of intent to delete published today in the ''Proposed Rules'' section of the **Federal Register** is being published in a major local newspaper of general circulation at or near the Site and is being distributed to appropriate federal, state, and local government officials and other interested parties; the newspaper notice announces the 30-day public comment period concerning the notice of intent to delete the Site from the NPL.

(4) The EPA placed copies of documents supporting the deletion in the Site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this notice or the companion notice of intent to delete also published in today's **Federal Register**, EPA will publish a timely notice of

withdrawal of this direct final notice of deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Site Deletion

The following information provides EPA's rationale for deleting the Site from the NPL:

Site Location

Luke AFB, an advanced fighter pilot training installation, covers approximately 4,000 acres west of the Phoenix metropolitan area in Glendale, Arizona.

Site History

Luke AFB is an active Air Force installation. Aircraft maintenance and light industrial operations which support advanced flight training missions have been in existence at Luke AFB since its inception in 1941. These activities generated potentially hazardous wastes such as petroleum residues, cleaning solvents, and other related materials.

The central and western portions of Luke AFB include the runways, aircraft operation, training, and maintenance facilities, and open space. The eastern portion of the Base consists of a variety of administrative offices, barracks, recreation centers, residential housing, the Base hospital, and other commercial areas.

The site was listed on the National Priorities List on August 30, 1990. On September 27, 1990, the EPA, Arizona Department of Environmental Quality (ADEQ), Arizona Department of Water Resources (ADWR), and the United States Air Force (USAF) signed a Federal Facilities Agreement (FFA) to establish the procedural framework for conducting the required environmental investigations at Luke AFB.

Remedial Investigation and Feasibility Study (RI/FS)

To aid in the management of the remedial investigation/feasibility study (RI/FS), the FFA parties divided the thirty-three potential sources of contamination (PSCs) sites into two Operable Units, OU–1 and OU–2. OU–1 included the investigation of the soils at twenty-five PSCs and the Base-wide investigation of air, surface water, and groundwater resources. OU–2 included the investigation of soils at eight PSCs sites at which petroleum-related wastes were believed to have been disposed.

Record of Decision Findings

OU–1: The Record of Decision (ROD) for OU–1 was signed in May 1999. This document was issued by EPA to set forth the results of the investigation of the soils at twenty-five PSCs and the Base-wide investigation of air, surface water, and groundwater resources:

- Eight of those twenty-five PSCs (OT–01, OT–08, OT–09, DP–24, SS–15, SS–16, ST–19, and OT–10) were classified as ''No Action'' because either: (1) data obtained during an extensive review of Base records showed that hazardous materials or wastes were never handled or disposed at these areas, (2) the PSCs contained underground storage tanks and therefore were placed under the jurisdiction of the ADEQ Underground Storage Tanks section, or (3) the PSCs were consolidated with other PSCs. These eight PSCs did not require further action under Superfund Authority.
- Nine more of those twenty-five PSCs (SS–11, OT–12, SS–17, SD–20, SD–21, SD–26, LF–37, SD–39, and OT–41) were also classified as ''No Action.'' These PSCs were evaluated initially in the Remedial Investigation (RI) and in the Base-wide Risk Assessment, but remedial actions were not developed for these PSCs because the risk assessment showed that the risks were within or below the EPA's risk-based remediation benchmarks for unrestricted use. These nine PSCs did not require cleanup.
- Five more PSCs (LF–03, FT–07E, DP–13, LF–14, and SD–38) need institutional controls only. Institutional controls will serve to maintain the current site conditions and will control the risks to human health by prohibiting residential development and requiring personal protective equipment in the case of excavation.

At the remaining three PSCs, EPA required the Air Force to conduct remedial actions:

- PSC RW–02 is the former 28-acre landfill located within the Wastewater Treatment Plant (WWTP) annex area and is located approximately two miles east of the main Base. This landfill served as the main refuse disposal location for Luke AFB from 1953 to 1970. Investigations concluded that concentrations of chemicals of concern (COCs) identified for soil (BNAs, TRPH, metals) and groundwater (i.e., arsenic, lead) at RW–02 did not pose adverse health effects under current land use scenarios (military/industrial).

However, within a portion of the PSC RW–02, a small quantity of low-level radioactive electron tubes and radium dials were buried in a concrete containment structure in 1956. The buried containment structure is double-fenced and designated with signs warning of the presence of radiological materials. Recent monitoring results indicate that the soils surrounding the buried containment structure have not been impacted and that surface measurements are comparable to background levels. Although the investigations and Base-wide risk assessment concluded that current risks from radionuclides are within or below acceptable risks levels for current use, the presence of the buried low-level radioactive containment structure would prevent residential land use in the future. The remedial actions selected for the structure include: long-term radiological monitoring, at least once a year for the next 30 years, and perimeter fencing and other institutional controls prohibiting residential development.

At PSC LF–25, the Northwest Landfill consists of an area formerly used for landfilling along the southwest boundary of the Base, between the west perimeter and the northwest runway. Portions of this landfill are located immediately downrange of the Base skeet shooting range. Lead and antimony were present in the surface soils in the form of metal shot that was fired from the adjacent Base skeet shooting range. Metal shot was remediated via mechanical sifting and gravimetric separation, and metals recovery. Institutional controls were imposed prohibiting residential development and requiring personal protective equipment in the case of excavation.

- PSC SS–42 was the Bulk Fuels Storage area where volatile organic compounds and waste oil were detected constituents in groundwater samples. The Air Force was required to conduct soil vapor extraction (SVE) and five years of groundwater monitoring after the SVE was completed. An initial soil confirmation sampling event was conducted in June 1997. Post-remediation sampling was conducted in January of 1999.

OU–2: The Record of Decision for OU–2 was signed in January 1994. This document was issued by EPA to set forth the results of the investigation of

soils at eight PSCs at which petroleum-related wastes were believed to have been disposed.

• Six PSCs (OT–04, DP–05, FT–06, FT–07W, DP–22, and SD–40) were classified as ''No Action'' because the OU–2 site-specific risk assessment concluded that soil conditions did not represent a significant hazard to human health or the environment.

At the other two PSCs, EPA required the Air Force to conduct remedial actions:

• PSC ST–18 (Facility 993) consists of a former liquid waste storage facility located in the southern part of the Base. Capping, surface controls, and monitoring the concrete cap were required as remedies for PSC ST–18. Maintenance and inspection of the concrete cap is an ongoing requirement. Also, groundwater monitoring will take place during each five-year review.

• PSC DP–23 (old surface impoundment west of Facility 999): Excavation, soil composting, confirmation sampling, and on-site disposal of impacted soils were required as remedies for this PSC.

Characterization of Risk

The Air Force conducted a baseline Base-wide risk assessment for Luke AFB to evaluate risks associated with exposure to soils at each of the OU–1 and OU–2 PSCs and a Base-wide evaluation of risks associated with exposure to constituents detected in soil, groundwater, surface water, sediment and air. The risk assessment was prepared based on the analytical results of soil, sediment, surface water, and groundwater collected as part of the RIs for OU–1 and OU–2 and related investigations for the period 1989 through 1996. The methodology used for the human health portion of the Base-wide risk assessment was developed based on criteria established by the EPA for conducting risk assessments at Superfund sites.

In addition to evaluating potential human health risks, an ecological risk assessment was also performed. Based on the results of the ecological risk assessment, it is unlikely site-related chemicals of concern (COC) concentrations would propose a risk to ecological receptors at Luke AFB. The selected remedies at Luke AFB are protective of human health and the environment and exposure pathways that could result in unacceptable risks are being controlled.

Response Actions and Cleanup Standards

OU–1:

• Five PSCs (LF–03, FT–07E, DP–13, LF–14, and SD–38) need institutional controls only. Institutional controls consist of a Voluntary Environmental Mitigation Use Restrictions (VEMUR) and constraints within the Base General Plan (BGP) that must be implemented, maintained, and enforced to limit future residential development. Depending on the specific site conditions, a variety of different institutional controls may be used alone or combined to provide the appropriate level of protection. Institutional controls will serve to maintain the current site conditions and will control the risks to human health by prohibiting residential development and requiring personal protective equipment in the case of excavation. The specific remedial components implemented were VEMURs, modifications to the BGP, and development of an Institutional Control Plan (ICP).

• PSC RW–02, Wastewater Treatment Annex Landfill: The Air Force was required to conduct long-term (30-year) monitoring, install fencing, and put in place institutional controls at the low-level radioactive area. Perimeter fencing was installed around the low-level radioactive area. Signs were attached to the fence to clearly indicate that radioactive materials were present. Institutional controls include a VEMUR, modifications to BGP, and development of an ICP to restrict residential development.

• PSC LF–25, Northwest Landfill: The Air Force was required to conduct shot recovery activities which included mechanical sifting of soil and gravimetric separation methods to reduce the concentration of lead and antimony. Approximately 2,800 pounds of metal shot were recovered from the site. Based on the results of the analysis after the completion of the recovery process, lead and antimony were not detected above their respective Arizona Soil Remediation Levels for residential use standards of 400 mg/kg and 31 mg/kg respectively. Institutional controls components included a VEMUR, modifications to BGP, and development of an ICP to restrict residential development and to impose restrictions while excavating in the area.

• PSC SS–42, Bulk Fuels Storage: The Air Force was required to install a SVE system that operated from August 1996 to November 1998 removing 66,586 gallons of total volatile hydrocarbons. Post-SVE sampling showed that the subsurface soil was cleaned up to protective levels using the Arizona Groundwater Protection Levels model. The ROD requires that groundwater monitoring will be conducted annually upon completion of the SVE for a minimum of five years. If petroleum-related contaminants are not detectable in the groundwater during the monitoring period, no additional groundwater monitoring will be required. However, if conditions change during the monitoring period and petroleum related contaminants are detected at concentrations above the levels established in the ROD for groundwater, the need for additional monitoring will be reexamined, and an alternative monitoring program may be necessary. The first annual groundwater monitoring for this site was completed on May 16, 2000. The analytical results indicate that the groundwater did not contain total petroleum hydrocarbons (TPH) or volatile organic compounds (VOCs) above the levels established in the ROD or above laboratory detection limits. No additional construction activities are required.

OU–2:

• PSC ST–18: The contaminants of concern are TPH and VOCs. The Air Force was required to install a concrete cap in 1987 as part of the Resource Conservation and Recovery Act (RCRA) closure requirements. There were no other construction activities associated with this remedy. The Air Force was required to maintain and repair the concrete cap as needed in accordance with the Air Force design guidance for airfield pavement maintenance. The remedy also requires 30 years of groundwater monitoring. The groundwater monitoring plan was developed prior to EPA's CERCLA involvement. The plan is consistent with standard EPA sampling and analytical protocols and provides data of known quality. Groundwater sampling through 1999 indicates no quantifiable concentrations of hazardous substances in the groundwater resources above Federal and State drinking water standards. In addition to the groundwater monitoring, a vadose-zone model, Multimed, was utilized to determine the leaching effects of the chemicals of concern present at their corresponding depths. It was determined that there would be negligible impact to the groundwater from the waste left in place.

• PSC DP–23, Old surface impoundment west of Facility 999: The contaminants of concern are polynuclear aromatic hydrocarbons (PAHs). The remedial actions required were excavation, soil composting to respective Preliminary Remediation Goals (PRGs), on-site disposal, and monitoring. Upon completion of soil composting activities, the highest detected concentration of

benzo(a)pyrene was 0.508 mg/kg which did not exceed its corresponding PRG of 0.78 mg/kg. The standard was Region 9 Industrial PRGs. No other PAHs were detected. The ROD did not require that institutional control measures be implemented for this site. The BGP limits types of activities, including residential development, in areas adjacent to the runway. Since this site is adjacent to the runway, the BGP provides restrictions against residential development, as long as the facility remains an active military base.

The Luke AFB conducted a final PSCs inspection in August 1997. Also, EPA and ADEQ conducted a final site inspection in April 2000 and determined that the Air Force has constructed the remedy in accordance with the requirements in the RODs for OU–1 and OU–2, and the Remedial Action Work Plans. The Air Force completed all activities necessary to achieve performance standards, and initiated activities necessary to achieve site cleanup completion.

Operation and Maintenance

The final ICP dated December 15, 2000 provides specific requirements for the establishment, implementation, and maintenance of institutional controls at Luke AFB. Institutional controls are an integral part of the remedial alternatives selected for Luke AFB. The ICP was designed to facilitate training and education of all personnel involved with the implementation and enforcement of the required institutional controls. The ICP details the objectives and rationales for establishing institutional controls and describes the procedures that will be implemented to ensure that the required institutional controls are enforced. The ICP also includes provisions for annual reviews and updates of the BGP, thus ensuring regular checks and balances are in place into the foreseeable future.

Ongoing monitoring is required at PSC RW–02 and PSC SS–42. The requirements for monitoring at RW–02 are outlined in the November 2000 Long-Term Radiological Monitoring Plan. The requirements for monitoring at PSC SS–42 included 5-years of groundwater monitoring and the details are outlined in the November 2000 Long-Term Monitoring Plan. Also, there are ongoing operations and maintenance requirements associated with the selected remedial alternative for PSC ST–18. As per the OU–2 ROD, Luke AFB maintains and repairs the concrete cap as needed in accordance with the Air Force design guidance for airfield pavement maintenance. This guidance is contained in the Air Force technical manual CEEDO–TR–77–44, Volume II, Section V, Guidelines for Determining Maintenance and Repair Requirements. Once Luke AFB is delisted from the NPL, ADEQ will continue the oversight on long-term activities at the Base.

Five-Year Review

The CERCLA or Superfund requires a five-year review of all sites with hazardous substances remaining above the health-based levels for unrestricted use of the site. Pursuant to CERCLA 121 (c) and as provided in the current guidance on five-year reviews, the AF, ADEQ, and EPA will conduct statutory reviews at this site. The AF submitted the Draft Final of the First Five Year Review (Report) on December 3, 2001. EPA agreed with the findings, conclusions, and recommendations provided in the Report, and concurred with the AF that the remedies remain protective of human health and the environment at Luke AFB. EPA signed the concurrence letter on January 30, 2002. The AF is scheduled to complete the next Five Year Review by January 2007.

Community Involvement

Public participation activities have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617. Documents in the deletion docket which EPA relied on for recommendation of the deletion from the NPL are available to the public in the information repositories.

V. Deletion Action

The EPA, with concurrence of the State of Arizona, has determined that all appropriate responses under CERCLA have been completed, and that no further response actions, under CERCLA, other than O&M and five-year reviews, are necessary. Therefore, EPA is deleting the Site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication of a notice of intent to delete. This action will be effective April 22, 2002, unless EPA receives adverse comments by March 21, 2002, on a parallel notice of intent to delete published in the Proposed Rule section of today's **Federal Register**. If adverse comments are received within the 30-day public comment period on the proposal, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion and it will not take effect, and EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

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

Dated: February 6, 2002.

Wayne Nastri,

Regional Administrator, Region 9.

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

PART 300—[AMENDED]

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

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

Appendix B—[Amended]

2. Table 2 of appendix B to part 300 is amended under Arizona (''AZ'') by removing the site name ''Luke Air Force Base'' and the city ''Glendale.''

[FR Doc. 02–3764 Filed 2–15–02; 1:38 pm]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7144–3]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Proposed notice of intent to delete the Luke Air Force Base Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 9 is issuing a notice of intent to delete Luke Air Force Base (AFB) Superfund Site (Site) located in Glendale, Arizona from the National Priorities List (NPL) and requests public comments on this notice of intent. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at appendix B of 40 CFR part 300 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Arizona through the Arizona Department of Environmental Quality have determined that all appropriate response actions under CERCLA, other than operation and maintenance and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

In the ''Rules and Regulations'' Section of today's **Federal Register**, we are publishing a direct final notice of deletion of Luke AFB Superfund Site without prior notice of intent to delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final deletion. If we receive no adverse comment(s) on this notice of intent to delete or the direct final notice of deletion, we will not take further action on this notice of intent to delete. If we receive adverse comment(s), we will withdraw the direct final notice of deletion and it will not take effect. We will, as appropriate, address all public comments in a subsequent final deletion notice based on this notice of intent to delete. We will not institute a second comment period on this notice of intent to delete. Any parties interested in commenting must do so at this time. For additional information, see the Direct Final Notice of Deletion which is located in the Rules section of this **Federal Register**.

DATES: Comments concerning this Site must be received by March 21, 2002.

ADDRESSES: Written comments should be addressed to: Xuan-Mai Tran, Remedial Project Manager, U.S. EPA (SFD–8–3), 75 Hawthorne Street, San Francisco, CA USA 94105, 415–972–3002 or 1–800–231–3075.

FOR FURTHER INFORMATION CONTACT: Xuan-Mai Tran, Remedial Project Manager, U.S. EPA (SFD–8–3), 75 Hawthorne Street, San Francisco, CA USA 94105, 415–972–3002 or 1–800–231–3075.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final Notice of Deletion which is located in the Rules section of this **Federal Register**.

Information Repositories: Repositories have been established to provide detailed information concerning this decision at the following address: U.S. EPA Region 9 Superfund Record Center, 95 Hawthorne Street, San Francisco, CA USA 94105 USA, 415–536–2000, Monday through Friday 8:00 a.m. to 5:00 p.m.; Glendale Public Library, 5959 West Brown Street, Glendale, AZ 85302, 623–930–3531; Arizona Department of Environmental Quality, WPD/SPS/FPU Section/Federal Projects Unit, 3033 N. Central Ave., Phoenix, AZ 85012, 602–207–2300 or 1–800–234–5677.

List of Subjects in 40 CFR Part 300

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

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

Dated: February 6, 2002.

Wayne Nastri,

Regional Administrator, Region 9.

[FR Doc. 02–3765 Filed 2–15–02; 1:37 pm]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7144–3]

National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Proposed notice of intent to delete the Luke Air Force Base Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region 9 is issuing a notice of intent to delete Luke Air Force Base (AFB) Superfund Site (Site) located in Glendale, Arizona from the National Priorities List (NPL) and requests public comments on this notice of intent. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at appendix B of 40 CFR part 300 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the State of Arizona through the Arizona Department of Environmental Quality have determined that all appropriate response actions under CERCLA, other than operation and maintenance and five-year reviews, have been completed. However, this deletion does not preclude future actions under Superfund.

In the ''Rules and Regulations'' Section of today's **Federal Register**, we are publishing a direct final notice of deletion of Luke AFB Superfund Site without prior notice of intent to delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final deletion. If we receive no adverse comment(s) on this notice of intent to delete or the direct final notice of deletion, we will not take further action on this notice of intent to delete. If we receive adverse comment(s), we will withdraw the direct final notice of deletion and it will not take effect. We will, as appropriate, address all public comments in a subsequent final deletion notice based on this notice of intent to delete. We will not institute a second comment period on this notice of intent to delete. Any parties interested in commenting must do so at this time. For additional information, see the Direct Final Notice of Deletion which is located in the Rules section of this **Federal Register**.

DATES: Comments concerning this Site must be received by March 21, 2002.

ADDRESSES: Written comments should be addressed to: Xuan-Mai Tran, Remedial Project Manager, U.S. EPA (SFD–8–3), 75 Hawthorne Street, San Francisco, CA USA 94105, 415–972–3002 or 1–800–231–3075.

FOR FURTHER INFORMATION CONTACT: Xuan-Mai Tran, Remedial Project Manager, U.S. EPA (SFD–8–3), 75 Hawthorne Street, San Francisco, CA USA 94105, 415–972–3002 or 1–800–231–3075.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final Notice of Deletion which is located in the Rules section of this **Federal Register**.

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List of Subjects in 40 CFR Part 300

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

Dated: February 6, 2002.

Wayne Nastri,

Regional Administrator, Region 9.

[FR Doc. 02–3765 Filed 2–15–02; 1:37 pm]

BILLING CODE 6560–50–U

Federal Register

Tuesday,
February 19, 2002

Part VII

Department of Transportation

Transportation Security Administration

Reports Forms and Record Keeping Requirements; OMB Approval of Agency Information Collection Activity; Notice

DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

[Docket No. TSA 2001–11120]

RIN 2110–AA01

Reports, Forms and Record Keeping Requirements OMB Approval of Agency Information Collection Activity

AGENCY: Transportation Security Administration, DOT.

ACTION: Notice.

SUMMARY: Pursuant to the Aviation and Transportation Security Act (ATSA), Pub. L. 107–71, November 19, 2001, the Transportation Security Administration (TSA) imposed a passenger civil aviation security service fee (September 11th Security Fee) on certain specified passenger enplanements. The Interim Final Rule (IFR) imposing the September 11th Security Fee contains information collection requirements. On December 31, 2001, the **Federal Register** published this IFR, and it may be reviewed at 66 FR 67698.

The IFR indicates that, pursuant to 5 CFR 1320.13, Emergency processing, TSA has asked the Office of Management and Budget (OMB) for temporary emergency approval for the information collection contained therein. On January 31, 2002, the **Federal Register** published an Emergency **Federal Register** Notice that included TSA's estimated costs, estimated burden hours, and other calculations regarding the information collection that TSA submitted to OMB. The Emergency **Federal Register** Notice may be reviewed at 67 FR 4866.

This Notice serves to inform the public that on January 31, 2002, OMB approved the information collection contained in the IFR and assigned it OMB control number 2110–0001. The information collection is approved through July 31, 2002. During this time period, TSA will apply to OMB for a three-year extension of the information collection approval.

FOR FURTHER INFORMATION CONTACT: Rita Maristch, Office of the General Counsel, Office of Environmental, Civil Rights, and General Law, Department of Transportation (C–10), 400 Seventh Street, SW., Room 10102, Washington, DC 20590, (202) 366–9161 (voice), (202) 366–9170 (fax). You may also contact Steven Cohen, Office of the General Counsel (C–10), at (202) 366–4684.

Issued on: February 14, 2002.

Rosalind A. Knapp,

Deputy General Counsel, U.S. Department of Transportation.

[FR Doc. 02–4105 Filed 2–15–02; 11:33 am]

BILLING CODE 4910–62–P

Federal Register

Tuesday,
February 19, 2002

Part VII

Department of Transportation

Transportation Security Administration

Reports Forms and Record Keeping Requirements; OMB Approval of Agency Information Collection Activity; Notice

DEPARTMENT OF TRANSPORTATION

Transportation Security Administration

[Docket No. TSA 2001–11120]

RIN 2110–AA01

Reports, Forms and Record Keeping Requirements OMB Approval of Agency Information Collection Activity

AGENCY: Transportation Security Administration, DOT.

ACTION: Notice.

SUMMARY: Pursuant to the Aviation and Transportation Security Act (ATSA), Pub. L. 107–71, November 19, 2001, the Transportation Security Administration (TSA) imposed a passenger civil aviation security service fee (September 11th Security Fee) on certain specified passenger enplanements. The Interim Final Rule (IFR) imposing the September 11th Security Fee contains information collection requirements. On December 31, 2001, the **Federal Register** published this IFR, and it may be reviewed at 66 FR 67698.

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Issued on: February 14, 2002.

Rosalind A. Knapp,

Deputy General Counsel, U.S. Department of Transportation.

[FR Doc. 02–4105 Filed 2–15–02; 11:33 am]

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Asian Elephant Conservation Reauthorization Act of 2002 (Feb. 12, 2002; 116 Stat. 13)

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20 Parts:			
1–399	(869–044–00056–3)	45.00	Apr. 1, 2001
400–499	(869–044–00057–1)	57.00	Apr. 1, 2001
500–End	(869–044–00058–0)	57.00	Apr. 1, 2001
21 Parts:			
1–99	(869–044–00059–8)	37.00	Apr. 1, 2001
100–169	(869–044–00060–1)	44.00	Apr. 1, 2001
170–199	(869–044–00061–0)	45.00	Apr. 1, 2001
200–299	(869–044–00062–8)	16.00	Apr. 1, 2001
300–499	(869–044–00063–6)	27.00	Apr. 1, 2001
500–599	(869–044–00064–4)	44.00	Apr. 1, 2001
600–799	(869–044–00065–2)	15.00	Apr. 1, 2001
800–1299	(869–044–00066–1)	52.00	Apr. 1, 2001
1300–End	(869–044–00067–9)	20.00	Apr. 1, 2001
22 Parts:			
1–299	(869–044–00068–7)	56.00	Apr. 1, 2001
300–End	(869–044–00069–5)	42.00	Apr. 1, 2001
23	(869–044–00070–9)	40.00	Apr. 1, 2001
24 Parts:			
0–199	(869–044–00071–7)	53.00	Apr. 1, 2001
200–499	(869–044–00072–5)	45.00	Apr. 1, 2001
500–699	(869–044–00073–3)	27.00	Apr. 1, 2001
700–1699	(869–044–00074–1)	55.00	Apr. 1, 2001
1700–End	(869–044–00075–0)	28.00	Apr. 1, 2001
25	(869–044–00076–8)	57.00	Apr. 1, 2001
26 Parts:			
§§ 1.0-1–1.60	(869–044–00077–6)	43.00	Apr. 1, 2001
§§ 1.61–1.169	(869–044–00078–4)	57.00	Apr. 1, 2001
§§ 1.170–1.300	(869–044–00079–2)	52.00	Apr. 1, 2001
§§ 1.301–1.400	(869–044–00080–6)	41.00	Apr. 1, 2001
§§ 1.401–1.440	(869–044–00081–4)	58.00	Apr. 1, 2001
§§ 1.441-1.500	(869-044-00082-2)	45.00	Apr. 1, 2001
§§ 1.501–1.640	(869–044–00083–1)	44.00	Apr. 1, 2001
§§ 1.641–1.850	(869–044–00084–9)	53.00	Apr. 1, 2001
§§ 1.851–1.907	(869–044–00085–7)	54.00	Apr. 1, 2001
§§ 1.908–1.1000	(869–044–00086–5)	53.00	Apr. 1, 2001
§§ 1.1001–1.1400	(869–044–00087–3)	55.00	Apr. 1, 2001
§§ 1.1401–End	(869–044–00088–1)	58.00	Apr. 1, 2001
2–29	(869–044–00089–0)	54.00	Apr. 1, 2001
30–39	(869–044–00090–3)	37.00	Apr. 1, 2001
40–49	(869–044–00091–1)	25.00	Apr. 1, 2001
50–299	(869–044–00092–0)	23.00	Apr. 1, 2001
300–499	(869–044–00093–8)	54.00	Apr. 1, 2001
500–599	(869–044–00094–6)	12.00	[5]Apr. 1, 2001
600–End	(869–044–00095–4)	15.00	Apr. 1, 2001
27 Parts:			
1–199	(869–044–00096–2)	57.00	Apr. 1, 2001

Title	Stock Number	Price	Revision Date
200–End	(869–044–00097–1)	26.00	Apr. 1, 2001
28 Parts:			
0-42	(869–044–00098–9)	55.00	July 1, 2001
43-end	(869-044-00099-7)	50.00	July 1, 2001
29 Parts:			
0–99	(869–044–00100–4)	45.00	July 1, 2001
100–499	(869–044–00101–2)	14.00	[6]July 1, 2001
500–899	(869–044–00102–1)	47.00	[6]July 1, 2001
900–1899	(869–044–00103–9)	33.00	July 1, 2001
1900–1910 (§§ 1900 to 1910.999)	(869–044–00104–7)	55.00	July 1, 2001
1910 (§§ 1910.1000 to end)	(869–044–00105–5)	42.00	July 1, 2001
1911–1925	(869–044–00106–3)	20.00	[6]July 1, 2001
1926	(869–044–00107–1)	45.00	July 1, 2001
1927–End	(869–044–00108–0)	55.00	July 1, 2001
30 Parts:			
1–199	(869–044–00109–8)	52.00	July 1, 2001
200–699	(869–044–00110–1)	45.00	July 1, 2001
700–End	(869–044–00111–7)	53.00	July 1, 2001
31 Parts:			
0–199	(869–044–00112–8)	32.00	July 1, 2001
200–End	(869–044–00113–6)	56.00	July 1, 2001
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–044–00114–4)	51.00	[6]July 1, 2001
191–399	(869–044–00115–2)	57.00	July 1, 2001
400–629	(869–044–00116–8)	35.00	[6]July 1, 2001
630–699	(869–044–00117–9)	34.00	July 1, 2001
700–799	(869–044–00118–7)	42.00	July 1, 2001
800–End	(869–044–00119–5)	44.00	July 1, 2001
33 Parts:			
1–124	(869–044–00120–9)	45.00	July 1, 2001
125–199	(869–044–00121–7)	55.00	July 1, 2001
200–End	(869–044–00122–5)	45.00	July 1, 2001
34 Parts:			
1–299	(869–044–00123–3)	43.00	July 1, 2001
300–399	(869–044–00124–1)	40.00	July 1, 2001
400–End	(869–044–00125–0)	56.00	July 1, 2001
35	(869–044–00126–8)	10.00	[6]July 1, 2001
36 Parts			
1–199	(869–044–00127–6)	34.00	July 1, 2001
200–299	(869–044–00128–4)	33.00	July 1, 2001
300–End	(869–044–00129–2)	55.00	July 1, 2001
37	(869–044–00130–6)	45.00	July 1, 2001
38 Parts:			
0–17	(869–044–00131–4)	53.00	July 1, 2001
18–End	(869–044–00132–2)	55.00	July 1, 2001
39	(869–044–00133–1)	37.00	July 1, 2001
40 Parts:			
1–49	(869–044–00134–9)	54.00	July 1, 2001
50–51	(869–044–00135–7)	38.00	July 1, 2001
52 (52.01–52.1018)	(869–044–00136–5)	50.00	July 1, 2001
52 (52.1019–End)	(869–044–00137–3)	55.00	July 1, 2001
53–59	(869–044–00138–1)	28.00	July 1, 2001
60 (60.1–End)	(869–044–00139–0)	53.00	July 1, 2001
60 (Apps)	(869–044–00140–3)	51.00	July 1, 2001
61–62	(869–044–00141–1)	35.00	July 1, 2001
63 (63.1–63.599)	(869–044–00142–0)	53.00	July 1, 2001
63 (63.600–63.1199)	(869–044–00143–8)	44.00	July 1, 2001
63 (63.1200-End)	(869–044–00144–6)	56.00	July 1, 2001
64–71	(869–044–00145–4)	26.00	July 1, 2001
72–80	(869–044–00146–2)	55.00	July 1, 2001
81–85	(869–044–00147–1)	45.00	July 1, 2001
86 (86.1–86.599–99)	(869–044–00148–9)	52.00	July 1, 2001
86 (86.600–1–End)	(869–044–00149–7)	45.00	July 1, 2001
87–99	(869–044–00150–1)	54.00	July 1, 2001
100–135	(869–044–00151–9)	38.00	July 1, 2001
136–149	(869–044–00152–7)	55.00	July 1, 2001
150–189	(869–044–00153–5)	52.00	July 1, 2001
190–259	(869–044–00154–3)	34.00	July 1, 2001
260–265	(869–044–00155–1)	45.00	July 1, 2001
266–299	(869–044–00156–0)	45.00	July 1, 2001
300–399	(869–044–00157–8)	41.00	July 1, 2001
400–424	(869–044–00158–6)	51.00	July 1, 2001
425–699	(869–044–00159–4)	55.00	July 1, 2001
700–789	(869–044–00160–8)	55.00	July 1, 2001
790–End	(869–044–00161–6)	44.00	July 1, 2001
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–044–00162–4)	22.00	July 1, 2001
101	(869–044–00163–2)	45.00	July 1, 2001
102–200	(869–044–00164–1)	33.00	July 1, 2001
201–End	(869–044–00165–9)	24.00	July 1, 2001
42 Parts:			
1–399	(869–044–00166–7)	51.00	Oct. 1, 2001
400–429	(869–044–00167–5)	59.00	Oct. 1, 2001
430–End	(869–044–00168–3)	58.00	Oct. 1, 2001
43 Parts:			
1–999	(869–044–00169–1)	45.00	Oct. 1, 2001
1000–end	(869–044–00170–5)	56.00	Oct. 1, 2001
44	(869–044–00171–3)	45.00	Oct. 1, 2001
45 Parts:			
1–199	(869–044–00172–1)	53.00	Oct. 1, 2001
200–499	(869–044–00173–0)	31.00	Oct. 1, 2001
500–1199	(869–044–00174–8)	45.00	Oct. 1, 2001
1200–End	(869–044–00175–6)	55.00	Oct. 1, 2001
46 Parts:			
1–40	(869–044–00176–4)	43.00	Oct. 1, 2001
41–69	(869–044–00177–2)	35.00	Oct. 1, 2001
70–89	(869–044–00178–1)	13.00	Oct. 1, 2001
90–139	(869–044–00179–9)	41.00	Oct. 1, 2001
140–155	(869–044–00180–2)	24.00	Oct. 1, 2001
156–165	(869–044–00181–1)	31.00	Oct. 1, 2001
166–199	(869–044–00182–9)	42.00	Oct. 1, 2001
200–499	(869–044–00183–7)	36.00	Oct. 1, 2001
500–End	(869–044–00184–5)	23.00	Oct. 1, 2001
47 Parts:			
0–19	(869–044–00185–3)	55.00	Oct. 1, 2001
20–39	(869–044–00186–1)	43.00	Oct. 1, 2001
40–69	(869–044–00187–0)	36.00	Oct. 1, 2001
70–79	(869–044–00188–8)	58.00	Oct. 1, 2001
80–End	(869–044–00189–6)	55.00	Oct. 1, 2001
48 Chapters:			
1 (Parts 1–51)	(869–044–00190–0)	60.00	Oct. 1, 2001
1 (Parts 52–99)	(869–044–00191–8)	45.00	Oct. 1, 2001
2 (Parts 201–299)	(869–044–00192–6)	53.00	Oct. 1, 2001
3–6	(869–044–00193–4)	31.00	Oct. 1, 2001
7–14	(869–044–00194–2)	51.00	Oct. 1, 2001
15–28	(869–044–00195–1)	53.00	Oct. 1, 2001
29–End	(869–044–00196–9)	38.00	Oct. 1, 2001
49 Parts:			
1–99	(869–044–00197–7)	55.00	Oct. 1, 2001
100–185	(869–044–00198–5)	60.00	Oct. 1, 2001
186–199	(869–044–00199–3)	18.00	Oct. 1, 2001
200–399	(869–044–00200–1)	60.00	Oct. 1, 2001
400–999	(869–044–00201–9)	58.00	Oct. 1, 2001
1000–1199	(869–044–00202–7)	26.00	Oct. 1, 2001

Title	Stock Number	Price	Revision Date
1200–End	(869–044–00203–5)	21.00	Oct. 1, 2001
50 Parts:			
1–199	(869–044–00204–3)	63.00	Oct. 1, 2001
200–599	(869–044–00205–1)	36.00	Oct. 1, 2001
600–End	(869–044–00206–0)	55.00	Oct. 1, 2001
CFR Index and Findings Aids	(869–044–00047–4)	56.00	Jan. 1, 2001
Complete 2000 CFR set		1,094.00	2000
Microfiche CFR Edition:			
Subscription (mailed as issued)		298.00	2000
Individual copies		2.00	2000
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2000, through January 1, 2001. The CFR volume issued as of January 1, 2000 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2001. The CFR volume issued as of July 1, 2000 should be retained..