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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

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 02–018–1]

Citrus Canker; Removal of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the citrus canker regulations by removing a portion of Hillsborough County, FL, from the list of quarantined areas. The regulations require that an area be free from citrus canker for a period of at least 2 years before it may be removed from the list of quarantined areas. Surveys have shown that the quarantined area in Hillsborough County, FL, has been free of citrus canker since December 1999. This rule removes restrictions on the interstate movement of regulated articles from that portion of Hillsborough County, FL.

DATES: This interim rule is effective March 21, 2002. We will consider all comments we receive that are postmarked, delivered, or e-mailed by May 20, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 02–018–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 02–018–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov*. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 02–018–1'' on the subject line.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Poe, Operations Officer, Surveillance and Emergency Programs Planning and Coordination, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–8899.

SUPPLEMENTARY INFORMATION:

Background

Citrus canker is a plant disease that affects plants and plant parts, including fresh fruit, of citrus and citrus relatives (Family *Rutaceae*). Citrus canker can cause defoliation and other serious damage to the leaves and twigs of susceptible plants. It can also cause lesions on the fruit of infected plants, which render the fruit unmarketable, and cause infected fruit to drop from the trees before reaching maturity. The aggressive A (Asiatic) strain of citrus canker can infect susceptible plants rapidly and lead to extensive economic losses in commercial citrus-producing areas.

The regulations to prevent the interstate spread of citrus canker are contained in 7 CFR 301.75–1 through 301.75–16 (referred to below as the regulations). The regulations restrict the interstate movement of regulated articles from and through areas quarantined because of citrus canker and provide for the designation of survey areas around quarantined areas. Survey areas undergo close monitoring by Animal and Plant Health Inspection Service (APHIS) and State inspectors for citrus canker and serve as buffer zones against the disease.

Under § 301.75–4(c) of the regulations, any State or portion of a State where an infestation is detected will be designated as a quarantined area and will retain that designation until the area has been free from citrus canker for 2 years.

A portion of Hillsborough County, FL, has been free of citrus canker since December 1999, and has thus met the requirement for declaration of eradication—that an area be free from citrus canker for a period of at least 2 years. In this case, regular and complete surveys have been conducted on an approximately monthly basis since the infestation was first detected, including surveys of all citrus trees located in both commercial groves and at residential properties. In addition, any wild citrus present in the area has also been surveyed.

Therefore, we are amending the citrus canker regulations by removing the portion of Hillsborough County, FL, from the list of quarantined areas. This action removes restrictions on the interstate movement of regulated articles from the portion of Hillsborough County, FL, that we are removing from the list of quarantined areas. With the removal of this area, there are no longer any quarantined areas within Hillsborough County, FL.

Immediate Action

Immediate action is warranted to remove restrictions on the interstate movement of regulated articles from the portion of Hillsborough County, FL, that we are removing from the list of quarantined areas based on its freedom from citrus canker for a period of at least 2 years. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this action effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

We are amending the citrus canker regulations by removing a portion of Hillsborough County, FL, from the list of quarantined areas. The regulations require that an area be free from citrus canker for a period of at least 2 years before it may be removed from the list of quarantined areas. Surveys have shown that the quarantined area in Hillsborough County, FL, has been free of citrus canker since December 1999. This rule removes restrictions on the interstate movement of regulated articles from that portion of Hillsborough County, FL.

Commercial citrus production in Hillsborough County accounts for only a small portion of the total citrus production in the State of Florida (see table 1 below).

TABLE 1.—HILLSBOROUGH COUNTY CITRUS PRODUCTION, 2000–2001 SEASON

	Boxes of citrus	Percentage of Florida total
All Round Oranges	8,759,000	3.9
All Grapefruit	224,000	0.48
All Citrus	9,179,000	3.3

While producers in the area that we are removing from the list of quarantined areas will benefit from removal of movement restrictions, it is unlikely that the benefit will be big enough to measure statistically. This action does not impose any costs on producers or on government entities.

The Regulatory Flexibility Act requires agencies to consider the economic impacts of their rules on small entities. The entities most likely to be affected by this rule are citrus producers in and around the area in Hillsborough County, FL, that we are removing from the list of quarantined areas. The Small Business Administration defines a firm engaged in agriculture as ''small'' if it has less than $750,000 in annual receipts. All of the four citrus grove firms in Hillsborough County, FL, qualify as small entities.

Citrus producers in the area that we are removing from the list of quarantined areas will benefit from having a greater choice of where to market their fruit. It is unlikely, however, that producer income or expenses would be affected in a measurable way.

It is difficult to quantify the benefits of removing an area from quarantine. While producers will have greater choice of where to market their citrus crops, most of the trees in the quarantined area have been destroyed. It is unlikely that the removal of the quarantine will have any measurable effect on producers or consumers.

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

Executive Order 12372

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 166, 7711, 7712, 7714, 7731, 7735, 7751, 7752, 7753, and 7754; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

§ 301.75–4 [Amended]

2. In § 301.75–4, paragraph (a), the entry for Hillsborough County is removed.

Done in Washington, DC, this 18th day of March 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–6839 Filed 3–20–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 800

[Docket No. FGIS–2001–003a]

RIN 0580–AA79

Fees for Official Inspection and Official Weighing Services

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) of the Grain Inspection, Packers and Stockyards Administration (GIPSA) is increasing certain fees by approximately 4.6 percent; i.e., contract and non-contract hourly rates, certain unit rates, and the administrative tonnage fee. These fees apply only to official inspection and weighing services performed by GIPSA in the United States under the United States Grain Standards Act (USGSA), as amended. These increases are needed to cover increased operational costs resulting from the approximate 4.6 percent January 2002 Federal pay increase. GIPSA anticipates the increase in the user fees will generate approximately $703,000 in additional revenue.

EFFECTIVE DATE: April 22, 2002.

FOR FURTHER INFORMATION CONTACT: David Orr, Director, Field Management Division, at his E-mail address: *Dorr@gipsadc.usda.gov,* or telephone him at (202) 720–0228.

SUPPLEMENTARY INFORMATION:

Executive Order 12866, Regulatory Flexibility Act, and the Paperwork Reduction Act

This rule has been determined to be nonsignificant for the purpose of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Also, pursuant to the requirements set forth in the Regulatory Flexibility Act, it has been determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

GIPSA regularly reviews its user-fee-financed programs to determine if the fees are adequate. GIPSA has and will continue to seek out cost saving opportunities and implement appropriate changes to reduce costs. Such actions can provide alternatives to fee increases. However, even with these efforts, GIPSA's existing fee schedule will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance. Retained earnings balances are adjusted to reflect prior year revenue and obligations realized in the year reported. In FY 1999, GIPSA's operating costs were $23,176,643 with revenue of $22,971,204, resulting in a negative margin of $205,440. In FY 2000, GIPSA's operating costs were $24,146,428 with revenue of $23,150,188 that resulted in a negative margin of $996,240 and a negative reserve balance of $938,147. GIPSA's FY 2001 operating costs were $25,670,126 with revenue of $23,977,240 that resulted in a negative margin of $1,692,886. Using the most current financial data available for FY 2002, December 2001, GIPSA's operating costs were $6,923,247 with revenue of $7,131,883 that resulted in a positive margin of $208,247. However, the current reserve negative balance of $2,882,270 is well below the desired 3–month reserve of approximately $6 million. Employee salaries and benefits are major program costs that account for approximately 84 percent of GIPSA's total operating budget. The approximate general and locality salary increase averages 4.6 percent for GIPSA employees, effective January 2002, will increase GIPSA's costs by approximately $703,000.

GIPSA has reviewed the financial position of the inspection and weighing program based on the increased salary and benefit costs, along with the revised projected FY 2002 workload of 79 million metric tons. Based on the review, GIPSA has concluded that the approximate 4.6 percent salary increase will have to be recovered through increases in fees.

The fee increase primarily applies to entities engaged in the export of grain. Under the provisions of the USGSA, grain exported from the United States must be officially inspected and weighed. Mandatory inspection and weighing services are provided by GIPSA on a fee basis at 32 export facilities. All of these facilities are owned and managed by multi-national corporations, large cooperatives, or public entities that do not meet the criteria for small entities established by the Small Business Administration.

Some entities that request nonmandatory official inspection and weighing services at other than export locations could be considered small entities. The impact on these small businesses is similar to any other business; that is, an average 4.6 percent increase in the cost of official inspection and weighing services. This increase should not significantly affect any business requesting official inspection and weighing services. Furthermore, any of these small businesses that wish to avoid the fee increase may elect to do so by using an alternative source for inspection and weighing services. Such a decision should not prevent the business from marketing its products.

There would be no additional reporting or recordkeeping requirements imposed by this action. In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements in Part 800 have been previously approved by the Office of Management and Budget under control number 0580–0013. GIPSA has not identified any other Federal rules which may duplicate, overlap, or conflict with this final rule.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have a retroactive effect. The USGSA provides in § 87g that no subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the Act. Otherwise, this final rule will not preempt any State or local laws, regulations, or policies unless they present irreconcilable conflict with this final rule. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this final rule.

Background

On January 2, 2002, GIPSA proposed in the **Federal Register** (67FR25) to increase fees for official inspection and weighing services performed under the USGSA (7 U.S.C. 71 *et seq.*) by approximately 4.6 percent. The USGSA authorizes GIPSA to provide official grain inspection and weighing services and to charge and collect reasonable fees for performing these services. The fees collected are to cover, as nearly as practicable, GIPSA's costs for performing these services, including related administrative and supervisory costs. The current USGSA fees were published in the **Federal Register** on July 9, 2001 (66 FR 35751), and became effective on August 8, 2001. GIPSA regularly reviews its user-fee-financed programs to determine if the fees are adequate. GIPSA has and will continue to seek out cost-saving opportunities and implement appropriate changes to reduce costs. Such actions can provide alternatives to fee increases. However, even with these efforts, GIPSA's existing fee schedule will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance. Retained earnings balances are adjusted to reflect prior year revenue and obligations realized in the year reported. In FY 1999, GIPSA's operating costs were $23,176,643 with revenue of $22,971,204, resulting in a negative margin of $205,440. In FY 2000, GIPSA's operating costs were $24,146,428 with revenue of $23,150,188 that resulted in a negative margin of $996,240 and a negative reserve balance of $938,147. GIPSA's FY 2001 operating costs were $25,670,126 with revenue of $23,977,240 that resulted in a negative margin of $1,692,886. Using the most current financial data available for FY 2002, December 2001, GIPSA's operating costs were $6,923,247 with revenue of $7,131,883 that resulted in a positive margin of $208,247. However, the current reserve negative balance of $2,882,270 is well below the desired 3–month reserve of approximately $6 million. Employee salaries and benefits costs, which account for approximately 84 percent of GIPSA's total operating budget, have risen significantly over the years. GIPSA's average cost per hour in FY 1996 was $20.83 and has risen to $26.60 in FY 2001, a 27.7 percent

increase. Since FY 1996, GIPSA has increased fees six times to recover the Congressionally mandated salary increases each year as well as other pay and benefit increases such as longevity pay. The six fee increases have raised fees by approximately 22 percent over the FY 1996 levels.

While individual salary and benefit costs have increased since 1996, GIPSA has reduced overall salary and benefits costs by 12.8 percent through greater utilization of part-time and intermittent employees and improved program efficiencies. GIPSA has also reduced non-employee costs such as rent, utilities, and Departmental overhead by 1.4 percent.

The January 2002 salary increase averaged 4.6 percent for GIPSA employees, which equates to an estimated $703,000 increase. GIPSA has reviewed the financial position of the inspection and weighing program and concluded that fee increases are necessary to recover the estimated $703,000 increase in program costs. An average increase of 4.6 percent to hourly, certain unit fees, and the administrative tonnage fee is needed.

The current hourly fees are:

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and Over-time	Holidays
1–year contract	$27.40	$29.80	$38.60	$46.40
6–month contract	30.20	32.00	41.00	53.00
3–month contract	34.40	35.60	44.60	55.40
Non-contract	40.00	42.00	51.00	62.60

GIPSA has also identified certain unit fees, for services not performed at an applicant's facility, which contain direct labor costs and require a fee increase. Further, GIPSA has identified those costs associated with salaries and benefits that are covered by the administrative metric tonnage fee. The 4.6 percent cost-of-living increase to salaries and benefits covered by the administrative tonnage fee results in an overall increase of an average of 4.6 percent to the administrative tonnage fee.

Comment Review

GIPSA received 1 comment during the 30–day comment period from a grain trade association. The trade association stated that it consists of 1,000 grain, feed, processing, and grain-related companies, 70 percent of which are small entities. The commentor did not support the proposed rule. A summary of the comment and GIPSA's response is as follows:

The commentor opposed the fee increase and suggested that the proposed fee increase be offset through improved operating efficiencies and additional reductions in overhead. In addition, the commentor suggested GIPSA aggressively seek ways to reduce direct employee expenses through increased automation and contracting for official services so future mandated Federal pay increases will have less impact on the cost of providing official services. The commentor also stated that the agency should determine what programs could be terminated, scaled back, or consolidated to reduce administrative overhead.

The USGSA requires GIPSA to maintain a workforce of sufficient size and experience to meet the inspection and weighing needs of its applicants. GIPSA views its employees as valuable resources that facilitate the marketing of grain. Whenever possible, GIPSA has replaced vacant full-time permanent positions with part-time and intermittent employees to reduce administrative overhead costs related to employee salaries and benefits. Since FY 1996, GIPSA has decreased headquarters paid hours of overhead by 14.44 percent and other obligations by 1.4 percent. However, these reductions have not been enough to offset the increases in salaries and benefits. Further, GIPSA is constantly reviewing the inspection and weighing programs to assess service delivery and demand. Whenever, possible, available employees are used for temporary duty assignments within other Federal programs to further reduce administrative overhead costs. This action allows GIPSA the ability to temporarily downsize while maintaining an experienced workforce available for duty when service demands increase. GIPSA is continuing to review the issue of contracting for official services when appropriate. Efforts to contain and reduce costs have and will continue to be a high priority issue with GIPSA. GIPSA has and will continue to take action to reduce inspection and weighing costs whenever possible.

Final Action

Accordingly, GIPSA is applying an approximate 4.6 percent increase to certain hourly rates, certain unit rates, and the administrative tonnage fee, as proposed in 7 CFR 800.71: Table 1–Fees for Official Services Performed at an Applicant's Facility in an Onsite FGIS Laboratory; Table 2–Services Performed at Other Than an Applicant's Facility in an FGIS Laboratory; and Table 3, Miscellaneous Services.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Grain.

For the reasons set out in the preamble, 7 CFR Part 800 is amended as follows:

PART 800—GENERAL REGULATIONS

1. The authority citation for part 800 continues to read as follows:

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

2. Section 800.71 is amended by revising Schedule A in paragraph (a) to read as follows:

§ 800.71 Fees assessed by the Service.

(a) * * *

Schedule A.—Fees for Official Inspection and Weighing Services Performed in the United States

TABLE 1.—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT'S FACILITY IN AN ONSITE FGIS LABORATORY[1]

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and overtime[2]	Holidays
(1) Inspection and Weighing Services Hourly Rates (per service representative)				
1–year contract	$28.60	$31.20	$40.40	$48.60
6–month contract	31.60	33.40	42.80	56.00
3–month contract	36.00	37.20	46.60	58.00
Non-contract	41.80	44.00	53.40	65.40
(2) Additional Tests (cost per test, assessed in addition to the hourly rate) [3]				
(i) Aflatoxin (other than Thin Layer Chromatography)				$8.50
(ii) Aflatoxin (Thin Layer Chromatography method)				20.00
(iii) Corn oil, protein, and starch (one or any combination)				1.50
(iv) Soybean protein and oil (one or both)				1.50
(v) Wheat protein (per test)				1.50
(vi) Sunflower oil (per test)				1.50
(vii) Vomitoxin (qualitative)				12.50
(viii) Vomitoxin (quantitative)				18.50
(ix) Waxy corn (per test)				1.50
(x) Fees for other tests not listed above will be based on the lowest noncontract hourly rate.				
(xi) Other services				
(a) Class Y Weighing (per carrier)				
(1) Truck/container				.30
(2) Railcar				1.25
(3) Barge				2.50
(3) Administrative Fee (assessed in addition to all other applicable fees, only one administrative fee will be assessed when inspection and weighing services are performed on the same carrier).				
(i) All outbound carriers (per-metric-ton) [4]				
(a) 1–1,000,000				$0.1152
(b) 1,000,001–1,500,000				0.1051
(c) 1,500,001–2,000,000				0.0568
(d) 2,000,001–5,000,000				0.0420
(e) 5,000,001–7,000,000				0.0230
(f) 7,000,001 +				0.0105

[1] Fees apply to original inspection and weighing, reinspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72 (a).

[2] Overtime rates will be assessed for all hours in excess of 8 consecutive hours that result from an applicant scheduling or requesting service beyond 8 hours, or if requests for additional shifts exceed existing staffing.

[3] Appeal and reinspection services will be assessed the same fee as the original inspection service.

[4] The administrative fee is assessed on an accumulated basis beginning at the start of the Service's fiscal year (October 1 each year).

TABLE 2.—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY[1] [2]

(1) Original Inspection and Weighing (Class X) Services	
(i) Sampling only (use hourly rates from Table 1)	
(ii) Stationary lots (sampling, grade/factor, & checkloading)	
(a) Truck/trailer/container (per carrier)	$19.25
(b) Railcar (per carrier)	28.90
(c) Barge (per carrier)	185.00
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.02
(iii) Lots sampled online during loading (sampling charge under (i) above, plus):	
(a) Truck/trailer container (per carrier)	9.95
(b) Railcar (per carrier)	19.25
(c) Barge (per carrier)	110.00
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.02
(iv) Other services	
(a) Submitted sample (per sample—grade and factor)	11.50
(b) Warehouseman inspection (per sample)	19.50
(c) Factor only (per factor—maximum 2 factors)	5.15
(d) Checkloading/condition examination (use hourly rates from Table 1, plus an administrative fee per hundredweight if not previously assessed) (CWT)	0.02
(e) Reinspection (grade and factor only. Sampling service additional, item (i) above)	12.80
(f) Class X Weighing (per hour per service representative)	55.00
(v) Additional tests (excludes sampling)	
(a) Aflatoxin (per test—other than TLC method)	29.00
(b) Aflatoxin (per test—TLC method)	110.00
(c) Corn oil, protein, and starch (one or any combination)	8.80
(d) Soybean protein and oil (one or both)	8.80
(e) Wheat protein (per test)	8.80

TABLE 2.—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY[1] [2]—Continued

(f) Sunflower oil (per test)	8.80
(g) Vomitoxin (qualitative)	30.50
(h) Vomitoxin (quantitative)	37.50
(i) Waxy corn (per test)	10.00
(j) Canola (per test—00 dip test)	10.00
(k) Pesticide Residue Testing [3].	
(1) Routine Compounds (per sample)	210.00
(2) Special Compounds (per service representative)	110.00
(l) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1..	
(2) Appeal inspection and review of weighing service.[4]	
(i) Board Appeals and Appeals (grade and factor)	79.50
(a) Factor only (per factor—max 2 factors)	41.80
(b) Sampling service for Appeals additional (hourly rates from Table 1).	
(ii) Additional tests (assessed in addition to all other applicable fees)	
(a) Aflatoxin (per test, other than TLC)	29.50
(b) Aflatoxin (TLC)	118.00
(c) Corn oil, protein, and starch (one or any combination)	16.80
(d) Soybean protein and oil (one or both)	16.80
(e) Wheat protein (per test)	16.80
(f) Sunflower oil (per test)	16.80
(g) Vomitoxin (per test—qualitative)	40.00
(h) Vomitoxin (per test—quantitative)	45.00
(i) Vomitoxin (per test—HPLC Board Appeal)	136.00
(j) Pesticide Residue Testing[3].	
(1) Routine Compounds (per sample)	210.00
(2) Special Compounds (per service representative)	110.00
(k) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1..	
(iii) Review of weighing (per hour per service representative)	79.20
(3) Stowage examination (service-on-request)[3]	
(i) Ship (per stowage space)	51.00
(Minimum $255.00 per ship).	
(ii) Subsequent ship examinations (same as original) (Minimum $153.00 per ship)	
(iii) Barge (per examination)	41.00
(iv) All other carriers (per examination)	16.00

[1] Fees apply to original inspection and weighing, reinspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72 (a).

[2] An additional charge will be assessed when the revenue from the services in Schedule A, Table 2, does not cover what would have been collected at the applicable hourly rate as provided in § 800.72 (b).

[3] If performed outside of normal business, 1–1/2 times the applicable unit fee will be charged.

[4] If, at the request of the Service, a file sample is located and forwarded by the Agency for an official agency, the Agency may, upon request, be reimbursed at the rate of $2.50 per sample by the Service.

TABLE 3.—MISCELLANEOUS SERVICES[1]

(1) Grain grading seminars (per hour per $55.00 service representative)[2]	$55.00
(2) Certification of diverter-type mechanical samplers (per hour per service representative)[2]	55.00
(3) Special weighing services (per hour per service representative)[2]	
(i) Scale testing and certification	55.00
(ii) Evaluation of weighing and material handling systems	55.00
(iii) NTEP Prototype evaluation (other than Railroad Track Scales)	55.00
(iv) NTEP Prototype evaluation of Railroad Track	55.00
Scales (plus usage fee per day for test car)	110.00
(v) Mass standards calibration and reverification	55.00
(vi) Special projects	55.00
(4) Foreign travel (per day per service representative)	490.00
(5) Online customized data EGIS service	
(i) One data file per week for 1 year	500.00
(ii) One data file per month for 1 year	300.00
(6) Samples provided to interested parties (per sample)	2.60
(7) Divided-lot certificates (per certificate)	1.50
(8) Extra copies of certificates (per certificate)	1.50
(9) Faxing (per page)	1.50
(10) Special mailing (actual cost)	
(11) Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 1)	

[1] Any requested service that is not listed will be performed at $55.00 per hour.

[2] Regular business hours-Monday through Friday-service provided at other than regular hours charged at the applicable overtime hourly rate.

Gerald E. Grinnell,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 02–6835 Filed 3–20–02; 8:45 am]

BILLING CODE 3410–EN–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–14–AD; Amendment 39–12676; AD 2002–03–09 R1]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) LTS101 Series Turboshaft and LTP101 Series Turboprop Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises an existing airworthiness directive (AD), that is applicable to Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) LTS101 series turboshaft and LTP101 series turboprop engines. The existing AD will become effective on March 27, 2002, and requires a one-time visual inspection for surface finish and a one-time fluorescent penetrant inspection for cracks of certain impellers installed on LTS101 series turboshaft and LTP101 series turboprop engines. This amendment requires the same inspections, and in addition, allows installation of impellers that pass those inspections. This revision to the existing AD is prompted by an inadvertent omission in the existing AD to include allowance of installation of impellers that pass inspections required by the AD. The actions specified by this AD are intended to prevent impeller failure from cracks in the impeller back face area, which could result in an uncontained engine failure.

DATES: Effective March 27, 2002. The incorporation by reference of certain publications listed in the rule was approved by the Director of the Federal Register as of March 27, 2002.

Comments for inclusion in the Rules Docket must be received on or before May 20, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–14–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 referenced in this AD may be obtained from Honeywell International Inc. Aerospace Services Attn.: Data Distribution, M/S 64–3/2101–201, PO Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. This information may be examined, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone (562) 627–5245, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On February 5, 2002, the FAA issued AD 2002–03–09, Amendment 39–12650 (67 FR 7609, February 20, 2002), to require a one-time visual inspection for surface finish and a one-time fluorescent penetrant inspection for cracks of certain impellers installed on LTS101 series turboshaft and LTP101 series turboprop engines. That action was prompted by a report of a machining discrepancy that may have occurred during manufacture of the affected impellers. That AD will become effective on March 27, 2002.

In this revision the FAA has added to paragraph (c) the authority to allow the reinstallation of impellers P/N's 4–101–052–57 or 4–101–052–62 that pass the required inspections. In all other respects, the AD remains the same as currently published. The FAA is therefore making this revision effective on March 27, 2002, in order to reduce the paperwork burden on operators.

Manufacturer's Service Information

Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) has issued AlliedSignal Service Bulletin (SB) LT 101–72–30–0186, dated October 1, 1999, and Honeywell International SB LT 101–72–30–0186, Revision 1, dated April 25, 2000, that specify a one-time visual inspection for surface finish and a one-time fluorescent penetrant inspection for cracks of certain impellers.

Differences Between This AD and the Manufacturer's Service Bulletins

To assure that the unsafe condition is addressed in a timely fashion, this amendment will require a one-time visual inspection for surface finish and a one-time fluorescent penetrant inspection for cracks of impellers part numbers (P/N's) 4–101–052–57/–62 within 900 gas generator (Ng) cycles after the effective date of this AD.

FAA's Determination of an Unsafe Condition and Required Actions

Since an unsafe condition has been identified that is likely to exist or develop on other Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) LTS101 series turboshaft and LTP101 series turboprop engines of the same type design, this AD is being issued to prevent impeller failure from cracks in the impeller back face area, which could result in an uncontained engine failure.

Immediate Adoption of This AD

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

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before

and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NE–14–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Analysis

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–12650 (67 FR 7609, February 20, 2002) and by adding a new airworthiness directive, Amendment 39–12676, to read as follows:

2002–03–09 R1 Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming): Amendment 39–12676. Docket No. 2000–NE–14–AD. Revises AD 2002–03–09, Amendment 39–12650.

Applicability

This airworthiness directive (AD) is applicable to Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) LTS101 series turboshaft and LTP101 series turboprop engines with the following centrifugal compressor impeller part numbers (P/N's) installed: 4–101–052–57 and 4–101–052–62, except those with a P/N or serial number (SN) listed in paragraphs 1.A.(1) through 1.A.(3) of AlliedSignal Service Bulletin (SB) LT 101–72–30–0186, dated October 1, 1999, or Honeywell International Inc. SB LT 101–72–30–0186, Revision 1, dated April 25, 2000. These engines are installed on, but not limited to Aerospatiale AS350, Eurocopter MBB–BK117 and HH–65A, Bell 222, Air Tractor AT–302, Piaggio P.166–DL3, Riley International R421, and Pacific Aero 08–600 aircraft.

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 (d) 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 prevent impeller failure from cracks in the impeller back face area, which could result in an uncontained engine failure, do the following:

(a) Within 900 gas generator (Ng) cycles after the effective date of this AD, conduct a one-time visual inspection for surface finish and fluorescent penetrant inspection of impellers P/N 4–101–052–57 and 4–101–052–62 for cracks in accordance with paragraphs 3.A through 3.F. of the Accomplishment Instructions of AlliedSignal SB LT 101–72–30–0186, dated October 1, 1999, or Honeywell International Inc. SB LT 101–72–30–0186, Revision 1, dated April 25, 2000.

(b) Replace all impellers that exceed the acceptable limits of the Accomplishment Instructions of AlliedSignal Service Bulletin (SB) LT 101–72–30–0186, dated October 1, 1999, or Honeywell International Inc. SB LT 101–72–30–0186, Revision 1, dated April 25, 2000, with a serviceable impeller.

(c) After the effective date of this AD, do not install impeller P/N's 4–101–052–57 or 4–101–052–62, except those with an impeller P/N or SN listed in paragraphs 1. A.(1) through 1. A.(3) of AlliedSignal SB LT 101–72–30–0186, dated October 1, 1999, or Honeywell International Inc. SB LT 101–72–30–0186, Revision 1, dated April 25, 2000, and except those impellers that pass the inspection requirements of paragraph (a) of this AD.

Alternative Methods of Compliance

(d) 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 Angles 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

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

Documents That Have Been Incorporated By Reference

(f) The inspections must be done in accordance with the following SB's:

Document No.	Pages	Revision	Date
AlliedSignal SB LT 101–72–30–0186	All	Original	Oct. 1, 1999.
Total pages: 7			
Honeywell International Inc., SB LT 101–72–30–0186	1	Original	Oct. 1, 1999.
	2	1	Apr. 25, 2000.
	3–6	Original	Oct. 1, 1999.
	7	1	Apr. 25, 2000.
Total pages: 7			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Honeywell International Inc. Aerospace Services Attn.: Data Distribution, M/S 64–3/2101–201, PO Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. Copies may be inspected, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on March 27, 2002.

Issued in Burlington, Massachusetts, on March 8, 2002.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 02–6502 Filed 3–20–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 774

[Docket No. 020308050–2050–01]

RIN 0694–AC59

License Exception CIV Eligibility for Certain ''Microprocessors'' Controlled by ECCN 3A001

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which identifies those items subject to Department of Commerce export licensing requirements based on their characteristics. Consistent with technological changes, this final rule makes License Exception CIV available for certain microprocessors controlled by Export Control Classification Number (ECCN) 3A001 when they have a composite theoretical performance (CTP) of equal to or greater than 6,500 million theoretical operations per second (MTOPS), but less than or equal to 12,000 MTOPS. License Exception CIV authorizes exports and reexports to civil end-users for civil end-uses in Country Group D:1, except North Korea. CIV may not be used for exports or reexports to military end-users or end-uses.

This revision will decrease the number of license applications submitted to the Department of Commerce, which will decrease the burden to both the exporting community and the Department of Commerce.

DATES: This rule is effective March 21, 2002.

FOR FURTHER INFORMATION CONTACT: Bernie Kritzer, Acting Director, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Telephone: (202) 482–5953.

SUPPLEMENTARY INFORMATION:

Background: This rule implements the announcement made by President Bush on January 2, 2002 that the license exception level for exports of general purpose microprocessors would be raised from 6,500 MTOPS to 12,000 MTOPS. Such microprocessors are controlled in subsection a.3.a. of Export Control Classification Number (ECCN) 3A001 on the Commerce Control List, Supplement No. 1 to part 774 of the Export Administration Regulations (EAR). This rule amends ECCN 3A001 to provide that microprocessors in subsection a.3.a. with a composite theoretical performance up to 12,000 MTOPS are eligible for License Exception CIV (section 740.5 of the EAR). License Exception CIV authorizes exports and reexports to civil end-users for civil end-uses in Country Group D:1 (see Supplement No. 1 to part 740), except North Korea.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB Control Number. This rule involves collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) These collections have been approved by the Office of Management and Budget under control numbers 0694–0106, ''Reporting and Recordkeeping Requirements under the Wassenaar Arrangement,'' which carries a burden hour estimate of 5 minutes to record the information for each export and 1 minute to submit the report twice a year to BXA; and 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 40 minutes to prepare and submit electronically and 45 minutes to submit manually on form BXA–748P. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to OMB Desk Officer, New Executive Office Building, Washington, DC 20503; and to the Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. This rule does not contain policies with Federalism implications as this term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects in 15 CFR part 774

Exports, Foreign trade.

Accordingly, part 774 of the Export Administration Regulations (15 CFR parts 730 through 799) is amended as follows:

1. The authority citation for part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001.

PART 774—AMENDED

Supplement No. 1 to Part 774—Amended

2. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A001 is

amended by revising the License Exceptions section to read as follows:

3A001 Electronic Components, as Follows (see List of Items Controlled)

* * * * *

License Exceptions

LVS: N/A for MT
Yes for:
$1500: 3A001.c
$3000: 3A001.b.1, b.2, b.3, .d, .e and .f
$5000: 3A001.a, and .b.4 to b.7
GBS: Yes for 3A001.a.1.b, a.2 to a.12, b.2, and b.8.
CIV: Yes for 3A001.a.3.a (for processors with a CTP less than or equal to 12,000 MTOPS), a.3.b, a.3.c, a.4, a.7, and a.11.

* * * * *

Dated: March 15, 2002.

James J. Jochum,

Assistant Secretary for Export Administration.

[FR Doc. 02–6875 Filed 3–20–02; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 141

[T.D. 02–7]

RIN 1515–AD03

Andean Trade Preference Act

AGENCY: Customs Service, Department of the Treasury.

ACTION: Temporary rule; correction.

SUMMARY: On February 15, 2002, a temporary rule was published in the **Federal Register** as T.D. 02–07 (67 FR 7070–7071). Effective on February 15, 2002, this temporary rule permits importers of eligible articles that, but for the expiration of the ATPA, would have been entitled to duty-free treatment under the ATPA, the option to defer the payment of estimated Customs duties and fees after entry of those articles until May 16, 2002. The purpose of this document is to correct and clarify the wording of two sentences in the preamble of the temporary rule document. The substantive text of the temporary rule is unchanged.

EFFECTIVE DATE: This temporary rule remains effective on February 15, 2002, and expires on May 16, 2002.

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

SUPPLEMENTARY INFORMATION:

Background

On February 15, 2002, a temporary rule was published in the **Federal Register** (67 FR 7070–7071) as T.D. 02–07. Effective on February 15, 2002, this temporary rule permits importers of eligible articles that, but for the expiration of the ATPA, would have been entitled to duty-free treatment under the ATPA, the option to defer the payment of estimated Customs duties and fees after entry of those articles until May 16, 2002. This document corrects and clarifies the wording of two sentences in the preamble of the temporary rule document. The substantive text of the temporary rule is unchanged.

Corrections

The document published in the **Federal Register** as T.D. 02–7 on February 15, 2002 (67 FR 7070) is corrected as set forth below:

1. Beginning on page 7070, on the bottom of the third column, and continuing on page 7071 in the first column, the last sentence of the first paragraph of the ''Summary'' is removed and the following two sentences are added in its place to read as follows:

The Administration anticipates that the duty-free treatment accorded to merchandise under the provisions of the ATPA will be restored and made retroactive to the date of the initial termination of such duty-free treatment (December 4, 2001). There will be no extension of this extraordinary action.

2. On page 7071, in the ''Background'' portion of the document, in the second column, in the fourth paragraph, the last sentence is corrected to read as follows:

Accordingly, a one-time interim deferral of estimated duties and fees in anticipation of Congressional re-enactmant of ATPA within the next 90 days is appropriate to further the national security interest in combating narcotic production and trafficking and related criminal and terrorist activities.

Approved: March 15, 2002.

Douglas M. Browning,

Acting Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 02–6808 Filed 3–20–02; 8:45 am]

BILLING CODE 4820–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL–7161–2]

RIN 2060–AJ80

Relaxation of Summer Gasoline Volatility Standard for the Denver/Boulder Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: EPA published a direct final rule on January 24, 2002, to relax the federal gasoline volatility standard that applies to gasoline supplied to the Denver/Boulder area from June 1st to September 15th (the ozone control season) of each year. However, we received an adverse comment during the 30 day comment period and are now withdrawing that direct final rule.

DATES: As of March 21, 2002, EPA withdraws the direct final rule published at 67 FR 3435, on January 24, 2002.

FOR FURTHER INFORMATION CONTACT: Richard Babst at (202) 564–9473.

SUPPLEMENTARY INFORMATION: Because EPA received adverse comment, we are withdrawing the direct final rule for ''Relaxation of Summer Gasoline Volatility Standard for the Denver/Boulder Area.'' We published the direct final rule on January 24, 2002 (67 FR 3435), that would have approved the State of Colorado's request to relax the federal Reid Vapor Pressure (''RVP'') gasoline standard that applies to gasoline supplied to the Denver/Boulder area from June 1st to September 15th (the ozone control season) of each year. That action would have amended our regulations to change the summertime RVP standard for the Denver area from 7.8 pounds per square inch (''psi'') to 9.0 psi. We stated in that **Federal Register** document that if we received adverse comment by February 25, 2002, we would publish a timely notice of withdrawal in the **Federal Register**. We subsequently received an adverse comment. We will address the comment in a subsequent final action based on the parallel proposal also published on January 24, 2002 (67 FR 3468). As stated in the parallel proposal, we will not institute a second comment period on this action.

Dated: March 15, 2002.

Robert Brenner,

Acting Assistant Administrator for Office of Air and Radiation.

[FR Doc. 02–6846 Filed 3–20–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

Extension of Application Period for Temporary Housing Assistance

CFR Correction

In Title 44 of the Code of Federal Regulations, revised as of October 1, 2001, on page 411, in § 206.101, paragraph (e)(1) is revised to read as follows:

§ 206.101 Temporary housing assistance.

* * * * *

(e) * * *

(1) *Application period.* The standard FEMA application period is the 60 days following the date the President declares an incident a major disaster or an emergency. The Regional Director may, however, extend the application period, when we anticipate that we need more time to collect applications from the affected population or to establish the same application deadline for contiguous Counties or States. After the application period has ended, FEMA will accept and process applications for an additional 60 days only from persons who can provide an acceptable explanation (and documentation to substantiate their explanation) for why they were not able to contact FEMA before the application period ended.

* * * * *

[FR Doc. 02–55507 Filed 3–20–02; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

Frequency Allocations and Radio Treaty Matters; General Rules and Regulations

CFR Correction

In Title 47 of the Code of Federal Regulations, parts 0 to 19, revised as of October 1, 2001, in § 2.106, on page 442, page 45 of the Table of Frequency Allocations is a duplicate of page 54. The correct page 45 reads as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

1610-1670 MHz (UHF) — Page 45

International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
1610-1610.6 MOBILE-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION S5.341 S5.355 S5.359 S5.363 S5.364 S5.366 S5.367 S5.368 S5.369 S5.371 S5.372	1610-1610.6 MOBILE-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION RADIODETERMINATION-SATELLITE (Earth-to-space) S5.341 S5.364 S5.366 S5.367 S5.368 S5.370 S5.372	1610-1610.6 MOBILE-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION Radiodetermination-Satellite (Earth-to-space) S5.341 S5.355 S5.359 S5.364 S5.366 S5.367 S5.368 S5.369 S5.372	1610-1610.6 MOBILE-SATELLITE (Earth-to-space) US319 AERONAUTICAL RADIONAVIGATION US260 RADIODETERMINATION-SATELLITE(Earth-to-space) S5.341 S5.364 S5.366 S5.367 S5.368 S5.372 US208		Satellite Communications (25) Aviation (87)
1610.6-1613.8 MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY AERONAUTICAL RADIONAVIGATION S5.149 S5.341 S5.355 S5.359 S5.363 S5.364 S5.366 S5.367 S5.368 S5.369 S5.371 S5.372	1610.6-1613.8 MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY AERONAUTICAL RADIONAVIGATION RADIODETERMINATION-SATELLITE (Earth-to-space) S5.149 S5.341 S5.364 S5.366 S5.367 S5.368 S5.370 S5.372	1610.6-1613.8 MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY AERONAUTICAL RADIONAVIGATION Radiodetermination-satellite (Earth-to-space) S5.149 S5.341 S5.355 S5.359 S5.364 S5.366 S5.367 S5.368 S5.369 S5.372	1610.6-1613.8 MOBILE-SATELLITE (Earth-to-space) US319 RADIO ASTRONOMY AERONAUTICAL RADIONAVIGATION US260 RADIODETERMINATION-SATELLITE (Earth-to-space) S5.341 S5.364 S5.366 S5.367 S5.368 S5.372 US208		
1613.8-1626.5 MOBILE-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION Mobile-satellite (space-to-Earth) S5.341 S5.355 S5.359 S5.363 S5.364 S5.365 S5.366 S5.367 S5.368 S5.369 S5.371 S5.372	1613.8-1626.5 MOBILE-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION RADIODETERMINATION-SATELLITE (Earth-to-space) Mobile-satellite (space-to-Earth) S5.341 S5.364 S5.365 S5.366 S5.367 S5.368 S5.370 S5.372	1613.8-1626.5 MOBILE-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION Mobile-satellite (space-to-Earth) Radiodetermination-satellite (Earth-to-space) S5.341 S5.355 S5.359 S5.364 S5.365 S5.366 S5.367 S5.368 S5.369 S5.372	1613.8-1626.5 MOBILE-SATELLITE (Earth-to-space) US319 AERONAUTICAL RADIONAVIGATION US260 RADIODETERMINATION-SATELLITE (Earth-to-space) Mobile-satellite (space-to-Earth) S5.341 S5.364 S5.365 S5.366 S5.367 S5.368 S5.372 US208		

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[FR Doc. 02–55510 Filed 3–20–02; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 96–45; FCC 99–396]

Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations (47 CFR 54.313) published in the **Federal Register** on December 30, 1999 (64 FR 73427). *See* FR Doc. 99–33766. The regulation related to the state certification of support for universal service funds. Inadvertently, two paragraphs were removed from 47 CFR 54.313. This document corrects that error.

DATES: Effective March 21, 2002.

FOR FURTHER INFORMATION CONTACT: Sharon Webber, Assistant Division Chief, Accounting Policy Division, Common Carrier Bureau, (202) 418–7400.

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1999, the Federal Communications Commission (FCC) published in the **Federal Register** (64 FR 73427), a document amending § 54.313(c) of its rules. Inadvertently, paragraphs (c)(2) and (c)(3) were removed from that section. Subsequently, the Commission adopted a new rule, which added a new paragraph (b) and redesignated paragraphs (b) and (c) as paragraphs (c) and (d) of § 54.313. *See* FR Doc. 01–14008 (66 FR 30080). Because of the revision of this rule, the affected paragraph is now paragraph (d) of § 54.313. This document now corrects paragraph (d) of that rule.

Accordingly, 47 CFR part 54 is corrected by making the following correcting amendments:

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 paragraph (d) of § 54.313 to read as follows:

* * * * *

(d) *Filing Deadlines.* In order for a non-rural incumbent local exchange carrier in a particular State, and/or an eligible telecommunications carrier serving lines in the service area of a non-rural incumbent local exchange carrier, to receive federal high-cost support, the State must file an annual certification, as described in paragraph (c) of this section, with both the Administrator and the Commission. Support shall be provided in accordance with the following schedule:

(1) *First Program Year (January 1, 2000–December 31, 2000).* During the first program year (January 1, 2000–December 31, 2000), a carrier in a particular State shall receive support pursuant to § 54.311. If a State files the certification described in this section during the first program year, carriers eligible for support pursuant to § 54.309 shall receive such support pursuant to the following schedule:

(i) *Certifications filed on or before April 1, 2000.* Carriers subject to certifications that apply to the first and second quarters of 2000, and are filed on or before April 1, 2000, shall receive support pursuant to § 54.309 for the first and third quarters of 2000 in the third quarter of 2000, and support for the second and fourth quarters of 2000 in the fourth quarter of 2000. Such support shall be net of any support provided pursuant to section 54.311 for the first or second quarters of 2000.

(ii) *Certifications filed on or before July 1, 2000.* Carriers subject to certifications filed on or before July 1, 2000, shall receive support pursuant to § 54.309 for the fourth quarter of 2000 in the fourth quarter of 2000.

(iii) *Certifications filed after July 1, 2000.* Carriers subject to certifications filed after July 1, 2000, shall not receive support pursuant to § 54.309 in 2000.

(2) *Second program year (January 1, 2001–December 31, 2001).* During the second program year (January 1, 2001–December 31, 2001), a carrier in a particular State shall not receive support pursuant to §§ 54.309 or 54.311 until such time as the State files the certification described in this section. Upon the filing of the certification described in this section, support shall be provided pursuant to the following schedule:

(i) *Certifications filed on or before October 1, 2000.* Carriers subject to certifications filed on or before October 1, 2000 shall receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the first, second, third, and fourth quarters of 2001.

(ii) *Certifications filed on or before January 1, 2001.* Carriers subject to certifications filed on or before January 1, 2001 shall receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the second, third, and fourth quarters of 2001. Such carriers shall not receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the first quarter of 2001.

(iii) *Certifications filed on or before April 1, 2001.* Carriers subject to certifications filed on or before April 1, 2001 shall receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the third and fourth quarters of 2001. Such carriers shall not receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the first or second quarters of 2001.

(iv) *Certifications filed on or before July 1, 2001.* Carriers subject to certifications filed on or before July 1, 2001 shall receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the fourth quarter of 2001. Such carriers shall not receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the first, second, or third quarters of 2001.

(v) *Certifications filed after July 1, 2001.* Carriers subject to certifications filed after July 1, 2001 shall not receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in 2001.

(3) *Subsequent program years (January 1–December 31).* During the program years subsequent to the second program year (January 1, 2001–December 31, 2001), a carrier in a particular State shall not receive support pursuant to § 54.309 or § 54.311 until such time as the State files the certification described in this section. Upon the filing of the certification described in this section, support shall be provided pursuant to the following schedule:

(i) *Certifications filed on or before October 1.* Carriers subject to certifications filed on or before October 1 shall receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in the first, second, third, and fourth quarters of the succeeding year.

(ii) *Certifications filed on or before January 1.* Carriers subject to certifications filed on or before January 1 shall receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in the second, third, and fourth quarters of that year. Such carriers shall not receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in the first quarter of that year.

(iii) *Certifications filed on or before April 1.* Carriers subject to certifications filed on or before April 1 shall receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in the

third and fourth quarters of that year. Such carriers shall not receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in the first or second quarters of that year.

(iv) *Certifications filed on or before July 1.* Carriers subject to certifications filed on or before July 1 shall receive support pursuant to § 54.309 or § 54.311, whichever is applicable, beginning in the fourth quarter of that year. Such carriers shall not receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in the first, second, or third quarters of that year.

(v) *Certifications filed after July 1.* Carriers subject to certifications filed after July 1 shall not receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in that year.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–6370 Filed 3–20–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

Hazardous Materials Regulations: General Information, Regulations, and Definitions

CFR Correction

In Title 49 of the Code of Federal Regulations, Parts 100 to 185, revised as of October 1, 2001, on page 83, in § 171.8, the definitions of *Psi*, *Psia*, and *Psig* are revised to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Psi means pounds per square inch.

Psia means pounds per square inch absolute.

Psig means pounds per square inch gauge.

* * * * *

[FR Doc. 02–55505 Filed 3–20–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH73

Endangered and Threatened Wildlife and Plants; Re-opening of Comment Period on the Sacramento Splittail Final Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; re-opening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the re-opening of the comment period for the final rule on the Sacramento splittail (*Pogonichthys macrolepidotus*). Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this re-opened comment period, and will be fully considered in the final rule. We are re-opening the comment period to invite comments and to obtain peer review on the statistical analysis completed by us to re-analyze the available splittail abundance data. We are also inviting additional comments on the status of and factors affecting the species, as first solicited in the January 12, 2001 (66 FR 2828), comment period and re-solicited in the May 8, 2001 (66 FR 23181), and August 17, 2001 (66 FR 43145), re-openings of same.

DATES: We will accept public comments until October 15, 2002.

ADDRESSES: *Comment Submission:* If you wish to comment, you may submit your comments and materials concerning this proposal by any one of several methods:

1. You may submit written comments and information by mail to the Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W–2605, Sacramento, California 95825.

2. You may hand-deliver comments to our Sacramento Fish and Wildlife Office, during normal business hours, at the address given above.

Comments and materials received will be available for inspection, by appointment, during normal business hours at the address under (1) above.

FOR FURTHER INFORMATION CONTACT: For general information, Susan Moore, at the above address (telephone 916/414–6600; facsimile 916/414–6713).

SUPPLEMENTARY INFORMATION:

Background

The Sacramento splittail (hereafter splittail) represents the only extant species in its genus in North America. For a detailed description of the species, see the Recovery Plan for the Sacramento/San Joaquin Delta Native Fishes (Service 1996), references within that plan, and Moyle *et al.* (2001 in prep.).

Splittail are endemic to certain waterways in California's Central Valley, where they were once widely distributed (Moyle 1976). Splittail presently occur in Suisun Bay, Suisun Marsh, the San Francisco Bay-Sacramento-San Joaquin River Estuary (Estuary), the Estuary's tributaries (primarily the Sacramento and San Joaquin rivers), the Cosumnes River, the Napa River and Marsh, and the Petaluma River and Marsh. The splittail no longer occurs throughout a significant portion of its former range.

Pursuant to the Endangered Species Act of 1973, as amended (Act), the splittail was listed as a threatened species on February 8, 1999 (64 FR 5963). In this previous listing determination, we found that changes in water flows and water quality resulting from export of water from the Sacramento and San Joaquin rivers, periodic prolonged drought, loss of shallow water habitat, and the effects of agricultural and industrial pollutants were significant factors in the splittail's decline.

Subsequent to the publication of the final rule, plaintiffs in the cases *San Luis & Delta-Mendota Water Authority* v. *Anne Badgley, et al.* and *State Water Contractors, et al.* v. *Michael Spear, et al.* commenced action in Federal Eastern District Court of California, challenging the listing of the splittail as threatened, alleging various violations of the Act and of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*). We, as directed by the court, and pursuant to the Act, provided notice of the opening of a comment period regarding the threatened status for the splittail, from January 12, 2001, to February 12, 2001 (66 FR 2828). In addition, we re-opened the comment period on two additional occasions; from May 8, 2001, to June 7, 2001 (66 FR 23181), and from August 17, 2001, to October 1, 2001 (66 FR 43145). We are now re-opening the comment period for a fourth time to obtain peer-review and public comment on the statistical analysis used to analyze the abundant data available for splittail, and to seek public comment on the status of the species (as first solicited in 66 FR 2828). Upon the close of this comment period, we will make our determination whether the splittail warrants the continued protection of the Act.

The approach currently used by us to analyze the best scientifically and commercially available splittail abundance data differs from methods employed previously. In the February 8, 1999, final rule and the January 12, 2001, and May 8, 2001, re-openings of the comment periods, we relied primarily on the unstratified Mann-Whitney U-test approach utilized by Meng and Moyle (1995), first published in the *Transactions of the American Fisheries Society.* See 66 FR 2828 for a complete description of the Meng and Moyle (1995) method. In the August 17, 2001, re-opening of the comment period, we employed permutation-based exact calculations of p-values for stratified Mann-Whitney U-tests to analyze data derived from the Meng and Moyle (1995), Sommer *et al.* (1997), and California Department of Fish and Game (CDFG) methodologies. We also employed a polynomial regression model and a crude exponential decay analysis in the August 17, 2001, comment period. See 66 FR 43145 for a complete description of the revised methods.

Statistical Analysis of Multiple Linear Regression Model

We have carefully considered all comments and responses. In regard to the analysis of splittail population trends, we now employ a statistical analysis of an abundance index and Multiple Linear Regression (MLR) model jointly developed and submitted by the CDFG (Rempel 2001) and the United States Bureau of Reclamation (USBR) (Michny 2001). The model is hereafter referred to as the CDFG/USBR MLR model and provides the most sound basis, to date, for statistically evaluating temporal trends of splittail abundance data.

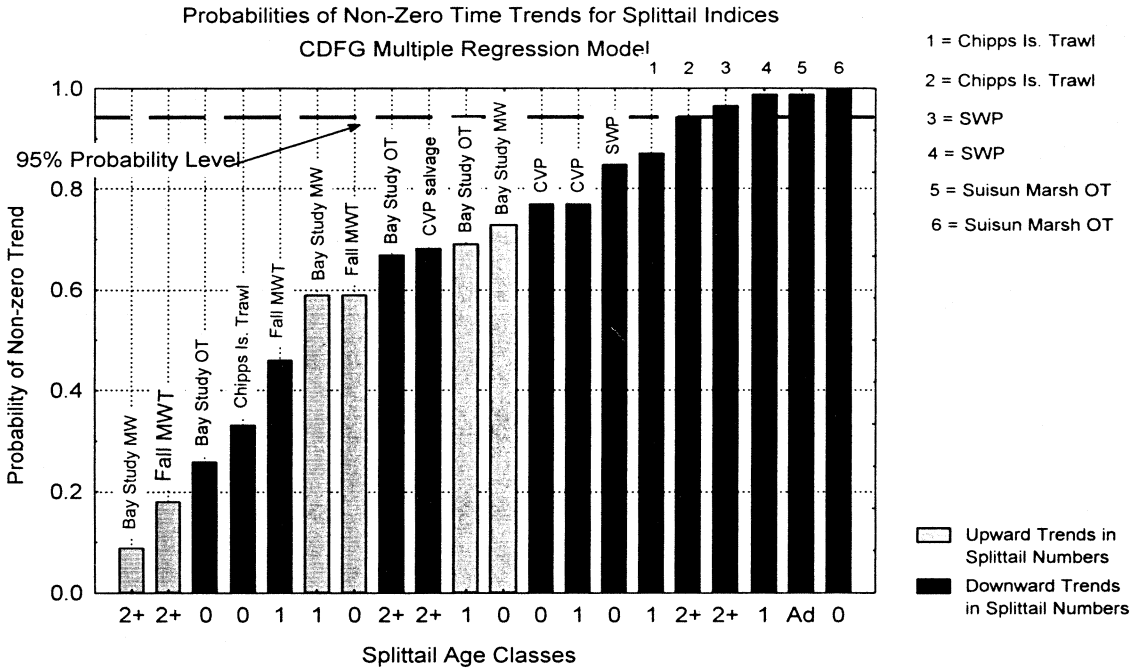
The CDFG/USBR MLR model includes HYDROLOGY and TIME (year) as independent variables and ABUNDANCE INDICES as the dependent variable. It also incorporates corrected splittail abundance data (Rempel 2001). We consider this statistical approach superior to the previous practice of using unstratified Mann-Whitney U-tests (Meng and Moyle 1995; Sommer *et al.* 1997) because it does not require arbitrarily dividing an inherently continuous data set into ''before'' and ''after'' categories (see previous discussion of this issue in 66 FR 43145). We also consider the CDFG/USBR MLR model superior to the permutation-based, exact calculations of p-values for stratified Mann-Whitney U-tests discussed in 66 FR 43145 because of substantive scientific issues raised by Rempel (2001), Michny (2001) and others, specifically, that such an analysis inappropriately combines results from differing survey methods (i.e. midwater trawl, otter trawl, beach seine, salvage) and considers primarily adult age class splittail. We further consider the CDFG/USBR MLR model superior to the polynomial regression model presented in 66 FR 43145 because existing abundance index monitoring programs have not been conducted for a sufficient duration to provide for reasonably conclusive application of the polynomial model (as concluded in 66 FR 43145). We also support use of the CDFG/USBR MLR model because of the facility with which it can be applied to all sets of splittail age class data from all seven abundance monitoring data sets (a total of 20 discrete sets of age-specific abundance monitoring data). Lastly, we have omitted the exponential decay model found in 66 FR 43145 because: (1) It was found by respondents to be insufficient to describe interactions in a complex aquatic ecosystem; and (2) the CDFG Mann-Whitney U-test results upon which the exponential decay calculation was based have since been superceded by the CDFG/BOR MLR model.

The CDFG/USBR MLR model explicitly controls for potential confounding effects of hydrological year type, the factor that is nearly unanimously viewed as the single strongest predictor of splittail year class strengths (e.g., Moyle *et al.* 2001 in prep.), by utilizing the number of days total delta inflow (DAYFLOW, California Department of Water Resources) exceeds 1,558 cubic meters per second (cms) (55,000 cubic feet per second (cfs)) during the February through May spawning/rearing period as a predictor (independent variable). This is conceptually comparable, yet superior, to the stratified Mann-Whitney U-tests presented in 66 FR 43145, which also controlled for hydrological year type. There is, however, one potentially important assumption associated with the CDFG/USBR MLR model that remains untested: The assumption that there is a lack of interaction between the HYDROLOGY and TIME variables. The CDFG/USBR MLR model assumes that the long term probabilities of high and low Delta inflow years are not systematically changing over time. If in fact those probabilities are systematically changing over time (due to either changing climate or changing water management policy), the coefficients for the TIME variable would be incapable of detecting the influence of the potentially changing HYDROLOGY component of splittail abundance trends. We believe this assumption can and should be tested against existing longitudinal hydrological data bases, with future changes to be determined once: (1) Sufficient splittail abundance data exist to ensure conclusive application of the polynomial model (i.e. multiple peaks and troughs); and (2) the cumulative expected hydrologic effects of potential large-scale water resource projects (i.e. potential projects such as the Folsom Dam reoperation and height increase, Shasta Dam height increase, Sites Reservoir, Colusa Basin off stream storage, increased pumping at export facilities, etc.) are more clearly understood. These potential future actions, and possibly long term climate changes, may appreciably change the timing, duration, magnitude and/or frequency of floodplain inundation within the splittail's range, thus influencing future population trends.

Discussion of CDFG/USBR MLR Model Results

The TIME variable captures temporal trends in the population index data. Its regression coefficient will be negative if splittail abundance is trending downward over time and positive if splittail abundance is trending upward over time. The probabilities of any given coefficient reflecting a true nonzero time trend are 1-p, where p is the standard statistical probability for the null hypothesis (of a zero trend). Thus, a ''p-value'' of 0.05 would be the same as a 95 percent probability that the corresponding TIME coefficient reflects a true nonzero downward or upward trend in splittail abundance. Results of the CDFG/USBR MLR model as presented by Rempel (2001: Table 3) for CDFG and Michny (2001: Table 1) for USBR reveal that 14 of 20 abundance monitoring data sets for splittail show downward trends (i.e., have negative coefficients for the TIME variable). In addition to a high frequency of negative coefficients that would be highly unlikely by chance alone (exact one tailed p = 0.0577; binomial test, H_0=0.50, N_1=6, N_2=14)(StatXact 4: CYTEL Software Corp. 2000), the median (middle value) probability of nonzero negative trends (0.81 or 81 percent) is also clearly greater than the median probability of nonzero positive trends (0.59 or 59 percent) (Figure 1 below), to an extent that would be highly unlikely by chance alone (exact one tailed p= 0.0303, Wilcoxon-Mann-Whitney test).

Figure 1.



All four coefficients for the TIME variable that exceed a 95 percent probability (classic 0.05 alpha level statistical significance criterion) for a true nonzero trend are negative. A fifth negative TIME variable coefficient is nearly statistically significant (p=0.057). Due to the very limited statistical power associated with the abundance monitoring data sets for splittail (see discussion of this topic in 66 FR 43145) there is substantive bias in favor of type II statistical error, i.e., failing to correctly reject the null hypothesis (of no time trends). Low statistical power is not unique to the splittail data sets. Due to the inherent high variability in fisheries and wildlife abundance data, for applied purposes (such as detecting oil spill impacts on marine bird populations) it has become ''customary'' to use an alpha level of 0.20 (i.e., an 80 percent probability of true nonzero trends) for statistical tests of population trends over time (Day *et al.* 1997; Murphy *et al.* 1997; Irons *et al.* 2000; Wiens *et al.* 2001). Wiens *et al.* (2001:890) further state that even using an alpha level of 0.20, ''* * * there remains the question of how blindly one should follow the results of statistical (significance) testing.'' Furthermore, Taylor and Gerrodette (1993) persuasively argue that because of the low statistical power that is so often characteristic of abundance monitoring data sets for rare species, ''* * * detection of a [statistically significant] decline should not be a necessary criterion for enacting conservation measures * * *.'' Referring to the management of a rare species of porpoise, the vaquita, Taylor and Gerrodette (1993) caution that due to the low statistical power of abundance monitoring data, ''* * * if we were to wait for a statistically significant decline before instituting stronger protective measures, the vaquita would probably go extinct first.'' Although splittail are not as rare as vaquita, the ''boom-or-bust'' reproductive biology of splittail results in such high-variance abundance monitoring data that the limitations on statistical power are as severe as Taylor and Gerrodette (1993) encountered with the vaquita. We must therefore take into consideration the issue of statistical power when interpreting the splittail abundance data. We accomplish this by evaluating all trends, not just the trends that meet traditional (p=0.05) criteria for statistical significance. Those traditional criteria assume a much higher standard of statistical power than the splittail data are able to meet. The inherent difficulty in effectively surveying splittail is likely to result in considerable scientific uncertainty and low statistical power to detect actions' effects. Recent studies indicate that these constituents, and the uncertainty and risk associated with them, favor a precautionary approach (Thompson *et al.* 2000, Slooten *et al.* 2000). Under such circumstances, and given the intrinsically precautionary nature of section 4 of the Act, we must consider the preponderance of the data, including both statistically significant and insignificant trends. Of 14 negative coefficients, 7 have a probability of 80 percent or greater (p=0.20) to reflect true nonzero downward trends in splittail abundance. Of 6 positive coefficients, 0 (none) have a probability of 80 percent or greater to reflect true nonzero upward trends in splittail abundance. This asymmetry in the results is highly significant (exact one tailed p=0.022, Fisher's exact test, ''mid p'' corrected) (StatXact 4: CYTEL Software Corp. 2000) and clearly indicates a preponderance of data consistent with an ''apparent'' declining trend in splittail abundance.

The four highest, statistically significant (at traditional levels) probabilities of a nonzero downward splittail population trend are exhibited by the Suisun Marsh survey (Age-0 and adult) and in the data collected via fish salvage operations at the State Water Project (SWP) Skinner Delta Fish Protective Facility (Age-1, and Age-2 and greater). The decline evident in the Chipps Island Trawl (Age-2 and greater) is nearly statistically significant at traditional levels (94.3 percent probability). Two additional probabilities of a nonzero downward splittail population trend are evident at the 80 percent probability level; Chipps Island Trawl (Age-1) and SWP (Age-0).

We fully concur with the statements of various respondents that abundance monitoring data for splittail have

methodological weaknesses of one sort or another; none of the surveys were designed specifically to rigorously estimate splittail population numbers (see Moyle et al. 2001 in prep.; Meng and Moyle 1995; and Sommer et al. 1997 for descriptions of surveys). However, existing data sets do constitute best available scientific information for the species.

Public Comments Solicited

We will accept written comments during this re-opened comment period, and comments should be submitted to the Sacramento Fish and Wildlife Office as found in the **ADDRESSES** section.

Author(s)

The primary authors of this notice are Jason Douglas and Joseph Skorupa (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 14, 2002.

Steve Williams,

Director, Fish and Wildlife Service.

[FR Doc. 02–6803 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 223

[Docket 020313057–2057–01; I.D. 031102E]

RIN 0648–AP91

Sea Turtle Conservation; Restrictions to Fishing Activities

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

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS is enacting a seasonally-adjusted gear restriction by closing the Mid-Atlantic Exclusive Economic Zone (EEZ) waters to fishing with gillnets with a mesh size larger than 8 inch (20.3 cm) stretched mesh, starting on March 15, 2002. The purpose of this action is to reduce the impact of the large-mesh gillnet fisheries on endangered and threatened species of sea turtles primarily from the monkfish fishery which has previously demonstrated a high sea turtle bycatch and mortality rate. The areas restricted to fishing with gillnets larger than 8 inch stretched mesh and the times are as follows: Waters north of 33°51.0′ N (North Carolina/South Carolina border at the coast) and south of 35°46.0′ N (Oregon Inlet)—at all times; waters north of 35°46.0′ N (Oregon Inlet) and south of 36°22.5′ N (Currituck Beach Light, NC)—from March 16 through January 14; waters north of 36°22.5′ N (Currituck Beach Light, NC) and south of 37°34.6′ N (Wachapreague Inlet, VA)—from April 1 through January 14; waters north of 37° 34.6′ N (Wachapreague Inlet, VA) and south of 37°56.0′ N (Chincoteague, VA)—from April 16 through January 14. Waters north of 37°56.0′ N (Chincoteague, VA) will not be affected by this rule. NMFS also intends to publish a permanent rule establishing these seasonal restrictions and is seeking comments on this interim final rule.

DATES: This interim final rule is effective on March 15, 2002 through 240 days after March 15, 2002. Comments on this interim final rule are requested and must be postmarked or transmitted by facsimile by 5 p.m., Eastern Standard Time, on June 19, 2002. Comments transmitted via e-mail or the Internet will not be accepted.

ADDRESSES: Send written comments on this interim final rule to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via fax to 301–713–0376, Attn: Chief, Endangered Species Division, Office of Protected Resources. Comments will not be accepted if submitted via e-mail or the Internet. Copies of the Environmental Assessment (EA) prepared for this interim final rule may also be requested at the same address.

FOR FURTHER INFORMATION CONTACT: David M. Bernhart (ph. 727–570–5312, fax 727–570–5517, e-mail *David.Bernhart@noaa.gov*), or Barbara A. Schroeder (ph. 301–713–1401, fax 301–713–0376, e-mail *Barbara.Schroeder@noaa.gov*).

SUPPLEMENTARY INFORMATION: All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973 (ESA). The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered. Loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered.

Under the ESA and its implementing regulations, taking sea turtles—even incidentally—is prohibited, with exceptions for threatened species identified in 50 CFR 223.206. The incidental take of endangered species may be authorized only by an incidental take statement provided or an incidental take permit issued pursuant to section 7 or 10 of the ESA.

Background

Beginning in 1995, sea turtle strandings off North Carolina dramatically increased during April and May, particularly near the area between Hatteras Inlet and Oregon Inlet. This new stranding pattern continued and intensified throughout the rest of the 1990's, and North Carolina sea turtle strandings grew to record levels. Increasing strandings coincided with increasing effort in the monkfish gillnet fishery, which first began off North Carolina in 1995. In April and May 2000, the largest-ever fisheries-related stranding event occurred: 280 sea turtles, 275 of them threatened loggerhead sea turtles, stranded in two short periods. Four of the carcasses were still entangled in gillnet gear with a larger than 8 inch stretched mesh size. Three fisheries were active in offshore waters the week prior to the strandings: Hook-and-line fishing for mackerel, bluefish gillnetting, and monkfish gillnetting. The mesh sizes of the gear recovered with the stranded turtles were only consistent with gillnets for monkfish. There was no evidence that the turtles had been hooked, and the nature of the strandings were not consistent with other possible causes. Satellite sea surface temperature information allowed NMFS to reconstruct the likely times and locations of the sea turtle mortality. Gillnetting for dogfish and monkfish was occurring in those times and places.

These fisheries deploy thousands of yards/meters of gillnets with larger than 8 inch stretched mesh and have very long soak times, ranging from overnight to several days. In order to prevent further sea turtle deaths, on May 12, 2000, NMFS restricted an area along eastern North Carolina and Virginia to fishing with large-mesh gillnets with a stretched mesh size of 6 inches (15.24 cm) or greater for a 30-day period through a temporary rule (65 FR 31500, May 18, 2000). After the large mesh closure was in effect, no additional mass stranding events occurred in North Carolina. However, the monkfish fishery in North Carolina was over by the time the closure went into effect.

The closure also reduced the monkfish gillnetting effort off the coast of Virginia, and there was a large reduction in strandings in 2000 (Mansfield et al., 2001). Due to the large-mesh gillnet closure, as well as the new

trip limits imposed by the FMP on May 1, 2000, there was also a reduction in fisheries landings reported within this region.

Monkfish gillnets—12-inch mesh, tied-down, anchored gillnets; up to 4 nautical miles of net per boat; and soak times from 24 to 120 hours—pose a lethal threat to sea turtles, if they are fished in times and places where turtles occur. In the early spring, sea turtles, particularly loggerheads, mass along warm-water fronts off the North Carolina coast and migrate northward as warming water temperatures allow. Based on the information regarding fishing activity prior to the strandings, large mesh gillnets set along these warm-water fronts were the most likely cause of the catastrophic levels of sea turtle mortality seen in North Carolina in 2000. Even with the high level of strandings, the great majority of turtle carcasses probably never stranded due to the strong offshore currents of the Gulf Stream, and the actual turtle mortality was much higher than the strandings suggest.

2001 Events

NMFS considered implementing closures of the monkfish gillnet fishery in the Mid-Atlantic in 2001 to prevent the same level of turtle mortality from recurring. Implementation of the Year 2 Monkfish Fishery Management Plan (FMP) measures as of May 1, 2000, limited monkfish gillnet vessels in the Southern Fishery Management Area to a trip limit of 300 lb (tail weight) per Day-at-Sea (DAS). In addition, NMFS placed observers on nearly 100 percent of the monkfish gillnet trips out of North Carolina and Virginia ports in spring 2001. Further, NMFS published a rule (66 FR 28842, May 25, 2001) that provided authority to close the monkfish gillnet fishery if the observers documented turtle takes greater than the authorized level in the incidental take statement (ITS) issued with the December 21, 1998, biological opinion on the monkfish fishery.

NMFS, in the meantime, had also reinitiated consultation (pursuant to section 7 of the ESA) on the FMP, primarily as the result of concerns over right whale takes in fixed gear. Consultation was also reinitiated because the ITS for sea turtles was exceeded in 1999. NMFS also analyzed the information on sea turtle strandings and the effect of the FMP's daily landings limits and limitations on total days at sea (DAS). Beginning May 1, 2000, for the area off North Carolina and Virginia, monkfish gillnet vessels were limited to 300 pounds of tails landed per day and 40 DAS per year. Beginning May 1, 2002, the DAS would be reduced to zero (i.e., no directed gillnet fishing for monkfish), but up to ten unused DAS could be carried over. NMFS issued a new biological opinion on the fishery on June 14, 2001, concluding that the fishery, as managed under the FMP, was not likely to jeopardize the continued existence of any species of sea turtle. Incidental take was authorized, with a reduced take level after April, 2002 and zero take anticipated after April, 2003. The opinion expressly considered the reduction in daily landings limits and DAS and considered that the FMP's restrictions would greatly reduce the effort off North Carolina and Virginia, because vessels from northern ports would have little incentive to travel to the south for the limited fishing opportunity.

The June 14, 2001 biological opinion's analysis of the fishery's behavior in spring 2001 proved to be correct: Only seven sink gillnet vessels targeting monkfish fished off North Carolina in 2001, compared to 33 sink gillnet vessels that landed monkfish in North Carolina in 2000. The sea turtle mortality was also greatly reduced: there were only 11 turtle strandings in eastern North Carolina (zone 35) for April and May, total, compared to the close to 300 turtles that stranded in April and May 2000. Four sea turtle takes were observed in the monkfish gillnet fishery off North Carolina and Virginia in spring 2001. Not only were there fewer vessels fishing gillnets in 2001, those vessels apparently fished farther to the north and in colder water, compared to 2000, and thus avoided sea turtle takes.

Changes to the FMP

On August 14, 2001, the U.S. District Court for the District of Rhode Island found the provisions in the FMP that established the trip limits for gillnetters to be unlawful. NMFS filed a motion with the court, asking for reconsideration and asking that the FMP's trip limits remain in place until a new FMP could be developed. The U.S. District Court denied this motion on February 15, 2002. The effect of this ruling is that the gillnet daily limits have now increased from 300 pounds to 1500 or 1000 pounds (based on permit type). In addition, the New England and Mid-Atlantic Fishery Management Councils voted on February 8, 2002, to reverse the FMP's elimination of gillnet DAS after April, 2002, allowing continued gillnetting with a 550 or 450 pounds of tails per DAS (based on permit type). NMFS is reviewing this council action for possible approval. Note that all trip limits discussed in this interim rule, and any past changes to those trip limits are specific only to the Southern Fishery Management Area of the monkfish fishery. The Northern Fishery Management Area has no trip limits and these have not been changed by the court order or new Council action. The reinitiation of ESA Section 7 consultation on the monkfish fishery is underway.

Threat to Sea Turtles

The fishery off North Carolina will be closed from February 15 through March 15, under provisions of the Mid-Atlantic Harbor Porpoise Take Reduction Plan. However, because of the recent court ruling, if no turtle protective measures are in place in the fishery and effort returns to 2000 levels, there is every reason to believe that sea turtle mortality off the southern Mid-Atlantic will return to the very high levels of the late 1990's and possibly the disastrous levels of 2000. The court's ruling and the Council's action undo the effort limitation measures that were important factors in the June 14, 2001 no-jeopardy biological opinion. Under a 1500- or 1000-pound daily limit, NMFS believes that effort off North Carolina will return to the levels seen in 2000. In 2000, there were no trip limits, but the average landings per trip were only 764 pounds, so the 1500- or 1000-pound limit will have little to no effect in reducing effort, and, based on past effort, vessels from other states are expected to travel to North Carolina to target monkfish. The other protective measures of 2001 are no longer in place. The temporary framework rule that depended on 100 percent observer coverage, with closure after the observers documented take greater than that authorized in the ITS, has expired. NMFS does not have funds or observers to achieve 100 percent coverage again, certainly not at the much higher levels of fishing effort that are anticipated. The level of incidental take authorized in the June 14, 2001 opinion is very low (6 loggerheads, 1 green, 1 Kemp's ridley, 1 leatherback sea turtle) and would probably be exceeded quickly if monkfish gillnets are set near warm water boundaries when turtles are making their northward migration. NMFS believes that emergency action is warranted to prevent the violation of the incidental take statement of the opinion and to reduce the potential for a serious impact to turtle populations. The 275 loggerheads that stranded in North Carolina in spring 2000 were probably disproportionately made up of individuals from the northern subpopulation of loggerheads, a subpopulation that has been of

particular concern, for example, in the 2001 Biological Opinion on the Atlantic pelagic longline fishery management plan, that concluded that fishery was likely to jeopardize loggerhead and leatherback sea turtles.

Seasonally-Adjusted Closure of Large-Mesh Gillnet Fishing in the Mid-Atlantic

By this interim final rule, NMFS is enacting, effective immediately, seasonally-adjusted gear restrictions by closing the Mid-Atlantic EEZ waters to fishing with gillnets with a mesh size larger than 8 inch (20.3 cm) stretched mesh to protect migrating sea turtles. Although the monkfish gillnet fishery currently uses 12 inch (30.5 cm) stretched mesh as their primary gear type, the potential exists for the utilization of smaller mesh gillnets for monkfish. The 8 inch cutoff size as mentioned above is, therefore, being enacted in this rule. NMFS considered banning smaller mesh sizes but fishing for monkfish with gillnets with less than 8 inch mesh is impractical and banning smaller mesh sizes would interfere with the prosecution of other fisheries that have been shown to have minimal impact on sea turtles.

The areas restricted to fishing with gillnets larger than 8 inch stretched mesh and the times are as follows: waters north of 33°51.0′ N (North Carolina/South Carolina border at the coast) and south of 35°46.0′ N (Oregon Inlet)—at all times; waters north of 35°46.0′ N (Oregon Inlet) and south of 36°22.5′ N (Currituck Beach Light, NC)—from March 16 through January 14; waters north of 36°22.5′ N (Currituck Beach Light, NC) and south of 37°34.6′ N (Wachapreague Inlet, VA)—from April 1 through January 14; waters north of 37°34.6′ N (Wachapreague Inlet, VA) and south of 37°56.0′ N (Chincoteague, VA)—from April 16 through January 14. Waters north of 37°56.0′ N (Chincoteague, VA) will not be affected by this rule. NMFS also intends to publish a permanent rule establishing these seasonal restrictions and is seeking comments on this interim final rule. The restricted areas include all EEZ waters within the stated boundaries. Because of the evidence from past stranding events, particularly the large stranding event in April and May 2000, NMFS concludes that the large mesh gillnet fishery in the Mid-Atlantic takes, including to capture and kill, numerous endangered and threatened sea turtles during their spring migration. NMFS is taking this action to prevent further mortalities and other takes of listed species in this fishery. The timing of the restrictions is based upon an analysis of sea surface temperatures for the above areas. Sea turtles are known to migrate into and through these waters when the sea surface temperature is 11 degrees Celsius or greater. The January 15 date for the reopening of the areas north of Oregon Inlet (35°46.0′ N) to the large-mesh gillnet fishery is also based upon the 11 degree Celsius threshold and is consistent with the seasonal boundary established for the summer flounder fishery-sea turtle protection area (50 CFR 223.206(d)(2) (iii)(A)).

The actions implemented by this interim final rule are expected to impact approximately 20–25 monkfish gillnet vessel owners and operators. Five alternatives were evaluated in the EA prepared for this interim final rule, including a status quo or ''no action'' alternative. For a description and analysis of the alternatives, readers should refer to the EA available at the address listed above.

The total cost to the monkfish fishery is expected to be minimal. The primary effect of this interim final rule will be to establish restrictions in an area which is not heavily utilized by the fishery and to set required dates for the northward movement of the fishery up through 37°56.0′ N (Chincoteague, VA) in order to avoid sea turtle interactions. However, based on vessel trip reporting (VTR) data from May 1998 through April 2001, the Virginia and North Carolina trips make up a small part of the total effort in the monkfish sink gillnet fishery. Together they represent 5.1 percent of the monkfish tail weight, 0.9 percent of the liver weight, and 4.1 percent of the total gillnet trips. The fishery normally migrates northward anyway as it follows the monkfish movements. This rule does not prevent or limit fishermen from moving north of 37°56.0′ N (Chincoteague, VA) to prosecute the fishery, although the small number of vessels in this fishery that are based in North Carolina and Virginia would have extra fuel costs that would impact profitability. This rule does not impact the available DAS or catch limits established under previous regulations.

Request for Comments

NMFS is considering issuing these seasonally-adjusted gear restrictions as a final rule. Written public comments on this interim final rule must be postmarked or transmitted by facsimile by 5 p.m., Eastern Standard Time, on June 19, 2002.

Classification

This action has been determined to be not significant for purposes of Executive Order 12866.

The Assistant Administrator has determined that this interim final rule is necessary to respond to the emergency created by the changes to the federal monkfish fishery, changes which may lead to unauthorized takes in violation of the terms and conditions of the June 14, 2001 Biological Opinion. This interim final rule is consistent with the ESA and other applicable laws. Section 4(b)(7) of the ESA provides that the requirements of 5 U.S.C. 553 of the Administrative Procedure Act do not apply to regulations when there is an emergency posing a significant risk to wildlife (16 U.S.C. 1533(b)(7)).

This interim final rule will be effective for 240 days. If NMFS determines to adopt this interim final rule permanently, NMFS will publish the rule in the **Federal Register** by winter 2002. If significant changes to this interim final rule are needed, NMFS will first publish a proposed rule and seek additional public comment. If NMFS determines that the rule is no longer necessary, NMFS will withdraw this interim final rule. NMFS is providing notice of these regulations to the states of North Carolina and Virginia, as required by section 4(b)(7)(B) of the ESA. NMFS regulations, which were developed and adopted after full notice and comment, give the Assistant Administrator the authority to take emergency actions when the need arises. 50 CFR 223.206(d)(4).

The AA also finds good cause to waive the requirements for prior notice and an opportunity for public comment, for this interim final rule, pursuant to 5 U.S.C. 553(b)(B), as such procedures would be impracticable and contrary to the public interest. The recent court ruling, described above, increased gillnet DAS limits from 300 pounds to either 1500 or 1000 pounds, based upon permit type. It is expected that, in light of these higher trip limits, the level of fishing effort occurring after March 16, 2002, when the fishery off North Carolina will open, until May 1, 2002, when gillnet DAS will be reduced to zero under the FMP, will cause a significant increase in risk of mortality to sea turtles. As such, any delay in implementation of this interim final rule would prevent NMFS from meeting its obligations under the ESA to prevent such harm.

The New England and Mid-Atlantic Fishery Management Councils have voted to reverse the FMP's elimination of gillnet DAS after April, 2002, and to

allow continued gillnetting with a 550 or 450 pounds of tails per DAS (based on permit type). Should NMFS decide to follow the recommendation of the Council, emergency protection for sea turtles would remain necessary after May 1, 2002. However, should NMFS not follow the recommendation of the Council, NMFS will consider this in determining whether to adopt the interim final rule as a final rule.

This interim final rule will be effective for 240 days. If NMFS determines to adopt this interim final rule permanently, NMFS will publish the rule in the **Federal Register** by winter 2002. If significant changes to this interim final rule are needed, NMFS will first publish a proposed rule and seek additional public comment. If NMFS determines that the rule is no longer necessary, NMFS will withdraw this interim final rule.

For the reasons stated above, the AA finds good cause under both section 4(b)(7) of the ESA and 5 U.S.C. 553(d)(3) not to delay the effective date of this rule for 30 days. This restriction has been announced on the NOAA weather channel, in newspapers, and other media.

As prior notice and an opportunity for public comment are not required to be provided for this notification by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

The AA has prepared an Environmental Assessment for this interim final rule. Copies of the EA are available (see **ADDRESSES**).

List of Subjects in 50 CFR Part 223

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and record-keeping requirements.

Dated: March 15, 2002.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries.

For the reasons set out in the preamble, 50 CFR parts 222 and 223 are amended to read as follows:

PART 222—GENERAL ENDANGERED AND THREATENED MARINE SPECIES

1. The authority citation for part 222 continues to read as follows:

Authority: 16 U.S.C. § 1531 *et seq.*; 16 U.S.C. § 742a *et seq.*; 31 U.S.C. § 9701 *et seq.*

2. In § 222.102, Definitions, add after the definition for ''Four-seam, tapered-wing trawl'' and before the definition for ''Gulf Area'', the following regulatory definition to read as follows:

§ 222.102 Definitions.

* * * * *

Gillnet means a panel of netting, suspended vertically in the water by floats along the top and weights along the bottom, to entangle fish that attempt to pass through it.

* * * * *

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

2. In § 223.206, paragraph (d) introductory text is suspended and paragraph (d)(8) and (e) are added to read as follows:

§ 223.206 Exceptions to prohibitions relating to sea turtles.

* * * * *

(d) * * *

(8) *Restrictions applicable to large-mesh gillnet fisheries in the mid-Atlantic region.* No person may fish (including, but not limited to, setting, hauling back, or leaving in the ocean) with, or possess any gillnet with a stretched mesh size larger than 8 inches (20.3 cm), unless all gillnets are covered with canvas or other similar material and lashed or otherwise securely fastened to the deck or the rail, and all buoys larger than 6 inches (15.24 cm) in diameter, high flyers, and anchors are disconnected. This restriction is effective starting on March 15, 2002, in the Atlantic Exclusive Economic Zone (as defined in 50 CFR 600.10) during the following time periods and in the following areas:

(i) Waters north of 33°51.0′ N (North Carolina/South Carolina border at the coast) and south of 35°46.0′ N (Oregon Inlet) at any time;

(ii) Waters north of 35°46.0′ N (Oregon Inlet) and south of 36°22.5′ N (Currituck Beach Light, NC) from March 16 through January 14;

(iii) Waters north of 36°22.5′ N (Currituck Beach Light, NC) and south of 37°34.6′ N (Wachapreague Inlet, VA) from April 1 through January 14; and

(iv) Waters north of 37°34.6′ N (Wachapreague Inlet, VA) and south of 37°56.0′ N (Chincoteague, VA) from April 16 through January 14.

* * * * *

(e) *Exception for incidental taking.* The prohibitions against taking in § 223.205(a) do not apply to the incidental take of any member of a threatened species of sea turtle (i.e., a take not directed toward such member) during fishing or scientific research activities, to the extent that those involved are in compliance with all applicable requirements of paragraphs (d)(1) through (d)(8) of this section, or in compliance with the terms and conditions of an incidental take permit issued pursuant to paragraph (a)(2) of this section.

[FR Doc. 02–6772 Filed 3–15–02; 5:02 pm]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 011218304–1304–01; I.D. 031802A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA) for 24 hours. This action is necessary to fully use the second seasonal apportionment of the total allowable catch of pollock specified for this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 19, 2002, until 1200 hrs, A.l.t., March 20, 2002.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS closed the directed fishery for pollock in Statistical Area 630 of the GOA pursuant to § 679.20(d)(1)(iii) on March 11, 2002 (67 FR 10847, March 11, 2002). As of March 15, 2002, 532 metric tons (mt) of pollock remain in the second seasonal directed fishing allowance of the pollock TAC in Statistical Area 630 of the GOA. Therefore, NMFS is terminating the previous closure and is opening

directed fishing for pollock in Statistical Area 630 of the GOA. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that the directed fishing allowance will be reached after 24 hours. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA effective 1200 hrs, A.l.t., March 20, 2002.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to allow full use of the amount of the 2002 B season pollock TAC specified for Statistical Area 630 of the GOA constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to allow full use of the amount of the 2002 B season pollock TAC specified for Statistical Area 630 of the GOA constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 18, 2002.

Bruce Morehead,

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

[FR Doc. 02–6856 Filed 3–18–02; 2:13 pm]

BILLING CODE 3510–22–S

Rules and Regulations

Federal Register
Vol. 67, No. 55
Thursday, March 21, 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

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 02–018–1]

Citrus Canker; Removal of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the citrus canker regulations by removing a portion of Hillsborough County, FL, from the list of quarantined areas. The regulations require that an area be free from citrus canker for a period of at least 2 years before it may be removed from the list of quarantined areas. Surveys have shown that the quarantined area in Hillsborough County, FL, has been free of citrus canker since December 1999. This rule removes restrictions on the interstate movement of regulated articles from that portion of Hillsborough County, FL.

DATES: This interim rule is effective March 21, 2002. We will consider all comments we receive that are postmarked, delivered, or e-mailed by May 20, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 02–018–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 02–018–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov*. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 02–018–1'' on the subject line.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Poe, Operations Officer, Surveillance and Emergency Programs Planning and Coordination, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–8899.

SUPPLEMENTARY INFORMATION:

Background

Citrus canker is a plant disease that affects plants and plant parts, including fresh fruit, of citrus and citrus relatives (Family *Rutaceae*). Citrus canker can cause defoliation and other serious damage to the leaves and twigs of susceptible plants. It can also cause lesions on the fruit of infected plants, which render the fruit unmarketable, and cause infected fruit to drop from the trees before reaching maturity. The aggressive A (Asiatic) strain of citrus canker can infect susceptible plants rapidly and lead to extensive economic losses in commercial citrus-producing areas.

The regulations to prevent the interstate spread of citrus canker are contained in 7 CFR 301.75–1 through 301.75–16 (referred to below as the regulations). The regulations restrict the interstate movement of regulated articles from and through areas quarantined because of citrus canker and provide for the designation of survey areas around quarantined areas. Survey areas undergo close monitoring by Animal and Plant Health Inspection Service (APHIS) and State inspectors for citrus canker and serve as buffer zones against the disease.

Under § 301.75–4(c) of the regulations, any State or portion of a State where an infestation is detected will be designated as a quarantined area and will retain that designation until the area has been free from citrus canker for 2 years.

A portion of Hillsborough County, FL, has been free of citrus canker since December 1999, and has thus met the requirement for declaration of eradication—that an area be free from citrus canker for a period of at least 2 years. In this case, regular and complete surveys have been conducted on an approximately monthly basis since the infestation was first detected, including surveys of all citrus trees located in both commercial groves and at residential properties. In addition, any wild citrus present in the area has also been surveyed.

Therefore, we are amending the citrus canker regulations by removing the portion of Hillsborough County, FL, from the list of quarantined areas. This action removes restrictions on the interstate movement of regulated articles from the portion of Hillsborough County, FL, that we are removing from the list of quarantined areas. With the removal of this area, there are no longer any quarantined areas within Hillsborough County, FL.

Immediate Action

Immediate action is warranted to remove restrictions on the interstate movement of regulated articles from the portion of Hillsborough County, FL, that we are removing from the list of quarantined areas based on its freedom from citrus canker for a period of at least 2 years. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this action effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

We are amending the citrus canker regulations by removing a portion of Hillsborough County, FL, from the list of quarantined areas. The regulations require that an area be free from citrus canker for a period of at least 2 years before it may be removed from the list of quarantined areas. Surveys have shown that the quarantined area in Hillsborough County, FL, has been free of citrus canker since December 1999. This rule removes restrictions on the interstate movement of regulated articles from that portion of Hillsborough County, FL.

Commercial citrus production in Hillsborough County accounts for only a small portion of the total citrus production in the State of Florida (see table 1 below).

TABLE 1.—HILLSBOROUGH COUNTY CITRUS PRODUCTION, 2000–2001 SEASON

	Boxes of citrus	Percentage of Florida total
All Round Oranges	8,759,000	3.9
All Grapefruit	224,000	0.48
All Citrus	9,179,000	3.3

While producers in the area that we are removing from the list of quarantined areas will benefit from removal of movement restrictions, it is unlikely that the benefit will be big enough to measure statistically. This action does not impose any costs on producers or on government entities.

The Regulatory Flexibility Act requires agencies to consider the economic impacts of their rules on small entities. The entities most likely to be affected by this rule are citrus producers in and around the area in Hillsborough County, FL, that we are removing from the list of quarantined areas. The Small Business Administration defines a firm engaged in agriculture as ''small'' if it has less than $750,000 in annual receipts. All of the four citrus grove firms in Hillsborough County, FL, qualify as small entities.

Citrus producers in the area that we are removing from the list of quarantined areas will benefit from having a greater choice of where to market their fruit. It is unlikely, however, that producer income or expenses would be affected in a measurable way.

It is difficult to quantify the benefits of removing an area from quarantine. While producers will have greater choice of where to market their citrus crops, most of the trees in the quarantined area have been destroyed. It is unlikely that the removal of the quarantine will have any measurable effect on producers or consumers.

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

Executive Order 12372

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 continues to read as follows:

Authority: 7 U.S.C. 166, 7711, 7712, 7714, 7731, 7735, 7751, 7752, 7753, and 7754; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 also issued under Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

§ 301.75–4 [Amended]

2. In § 301.75–4, paragraph (a), the entry for Hillsborough County is removed.

Done in Washington, DC, this 18th day of March 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–6839 Filed 3–20–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Grain Inspection, Packers and Stockyards Administration

7 CFR Part 800

[Docket No. FGIS–2001–003a]

RIN 0580–AA79

Fees for Official Inspection and Official Weighing Services

AGENCY: Grain Inspection, Packers and Stockyards Administration, USDA.

ACTION: Final rule.

SUMMARY: The Federal Grain Inspection Service (FGIS) of the Grain Inspection, Packers and Stockyards Administration (GIPSA) is increasing certain fees by approximately 4.6 percent; i.e., contract and non-contract hourly rates, certain unit rates, and the administrative tonnage fee. These fees apply only to official inspection and weighing services performed by GIPSA in the United States under the United States Grain Standards Act (USGSA), as amended. These increases are needed to cover increased operational costs resulting from the approximate 4.6 percent January 2002 Federal pay increase. GIPSA anticipates the increase in the user fees will generate approximately $703,000 in additional revenue.

EFFECTIVE DATE: April 22, 2002.

FOR FURTHER INFORMATION CONTACT: David Orr, Director, Field Management Division, at his E-mail address: *Dorr@gipsadc.usda.gov,* or telephone him at (202) 720–0228.

SUPPLEMENTARY INFORMATION:

Executive Order 12866, Regulatory Flexibility Act, and the Paperwork Reduction Act

This rule has been determined to be nonsignificant for the purpose of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Also, pursuant to the requirements set forth in the Regulatory Flexibility Act, it has been determined that this final rule will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

GIPSA regularly reviews its user-fee-financed programs to determine if the fees are adequate. GIPSA has and will continue to seek out cost saving opportunities and implement appropriate changes to reduce costs. Such actions can provide alternatives to fee increases. However, even with these efforts, GIPSA's existing fee schedule will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance. Retained earnings balances are adjusted to reflect prior year revenue and obligations realized in the year reported. In FY 1999, GIPSA's operating costs were $23,176,643 with revenue of $22,971,204, resulting in a negative margin of $205,440. In FY 2000, GIPSA's operating costs were $24,146,428 with revenue of $23,150,188 that resulted in a negative margin of $996,240 and a negative reserve balance of $938,147. GIPSA's FY 2001 operating costs were $25,670,126 with revenue of $23,977,240 that resulted in a negative margin of $1,692,886. Using the most current financial data available for FY 2002, December 2001, GIPSA's operating costs were $6,923,247 with revenue of $7,131,883 that resulted in a positive margin of $208,247. However, the current reserve negative balance of $2,882,270 is well below the desired 3–month reserve of approximately $6 million. Employee salaries and benefits are major program costs that account for approximately 84 percent of GIPSA's total operating budget. The approximate general and locality salary increase averages 4.6 percent for GIPSA employees, effective January 2002, will increase GIPSA's costs by approximately $703,000.

GIPSA has reviewed the financial position of the inspection and weighing program based on the increased salary and benefit costs, along with the revised projected FY 2002 workload of 79 million metric tons. Based on the review, GIPSA has concluded that the approximate 4.6 percent salary increase will have to be recovered through increases in fees.

The fee increase primarily applies to entities engaged in the export of grain. Under the provisions of the USGSA, grain exported from the United States must be officially inspected and weighed. Mandatory inspection and weighing services are provided by GIPSA on a fee basis at 32 export facilities. All of these facilities are owned and managed by multi-national corporations, large cooperatives, or public entities that do not meet the criteria for small entities established by the Small Business Administration.

Some entities that request nonmandatory official inspection and weighing services at other than export locations could be considered small entities. The impact on these small businesses is similar to any other business; that is, an average 4.6 percent increase in the cost of official inspection and weighing services. This increase should not significantly affect any business requesting official inspection and weighing services. Furthermore, any of these small businesses that wish to avoid the fee increase may elect to do so by using an alternative source for inspection and weighing services. Such a decision should not prevent the business from marketing its products.

There would be no additional reporting or recordkeeping requirements imposed by this action. In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements in Part 800 have been previously approved by the Office of Management and Budget under control number 0580–0013. GIPSA has not identified any other Federal rules which may duplicate, overlap, or conflict with this final rule.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This action is not intended to have a retroactive effect. The USGSA provides in § 87g that no subdivision may require or impose any requirements or restrictions concerning the inspection, weighing, or description of grain under the Act. Otherwise, this final rule will not preempt any State or local laws, regulations, or policies unless they present irreconcilable conflict with this final rule. There are no administrative procedures that must be exhausted prior to any judicial challenge to the provisions of this final rule.

Background

On January 2, 2002, GIPSA proposed in the **Federal Register** (67FR25) to increase fees for official inspection and weighing services performed under the USGSA (7 U.S.C. 71 *et seq.*) by approximately 4.6 percent. The USGSA authorizes GIPSA to provide official grain inspection and weighing services and to charge and collect reasonable fees for performing these services. The fees collected are to cover, as nearly as practicable, GIPSA's costs for performing these services, including related administrative and supervisory costs. The current USGSA fees were published in the **Federal Register** on July 9, 2001 (66 FR 35751), and became effective on August 8, 2001. GIPSA regularly reviews its user-fee-financed programs to determine if the fees are adequate. GIPSA has and will continue to seek out cost-saving opportunities and implement appropriate changes to reduce costs. Such actions can provide alternatives to fee increases. However, even with these efforts, GIPSA's existing fee schedule will not generate sufficient revenues to cover program costs while maintaining an adequate reserve balance. Retained earnings balances are adjusted to reflect prior year revenue and obligations realized in the year reported. In FY 1999, GIPSA's operating costs were $23,176,643 with revenue of $22,971,204, resulting in a negative margin of $205,440. In FY 2000, GIPSA's operating costs were $24,146,428 with revenue of $23,150,188 that resulted in a negative margin of $996,240 and a negative reserve balance of $938,147. GIPSA's FY 2001 operating costs were $25,670,126 with revenue of $23,977,240 that resulted in a negative margin of $1,692,886. Using the most current financial data available for FY 2002, December 2001, GIPSA's operating costs were $6,923,247 with revenue of $7,131,883 that resulted in a positive margin of $208,247. However, the current reserve negative balance of $2,882,270 is well below the desired 3–month reserve of approximately $6 million. Employee salaries and benefits costs, which account for approximately 84 percent of GIPSA's total operating budget, have risen significantly over the years. GIPSA's average cost per hour in FY 1996 was $20.83 and has risen to $26.60 in FY 2001, a 27.7 percent

increase. Since FY 1996, GIPSA has increased fees six times to recover the Congressionally mandated salary increases each year as well as other pay and benefit increases such as longevity pay. The six fee increases have raised fees by approximately 22 percent over the FY 1996 levels.

While individual salary and benefit costs have increased since 1996, GIPSA has reduced overall salary and benefits costs by 12.8 percent through greater utilization of part-time and intermittent employees and improved program efficiencies. GIPSA has also reduced non-employee costs such as rent, utilities, and Departmental overhead by 1.4 percent.

The January 2002 salary increase averaged 4.6 percent for GIPSA employees, which equates to an estimated $703,000 increase. GIPSA has reviewed the financial position of the inspection and weighing program and concluded that fee increases are necessary to recover the estimated $703,000 increase in program costs. An average increase of 4.6 percent to hourly, certain unit fees, and the administrative tonnage fee is needed.

The current hourly fees are:

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and Over-time	Holidays
1–year contract	$27.40	$29.80	$38.60	$46.40
6–month contract	30.20	32.00	41.00	53.00
3–month contract	34.40	35.60	44.60	55.40
Non-contract	40.00	42.00	51.00	62.60

GIPSA has also identified certain unit fees, for services not performed at an applicant's facility, which contain direct labor costs and require a fee increase. Further, GIPSA has identified those costs associated with salaries and benefits that are covered by the administrative metric tonnage fee. The 4.6 percent cost-of-living increase to salaries and benefits covered by the administrative tonnage fee results in an overall increase of an average of 4.6 percent to the administrative tonnage fee.

Comment Review

GIPSA received 1 comment during the 30–day comment period from a grain trade association. The trade association stated that it consists of 1,000 grain, feed, processing, and grain-related companies, 70 percent of which are small entities. The commentor did not support the proposed rule. A summary of the comment and GIPSA's response is as follows:

The commentor opposed the fee increase and suggested that the proposed fee increase be offset through improved operating efficiencies and additional reductions in overhead. In addition, the commentor suggested GIPSA aggressively seek ways to reduce direct employee expenses through increased automation and contracting for official services so future mandated Federal pay increases will have less impact on the cost of providing official services. The commentor also stated that the agency should determine what programs could be terminated, scaled back, or consolidated to reduce administrative overhead.

The USGSA requires GIPSA to maintain a workforce of sufficient size and experience to meet the inspection and weighing needs of its applicants. GIPSA views its employees as valuable resources that facilitate the marketing of grain. Whenever possible, GIPSA has replaced vacant full-time permanent positions with part-time and intermittent employees to reduce administrative overhead costs related to employee salaries and benefits. Since FY 1996, GIPSA has decreased headquarters paid hours of overhead by 14.44 percent and other obligations by 1.4 percent. However, these reductions have not been enough to offset the increases in salaries and benefits. Further, GIPSA is constantly reviewing the inspection and weighing programs to assess service delivery and demand. Whenever, possible, available employees are used for temporary duty assignments within other Federal programs to further reduce administrative overhead costs. This action allows GIPSA the ability to temporarily downsize while maintaining an experienced workforce available for duty when service demands increase. GIPSA is continuing to review the issue of contracting for official services when appropriate. Efforts to contain and reduce costs have and will continue to be a high priority issue with GIPSA. GIPSA has and will continue to take action to reduce inspection and weighing costs whenever possible.

Final Action

Accordingly, GIPSA is applying an approximate 4.6 percent increase to certain hourly rates, certain unit rates, and the administrative tonnage fee, as proposed in 7 CFR 800.71: Table 1–Fees for Official Services Performed at an Applicant's Facility in an Onsite FGIS Laboratory; Table 2–Services Performed at Other Than an Applicant's Facility in an FGIS Laboratory; and Table 3, Miscellaneous Services.

List of Subjects in 7 CFR Part 800

Administrative practice and procedure, Grain.

For the reasons set out in the preamble, 7 CFR Part 800 is amended as follows:

PART 800—GENERAL REGULATIONS

1. The authority citation for part 800 continues to read as follows:

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

2. Section 800.71 is amended by revising Schedule A in paragraph (a) to read as follows:

§ 800.71 Fees assessed by the Service.

(a) * * *

Schedule A.—Fees for Official Inspection and Weighing Services Performed in the United States

TABLE 1.—FEES FOR OFFICIAL SERVICES PERFORMED AT AN APPLICANT'S FACILITY IN AN ONSITE FGIS LABORATORY[1]

	Monday to Friday (6 a.m. to 6 p.m.)	Monday to Friday (6 p.m. to 6 a.m.)	Saturday, Sunday, and overtime[2]	Holidays
(1) Inspection and Weighing Services Hourly Rates (per service representative)				
1–year contract	$28.60	$31.20	$40.40	$48.60
6–month contract	31.60	33.40	42.80	56.00
3–month contract	36.00	37.20	46.60	58.00
Non-contract	41.80	44.00	53.40	65.40
(2) Additional Tests (cost per test, assessed in addition to the hourly rate) [3]				
(i) Aflatoxin (other than Thin Layer Chromatography)				$8.50
(ii) Aflatoxin (Thin Layer Chromatography method)				20.00
(iii) Corn oil, protein, and starch (one or any combination)				1.50
(iv) Soybean protein and oil (one or both)				1.50
(v) Wheat protein (per test)				1.50
(vi) Sunflower oil (per test)				1.50
(vii) Vomitoxin (qualitative)				12.50
(viii) Vomitoxin (quantitative)				18.50
(ix) Waxy corn (per test)				1.50
(x) Fees for other tests not listed above will be based on the lowest noncontract hourly rate.				
(xi) Other services				
(a) Class Y Weighing (per carrier)				
(1) Truck/container				.30
(2) Railcar				1.25
(3) Barge				2.50
(3) Administrative Fee (assessed in addition to all other applicable fees, only one administrative fee will be assessed when inspection and weighing services are performed on the same carrier).				
(i) All outbound carriers (per-metric-ton) [4]				
(a) 1–1,000,000				$0.1152
(b) 1,000,001–1,500,000				0.1051
(c) 1,500,001–2,000,000				0.0568
(d) 2,000,001–5,000,000				0.0420
(e) 5,000,001–7,000,000				0.0230
(f) 7,000,001 +				0.0105

[1] Fees apply to original inspection and weighing, reinspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72 (a).

[2] Overtime rates will be assessed for all hours in excess of 8 consecutive hours that result from an applicant scheduling or requesting service beyond 8 hours, or if requests for additional shifts exceed existing staffing.

[3] Appeal and reinspection services will be assessed the same fee as the original inspection service.

[4] The administrative fee is assessed on an accumulated basis beginning at the start of the Service's fiscal year (October 1 each year).

TABLE 2.—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY[1] [2]

(1) Original Inspection and Weighing (Class X) Services	
(i) Sampling only (use hourly rates from Table 1)	
(ii) Stationary lots (sampling, grade/factor, & checkloading)	
(a) Truck/trailer/container (per carrier)	$19.25
(b) Railcar (per carrier)	28.90
(c) Barge (per carrier)	185.00
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.02
(iii) Lots sampled online during loading (sampling charge under (i) above, plus):	
(a) Truck/trailer container (per carrier)	9.95
(b) Railcar (per carrier)	19.25
(c) Barge (per carrier)	110.00
(d) Sacked grain (per hour per service representative plus an administrative fee per hundredweight) (CWT)	0.02
(iv) Other services	
(a) Submitted sample (per sample—grade and factor)	11.50
(b) Warehouseman inspection (per sample)	19.50
(c) Factor only (per factor—maximum 2 factors)	5.15
(d) Checkloading/condition examination (use hourly rates from Table 1, plus an administrative fee per hundredweight if not previously assessed) (CWT)	0.02
(e) Reinspection (grade and factor only. Sampling service additional, item (i) above)	12.80
(f) Class X Weighing (per hour per service representative)	55.00
(v) Additional tests (excludes sampling)	
(a) Aflatoxin (per test—other than TLC method)	29.00
(b) Aflatoxin (per test—TLC method)	110.00
(c) Corn oil, protein, and starch (one or any combination)	8.80
(d) Soybean protein and oil (one or both)	8.80
(e) Wheat protein (per test)	8.80

TABLE 2.—SERVICES PERFORMED AT OTHER THAN AN APPLICANT'S FACILITY IN AN FGIS LABORATORY[1] [2]—Continued

(f) Sunflower oil (per test)	8.80
(g) Vomitoxin (qualitative)	30.50
(h) Vomitoxin (quantitative)	37.50
(i) Waxy corn (per test)	10.00
(j) Canola (per test—00 dip test)	10.00
(k) Pesticide Residue Testing [3].	
(1) Routine Compounds (per sample)	210.00
(2) Special Compounds (per service representative)	110.00
(l) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1..	
(2) Appeal inspection and review of weighing service.[4]	
(i) Board Appeals and Appeals (grade and factor)	79.50
(a) Factor only (per factor—max 2 factors)	41.80
(b) Sampling service for Appeals additional (hourly rates from Table 1).	
(ii) Additional tests (assessed in addition to all other applicable fees)	
(a) Aflatoxin (per test, other than TLC)	29.50
(b) Aflatoxin (TLC)	118.00
(c) Corn oil, protein, and starch (one or any combination)	16.80
(d) Soybean protein and oil (one or both)	16.80
(e) Wheat protein (per test)	16.80
(f) Sunflower oil (per test)	16.80
(g) Vomitoxin (per test—qualitative)	40.00
(h) Vomitoxin (per test—quantitative)	45.00
(i) Vomitoxin (per test—HPLC Board Appeal)	136.00
(j) Pesticide Residue Testing[3].	
(1) Routine Compounds (per sample)	210.00
(2) Special Compounds (per service representative)	110.00
(k) Fees for other tests not listed above will be based on the lowest noncontract hourly rate from Table 1..	
(iii) Review of weighing (per hour per service representative)	79.20
(3) Stowage examination (service-on-request)[3]	
(i) Ship (per stowage space)	51.00
(Minimum $255.00 per ship).	
(ii) Subsequent ship examinations (same as original) (Minimum $153.00 per ship)	
(iii) Barge (per examination)	41.00
(iv) All other carriers (per examination)	16.00

[1] Fees apply to original inspection and weighing, reinspection, and appeal inspection service and include, but are not limited to, sampling, grading, weighing, prior to loading stowage examinations, and certifying results performed within 25 miles of an employee's assigned duty station. Travel and related expenses will be charged for service outside 25 miles as found in § 800.72 (a).

[2] An additional charge will be assessed when the revenue from the services in Schedule A, Table 2, does not cover what would have been collected at the applicable hourly rate as provided in § 800.72 (b).

[3] If performed outside of normal business, 1–1/2 times the applicable unit fee will be charged.

[4] If, at the request of the Service, a file sample is located and forwarded by the Agency for an official agency, the Agency may, upon request, be reimbursed at the rate of $2.50 per sample by the Service.

TABLE 3.—MISCELLANEOUS SERVICES[1]

(1) Grain grading seminars (per hour per $55.00 service representative)[2]	$55.00
(2) Certification of diverter-type mechanical samplers (per hour per service representative)[2]	55.00
(3) Special weighing services (per hour per service representative)[2]	
(i) Scale testing and certification	55.00
(ii) Evaluation of weighing and material handling systems	55.00
(iii) NTEP Prototype evaluation (other than Railroad Track Scales)	55.00
(iv) NTEP Prototype evaluation of Railroad Track	55.00
Scales (plus usage fee per day for test car)	110.00
(v) Mass standards calibration and reverification	55.00
(vi) Special projects	55.00
(4) Foreign travel (per day per service representative)	490.00
(5) Online customized data EGIS service	
(i) One data file per week for 1 year	500.00
(ii) One data file per month for 1 year	300.00
(6) Samples provided to interested parties (per sample)	2.60
(7) Divided-lot certificates (per certificate)	1.50
(8) Extra copies of certificates (per certificate)	1.50
(9) Faxing (per page)	1.50
(10) Special mailing (actual cost)	
(11) Preparing certificates onsite or during other than normal business hours (use hourly rates from Table 1)	

[1] Any requested service that is not listed will be performed at $55.00 per hour.

[2] Regular business hours-Monday through Friday-service provided at other than regular hours charged at the applicable overtime hourly rate.

Gerald E. Grinnell,

Acting Administrator, Grain Inspection, Packers and Stockyards Administration.

[FR Doc. 02–6835 Filed 3–20–02; 8:45 am]

BILLING CODE 3410–EN–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NE–14–AD; Amendment 39–12676; AD 2002–03–09 R1]

RIN 2120–AA64

Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) LTS101 Series Turboshaft and LTP101 Series Turboprop Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises an existing airworthiness directive (AD), that is applicable to Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) LTS101 series turboshaft and LTP101 series turboprop engines. The existing AD will become effective on March 27, 2002, and requires a one-time visual inspection for surface finish and a one-time fluorescent penetrant inspection for cracks of certain impellers installed on LTS101 series turboshaft and LTP101 series turboprop engines. This amendment requires the same inspections, and in addition, allows installation of impellers that pass those inspections. This revision to the existing AD is prompted by an inadvertent omission in the existing AD to include allowance of installation of impellers that pass inspections required by the AD. The actions specified by this AD are intended to prevent impeller failure from cracks in the impeller back face area, which could result in an uncontained engine failure.

DATES: Effective March 27, 2002. The incorporation by reference of certain publications listed in the rule was approved by the Director of the Federal Register as of March 27, 2002.

Comments for inclusion in the Rules Docket must be received on or before May 20, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–14–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 referenced in this AD may be obtained from Honeywell International Inc. Aerospace Services Attn.: Data Distribution, M/S 64–3/2101–201, PO Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. This information may be examined, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone (562) 627–5245, fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On February 5, 2002, the FAA issued AD 2002–03–09, Amendment 39–12650 (67 FR 7609, February 20, 2002), to require a one-time visual inspection for surface finish and a one-time fluorescent penetrant inspection for cracks of certain impellers installed on LTS101 series turboshaft and LTP101 series turboprop engines. That action was prompted by a report of a machining discrepancy that may have occurred during manufacture of the affected impellers. That AD will become effective on March 27, 2002.

In this revision the FAA has added to paragraph (c) the authority to allow the reinstallation of impellers P/N's 4–101–052–57 or 4–101–052–62 that pass the required inspections. In all other respects, the AD remains the same as currently published. The FAA is therefore making this revision effective on March 27, 2002, in order to reduce the paperwork burden on operators.

Manufacturer's Service Information

Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) has issued AlliedSignal Service Bulletin (SB) LT 101–72–30–0186, dated October 1, 1999, and Honeywell International SB LT 101–72–30–0186, Revision 1, dated April 25, 2000, that specify a one-time visual inspection for surface finish and a one-time fluorescent penetrant inspection for cracks of certain impellers.

Differences Between This AD and the Manufacturer's Service Bulletins

To assure that the unsafe condition is addressed in a timely fashion, this amendment will require a one-time visual inspection for surface finish and a one-time fluorescent penetrant inspection for cracks of impellers part numbers (P/N's) 4–101–052–57/–62 within 900 gas generator (Ng) cycles after the effective date of this AD.

FAA's Determination of an Unsafe Condition and Required Actions

Since an unsafe condition has been identified that is likely to exist or develop on other Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) LTS101 series turboshaft and LTP101 series turboprop engines of the same type design, this AD is being issued to prevent impeller failure from cracks in the impeller back face area, which could result in an uncontained engine failure.

Immediate Adoption of This AD

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

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before

and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NE–14–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Analysis

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–12650 (67 FR 7609, February 20, 2002) and by adding a new airworthiness directive, Amendment 39–12676, to read as follows:

2002–03–09 R1 Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming): Amendment 39–12676. Docket No. 2000–NE–14–AD. Revises AD 2002–03–09, Amendment 39–12650.

Applicability

This airworthiness directive (AD) is applicable to Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) LTS101 series turboshaft and LTP101 series turboprop engines with the following centrifugal compressor impeller part numbers (P/N's) installed: 4–101–052–57 and 4–101–052–62, except those with a P/N or serial number (SN) listed in paragraphs 1.A.(1) through 1.A.(3) of AlliedSignal Service Bulletin (SB) LT 101–72–30–0186, dated October 1, 1999, or Honeywell International Inc. SB LT 101–72–30–0186, Revision 1, dated April 25, 2000. These engines are installed on, but not limited to Aerospatiale AS350, Eurocopter MBB–BK117 and HH–65A, Bell 222, Air Tractor AT–302, Piaggio P.166–DL3, Riley International R421, and Pacific Aero 08–600 aircraft.

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 (d) 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 prevent impeller failure from cracks in the impeller back face area, which could result in an uncontained engine failure, do the following:

(a) Within 900 gas generator (Ng) cycles after the effective date of this AD, conduct a one-time visual inspection for surface finish and fluorescent penetrant inspection of impellers P/N 4–101–052–57 and 4–101–052–62 for cracks in accordance with paragraphs 3.A through 3.F. of the Accomplishment Instructions of AlliedSignal SB LT 101–72–30–0186, dated October 1, 1999, or Honeywell International Inc. SB LT 101–72–30–0186, Revision 1, dated April 25, 2000.

(b) Replace all impellers that exceed the acceptable limits of the Accomplishment Instructions of AlliedSignal Service Bulletin (SB) LT 101–72–30–0186, dated October 1, 1999, or Honeywell International Inc. SB LT 101–72–30–0186, Revision 1, dated April 25, 2000, with a serviceable impeller.

(c) After the effective date of this AD, do not install impeller P/N's 4–101–052–57 or 4–101–052–62, except those with an impeller P/N or SN listed in paragraphs 1. A.(1) through 1. A.(3) of AlliedSignal SB LT 101–72–30–0186, dated October 1, 1999, or Honeywell International Inc. SB LT 101–72–30–0186, Revision 1, dated April 25, 2000, and except those impellers that pass the inspection requirements of paragraph (a) of this AD.

Alternative Methods of Compliance

(d) 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 Angles 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

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

Documents That Have Been Incorporated By Reference

(f) The inspections must be done in accordance with the following SB's:

Document No.	Pages	Revision	Date
AlliedSignal SB LT 101–72–30–0186	All	Original	Oct. 1, 1999.
Total pages: 7			
Honeywell International Inc., SB LT 101–72–30–0186	1	Original	Oct. 1, 1999.
	2	1	Apr. 25, 2000.
	3–6	Original	Oct. 1, 1999.
	7	1	Apr. 25, 2000.
Total pages: 7			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Honeywell International Inc. Aerospace Services Attn.: Data Distribution, M/S 64–3/2101–201, PO Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. Copies may be inspected, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on March 27, 2002.

Issued in Burlington, Massachusetts, on March 8, 2002.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 02–6502 Filed 3–20–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 774

[Docket No. 020308050–2050–01]

RIN 0694–AC59

License Exception CIV Eligibility for Certain ''Microprocessors'' Controlled by ECCN 3A001

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which identifies those items subject to Department of Commerce export licensing requirements based on their characteristics. Consistent with technological changes, this final rule makes License Exception CIV available for certain microprocessors controlled by Export Control Classification Number (ECCN) 3A001 when they have a composite theoretical performance (CTP) of equal to or greater than 6,500 million theoretical operations per second (MTOPS), but less than or equal to 12,000 MTOPS. License Exception CIV authorizes exports and reexports to civil end-users for civil end-uses in Country Group D:1, except North Korea. CIV may not be used for exports or reexports to military end-users or end-uses.

This revision will decrease the number of license applications submitted to the Department of Commerce, which will decrease the burden to both the exporting community and the Department of Commerce.

DATES: This rule is effective March 21, 2002.

FOR FURTHER INFORMATION CONTACT: Bernie Kritzer, Acting Director, Office of Strategic Trade and Foreign Policy Controls, Bureau of Export Administration, Telephone: (202) 482–5953.

SUPPLEMENTARY INFORMATION:

Background: This rule implements the announcement made by President Bush on January 2, 2002 that the license exception level for exports of general purpose microprocessors would be raised from 6,500 MTOPS to 12,000 MTOPS. Such microprocessors are controlled in subsection a.3.a. of Export Control Classification Number (ECCN) 3A001 on the Commerce Control List, Supplement No. 1 to part 774 of the Export Administration Regulations (EAR). This rule amends ECCN 3A001 to provide that microprocessors in subsection a.3.a. with a composite theoretical performance up to 12,000 MTOPS are eligible for License Exception CIV (section 740.5 of the EAR). License Exception CIV authorizes exports and reexports to civil end-users for civil end-uses in Country Group D:1 (see Supplement No. 1 to part 740), except North Korea.

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001 (66 FR 44025 (August 22, 2001)), has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection of information displays a currently valid OMB Control Number. This rule involves collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) These collections have been approved by the Office of Management and Budget under control numbers 0694–0106, ''Reporting and Recordkeeping Requirements under the Wassenaar Arrangement,'' which carries a burden hour estimate of 5 minutes to record the information for each export and 1 minute to submit the report twice a year to BXA; and 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 40 minutes to prepare and submit electronically and 45 minutes to submit manually on form BXA–748P. Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to OMB Desk Officer, New Executive Office Building, Washington, DC 20503; and to the Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

3. This rule does not contain policies with Federalism implications as this term is defined in Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (Sec. 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

List of Subjects in 15 CFR part 774

Exports, Foreign trade.

Accordingly, part 774 of the Export Administration Regulations (15 CFR parts 730 through 799) is amended as follows:

1. The authority citation for part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, August 22, 2001.

PART 774—AMENDED

Supplement No. 1 to Part 774—Amended

2. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A001 is

amended by revising the License Exceptions section to read as follows:

3A001 Electronic Components, as Follows (see List of Items Controlled)

* * * * *

License Exceptions

LVS: N/A for MT
Yes for:
$1500: 3A001.c
$3000: 3A001.b.1, b.2, b.3, .d, .e and .f
$5000: 3A001.a, and .b.4 to b.7
GBS: Yes for 3A001.a.1.b, a.2 to a.12, b.2, and b.8.
CIV: Yes for 3A001.a.3.a (for processors with a CTP less than or equal to 12,000 MTOPS), a.3.b, a.3.c, a.4, a.7, and a.11.

* * * * *

Dated: March 15, 2002.

James J. Jochum,

Assistant Secretary for Export Administration.

[FR Doc. 02–6875 Filed 3–20–02; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 141

[T.D. 02–7]

RIN 1515–AD03

Andean Trade Preference Act

AGENCY: Customs Service, Department of the Treasury.

ACTION: Temporary rule; correction.

SUMMARY: On February 15, 2002, a temporary rule was published in the **Federal Register** as T.D. 02–07 (67 FR 7070–7071). Effective on February 15, 2002, this temporary rule permits importers of eligible articles that, but for the expiration of the ATPA, would have been entitled to duty-free treatment under the ATPA, the option to defer the payment of estimated Customs duties and fees after entry of those articles until May 16, 2002. The purpose of this document is to correct and clarify the wording of two sentences in the preamble of the temporary rule document. The substantive text of the temporary rule is unchanged.

EFFECTIVE DATE: This temporary rule remains effective on February 15, 2002, and expires on May 16, 2002.

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

SUPPLEMENTARY INFORMATION:

Background

On February 15, 2002, a temporary rule was published in the **Federal Register** (67 FR 7070–7071) as T.D. 02–07. Effective on February 15, 2002, this temporary rule permits importers of eligible articles that, but for the expiration of the ATPA, would have been entitled to duty-free treatment under the ATPA, the option to defer the payment of estimated Customs duties and fees after entry of those articles until May 16, 2002. This document corrects and clarifies the wording of two sentences in the preamble of the temporary rule document. The substantive text of the temporary rule is unchanged.

Corrections

The document published in the **Federal Register** as T.D. 02–7 on February 15, 2002 (67 FR 7070) is corrected as set forth below:

1. Beginning on page 7070, on the bottom of the third column, and continuing on page 7071 in the first column, the last sentence of the first paragraph of the ''Summary'' is removed and the following two sentences are added in its place to read as follows:

The Administration anticipates that the duty-free treatment accorded to merchandise under the provisions of the ATPA will be restored and made retroactive to the date of the initial termination of such duty-free treatment (December 4, 2001). There will be no extension of this extraordinary action.

2. On page 7071, in the ''Background'' portion of the document, in the second column, in the fourth paragraph, the last sentence is corrected to read as follows:

Accordingly, a one-time interim deferral of estimated duties and fees in anticipation of Congressional re-enactmant of ATPA within the next 90 days is appropriate to further the national security interest in combating narcotic production and trafficking and related criminal and terrorist activities.

Approved: March 15, 2002.

Douglas M. Browning,

Acting Assistant Commissioner, Office of Regulations and Rulings.

[FR Doc. 02–6808 Filed 3–20–02; 8:45 am]

BILLING CODE 4820–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL–7161–2]

RIN 2060–AJ80

Relaxation of Summer Gasoline Volatility Standard for the Denver/Boulder Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: EPA published a direct final rule on January 24, 2002, to relax the federal gasoline volatility standard that applies to gasoline supplied to the Denver/Boulder area from June 1st to September 15th (the ozone control season) of each year. However, we received an adverse comment during the 30 day comment period and are now withdrawing that direct final rule.

DATES: As of March 21, 2002, EPA withdraws the direct final rule published at 67 FR 3435, on January 24, 2002.

FOR FURTHER INFORMATION CONTACT: Richard Babst at (202) 564–9473.

SUPPLEMENTARY INFORMATION: Because EPA received adverse comment, we are withdrawing the direct final rule for ''Relaxation of Summer Gasoline Volatility Standard for the Denver/Boulder Area.'' We published the direct final rule on January 24, 2002 (67 FR 3435), that would have approved the State of Colorado's request to relax the federal Reid Vapor Pressure (''RVP'') gasoline standard that applies to gasoline supplied to the Denver/Boulder area from June 1st to September 15th (the ozone control season) of each year. That action would have amended our regulations to change the summertime RVP standard for the Denver area from 7.8 pounds per square inch (''psi'') to 9.0 psi. We stated in that **Federal Register** document that if we received adverse comment by February 25, 2002, we would publish a timely notice of withdrawal in the **Federal Register**. We subsequently received an adverse comment. We will address the comment in a subsequent final action based on the parallel proposal also published on January 24, 2002 (67 FR 3468). As stated in the parallel proposal, we will not institute a second comment period on this action.

Dated: March 15, 2002.

Robert Brenner,

Acting Assistant Administrator for Office of Air and Radiation.

[FR Doc. 02–6846 Filed 3–20–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

Extension of Application Period for Temporary Housing Assistance

CFR Correction

In Title 44 of the Code of Federal Regulations, revised as of October 1, 2001, on page 411, in § 206.101, paragraph (e)(1) is revised to read as follows:

§ 206.101 Temporary housing assistance.

* * * * *

(e) * * *

(1) *Application period.* The standard FEMA application period is the 60 days following the date the President declares an incident a major disaster or an emergency. The Regional Director may, however, extend the application period, when we anticipate that we need more time to collect applications from the affected population or to establish the same application deadline for contiguous Counties or States. After the application period has ended, FEMA will accept and process applications for an additional 60 days only from persons who can provide an acceptable explanation (and documentation to substantiate their explanation) for why they were not able to contact FEMA before the application period ended.

* * * * *

[FR Doc. 02–55507 Filed 3–20–02; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

Frequency Allocations and Radio Treaty Matters; General Rules and Regulations

CFR Correction

In Title 47 of the Code of Federal Regulations, parts 0 to 19, revised as of October 1, 2001, in § 2.106, on page 442, page 45 of the Table of Frequency Allocations is a duplicate of page 54. The correct page 45 reads as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

1610-1670 MHz (UHF) — Page 45

International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
1610-1610.6 MOBILE-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION S5.341 S5.355 S5.359 S5.363 S5.364 S5.366 S5.367 S5.368 S5.369 S5.371 S5.372	1610-1610.6 MOBILE-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION RADIODETERMINATION-SATELLITE (Earth-to-space) S5.341 S5.364 S5.366 S5.367 S5.368 S5.370 S5.372	1610-1610.6 MOBILE-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION Radiodetermination-Satellite (Earth-to-space) S5.341 S5.355 S5.359 S5.364 S5.366 S5.367 S5.368 S5.369 S5.372	1610-1610.6 MOBILE-SATELLITE (Earth-to-space) US319 AERONAUTICAL RADIONAVIGATION US260 RADIODETERMINATION-SATELLITE(Earth-to-space) S5.341 S5.364 S5.366 S5.367 S5.368 S5.372 US208		Satellite Communications (25) Aviation (87)
1610.6-1613.8 MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY AERONAUTICAL RADIONAVIGATION S5.149 S5.341 S5.355 S5.359 S5.363 S5.364 S5.366 S5.367 S5.368 S5.369 S5.371 S5.372	1610.6-1613.8 MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY AERONAUTICAL RADIONAVIGATION RADIODETERMINATION-SATELLITE (Earth-to-space) S5.149 S5.341 S5.364 S5.366 S5.367 S5.368 S5.370 S5.372	1610.6-1613.8 MOBILE-SATELLITE (Earth-to-space) RADIO ASTRONOMY AERONAUTICAL RADIONAVIGATION Radiodetermination-satellite (Earth-to-space) S5.149 S5.341 S5.355 S5.359 S5.364 S5.366 S5.367 S5.368 S5.369 S5.372	1610.6-1613.8 MOBILE-SATELLITE (Earth-to-space) US319 RADIO ASTRONOMY AERONAUTICAL RADIONAVIGATION US260 RADIODETERMINATION-SATELLITE (Earth-to-space) S5.341 S5.364 S5.366 S5.367 S5.368 S5.372 US208		
1613.8-1626.5 MOBILE-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION Mobile-satellite (space-to-Earth) S5.341 S5.355 S5.359 S5.363 S5.364 S5.365 S5.366 S5.367 S5.368 S5.369 S5.371 S5.372	1613.8-1626.5 MOBILE-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION RADIODETERMINATION-SATELLITE (Earth-to-space) Mobile-satellite (space-to-Earth) S5.341 S5.364 S5.365 S5.366 S5.367 S5.368 S5.370 S5.372	1613.8-1626.5 MOBILE-SATELLITE (Earth-to-space) AERONAUTICAL RADIONAVIGATION Mobile-satellite (space-to-Earth) Radiodetermination-satellite (Earth-to-space) S5.341 S5.355 S5.359 S5.364 S5.365 S5.366 S5.367 S5.368 S5.369 S5.372	1613.8-1626.5 MOBILE-SATELLITE (Earth-to-space) US319 AERONAUTICAL RADIONAVIGATION US260 RADIODETERMINATION-SATELLITE (Earth-to-space) Mobile-satellite (space-to-Earth) S5.341 S5.364 S5.365 S5.366 S5.367 S5.368 S5.372 US208		

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[FR Doc. 02–55510 Filed 3–20–02; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 96–45; FCC 99–396]

Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations (47 CFR 54.313) published in the **Federal Register** on December 30, 1999 (64 FR 73427). *See* FR Doc. 99–33766. The regulation related to the state certification of support for universal service funds. Inadvertently, two paragraphs were removed from 47 CFR 54.313. This document corrects that error.

DATES: Effective March 21, 2002.

FOR FURTHER INFORMATION CONTACT: Sharon Webber, Assistant Division Chief, Accounting Policy Division, Common Carrier Bureau, (202) 418–7400.

SUPPLEMENTARY INFORMATION:

Background

On December 30, 1999, the Federal Communications Commission (FCC) published in the **Federal Register** (64 FR 73427), a document amending § 54.313(c) of its rules. Inadvertently, paragraphs (c)(2) and (c)(3) were removed from that section. Subsequently, the Commission adopted a new rule, which added a new paragraph (b) and redesignated paragraphs (b) and (c) as paragraphs (c) and (d) of § 54.313. *See* FR Doc. 01–14008 (66 FR 30080). Because of the revision of this rule, the affected paragraph is now paragraph (d) of § 54.313. This document now corrects paragraph (d) of that rule.

Accordingly, 47 CFR part 54 is corrected by making the following correcting amendments:

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 paragraph (d) of § 54.313 to read as follows:

* * * * *

(d) *Filing Deadlines.* In order for a non-rural incumbent local exchange carrier in a particular State, and/or an eligible telecommunications carrier serving lines in the service area of a non-rural incumbent local exchange carrier, to receive federal high-cost support, the State must file an annual certification, as described in paragraph (c) of this section, with both the Administrator and the Commission. Support shall be provided in accordance with the following schedule:

(1) *First Program Year (January 1, 2000–December 31, 2000).* During the first program year (January 1, 2000–December 31, 2000), a carrier in a particular State shall receive support pursuant to § 54.311. If a State files the certification described in this section during the first program year, carriers eligible for support pursuant to § 54.309 shall receive such support pursuant to the following schedule:

(i) *Certifications filed on or before April 1, 2000.* Carriers subject to certifications that apply to the first and second quarters of 2000, and are filed on or before April 1, 2000, shall receive support pursuant to § 54.309 for the first and third quarters of 2000 in the third quarter of 2000, and support for the second and fourth quarters of 2000 in the fourth quarter of 2000. Such support shall be net of any support provided pursuant to section 54.311 for the first or second quarters of 2000.

(ii) *Certifications filed on or before July 1, 2000.* Carriers subject to certifications filed on or before July 1, 2000, shall receive support pursuant to § 54.309 for the fourth quarter of 2000 in the fourth quarter of 2000.

(iii) *Certifications filed after July 1, 2000.* Carriers subject to certifications filed after July 1, 2000, shall not receive support pursuant to § 54.309 in 2000.

(2) *Second program year (January 1, 2001–December 31, 2001).* During the second program year (January 1, 2001–December 31, 2001), a carrier in a particular State shall not receive support pursuant to §§ 54.309 or 54.311 until such time as the State files the certification described in this section. Upon the filing of the certification described in this section, support shall be provided pursuant to the following schedule:

(i) *Certifications filed on or before October 1, 2000.* Carriers subject to certifications filed on or before October 1, 2000 shall receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the first, second, third, and fourth quarters of 2001.

(ii) *Certifications filed on or before January 1, 2001.* Carriers subject to certifications filed on or before January 1, 2001 shall receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the second, third, and fourth quarters of 2001. Such carriers shall not receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the first quarter of 2001.

(iii) *Certifications filed on or before April 1, 2001.* Carriers subject to certifications filed on or before April 1, 2001 shall receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the third and fourth quarters of 2001. Such carriers shall not receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the first or second quarters of 2001.

(iv) *Certifications filed on or before July 1, 2001.* Carriers subject to certifications filed on or before July 1, 2001 shall receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the fourth quarter of 2001. Such carriers shall not receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in the first, second, or third quarters of 2001.

(v) *Certifications filed after July 1, 2001.* Carriers subject to certifications filed after July 1, 2001 shall not receive support pursuant to §§ 54.309 or 54.311, whichever is applicable, in 2001.

(3) *Subsequent program years (January 1–December 31).* During the program years subsequent to the second program year (January 1, 2001–December 31, 2001), a carrier in a particular State shall not receive support pursuant to § 54.309 or § 54.311 until such time as the State files the certification described in this section. Upon the filing of the certification described in this section, support shall be provided pursuant to the following schedule:

(i) *Certifications filed on or before October 1.* Carriers subject to certifications filed on or before October 1 shall receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in the first, second, third, and fourth quarters of the succeeding year.

(ii) *Certifications filed on or before January 1.* Carriers subject to certifications filed on or before January 1 shall receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in the second, third, and fourth quarters of that year. Such carriers shall not receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in the first quarter of that year.

(iii) *Certifications filed on or before April 1.* Carriers subject to certifications filed on or before April 1 shall receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in the

third and fourth quarters of that year. Such carriers shall not receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in the first or second quarters of that year.

(iv) *Certifications filed on or before July 1.* Carriers subject to certifications filed on or before July 1 shall receive support pursuant to § 54.309 or § 54.311, whichever is applicable, beginning in the fourth quarter of that year. Such carriers shall not receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in the first, second, or third quarters of that year.

(v) *Certifications filed after July 1.* Carriers subject to certifications filed after July 1 shall not receive support pursuant to § 54.309 or § 54.311, whichever is applicable, in that year.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 02–6370 Filed 3–20–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

Hazardous Materials Regulations: General Information, Regulations, and Definitions

CFR Correction

In Title 49 of the Code of Federal Regulations, Parts 100 to 185, revised as of October 1, 2001, on page 83, in § 171.8, the definitions of *Psi*, *Psia*, and *Psig* are revised to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

Psi means pounds per square inch.

Psia means pounds per square inch absolute.

Psig means pounds per square inch gauge.

* * * * *

[FR Doc. 02–55505 Filed 3–20–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH73

Endangered and Threatened Wildlife and Plants; Re-opening of Comment Period on the Sacramento Splittail Final Rule

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; re-opening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the re-opening of the comment period for the final rule on the Sacramento splittail (*Pogonichthys macrolepidotus*). Comments previously submitted need not be resubmitted as they will be incorporated into the public record as part of this re-opened comment period, and will be fully considered in the final rule. We are re-opening the comment period to invite comments and to obtain peer review on the statistical analysis completed by us to re-analyze the available splittail abundance data. We are also inviting additional comments on the status of and factors affecting the species, as first solicited in the January 12, 2001 (66 FR 2828), comment period and re-solicited in the May 8, 2001 (66 FR 23181), and August 17, 2001 (66 FR 43145), re-openings of same.

DATES: We will accept public comments until October 15, 2002.

ADDRESSES: *Comment Submission:* If you wish to comment, you may submit your comments and materials concerning this proposal by any one of several methods:

1. You may submit written comments and information by mail to the Field Supervisor, Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W–2605, Sacramento, California 95825.

2. You may hand-deliver comments to our Sacramento Fish and Wildlife Office, during normal business hours, at the address given above.

Comments and materials received will be available for inspection, by appointment, during normal business hours at the address under (1) above.

FOR FURTHER INFORMATION CONTACT: For general information, Susan Moore, at the above address (telephone 916/414–6600; facsimile 916/414–6713).

SUPPLEMENTARY INFORMATION:

Background

The Sacramento splittail (hereafter splittail) represents the only extant species in its genus in North America. For a detailed description of the species, see the Recovery Plan for the Sacramento/San Joaquin Delta Native Fishes (Service 1996), references within that plan, and Moyle *et al.* (2001 in prep.).

Splittail are endemic to certain waterways in California's Central Valley, where they were once widely distributed (Moyle 1976). Splittail presently occur in Suisun Bay, Suisun Marsh, the San Francisco Bay-Sacramento-San Joaquin River Estuary (Estuary), the Estuary's tributaries (primarily the Sacramento and San Joaquin rivers), the Cosumnes River, the Napa River and Marsh, and the Petaluma River and Marsh. The splittail no longer occurs throughout a significant portion of its former range.

Pursuant to the Endangered Species Act of 1973, as amended (Act), the splittail was listed as a threatened species on February 8, 1999 (64 FR 5963). In this previous listing determination, we found that changes in water flows and water quality resulting from export of water from the Sacramento and San Joaquin rivers, periodic prolonged drought, loss of shallow water habitat, and the effects of agricultural and industrial pollutants were significant factors in the splittail's decline.

Subsequent to the publication of the final rule, plaintiffs in the cases *San Luis & Delta-Mendota Water Authority* v. *Anne Badgley, et al.* and *State Water Contractors, et al.* v. *Michael Spear, et al.* commenced action in Federal Eastern District Court of California, challenging the listing of the splittail as threatened, alleging various violations of the Act and of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*). We, as directed by the court, and pursuant to the Act, provided notice of the opening of a comment period regarding the threatened status for the splittail, from January 12, 2001, to February 12, 2001 (66 FR 2828). In addition, we re-opened the comment period on two additional occasions; from May 8, 2001, to June 7, 2001 (66 FR 23181), and from August 17, 2001, to October 1, 2001 (66 FR 43145). We are now re-opening the comment period for a fourth time to obtain peer-review and public comment on the statistical analysis used to analyze the abundant data available for splittail, and to seek public comment on the status of the species (as first solicited in 66 FR 2828). Upon the close of this comment period, we will make our determination whether the splittail warrants the continued protection of the Act.

The approach currently used by us to analyze the best scientifically and commercially available splittail abundance data differs from methods employed previously. In the February 8, 1999, final rule and the January 12, 2001, and May 8, 2001, re-openings of the comment periods, we relied primarily on the unstratified Mann-Whitney U-test approach utilized by Meng and Moyle (1995), first published in the *Transactions of the American Fisheries Society.* See 66 FR 2828 for a complete description of the Meng and Moyle (1995) method. In the August 17, 2001, re-opening of the comment period, we employed permutation-based exact calculations of p-values for stratified Mann-Whitney U-tests to analyze data derived from the Meng and Moyle (1995), Sommer *et al.* (1997), and California Department of Fish and Game (CDFG) methodologies. We also employed a polynomial regression model and a crude exponential decay analysis in the August 17, 2001, comment period. See 66 FR 43145 for a complete description of the revised methods.

Statistical Analysis of Multiple Linear Regression Model

We have carefully considered all comments and responses. In regard to the analysis of splittail population trends, we now employ a statistical analysis of an abundance index and Multiple Linear Regression (MLR) model jointly developed and submitted by the CDFG (Rempel 2001) and the United States Bureau of Reclamation (USBR) (Michny 2001). The model is hereafter referred to as the CDFG/USBR MLR model and provides the most sound basis, to date, for statistically evaluating temporal trends of splittail abundance data.

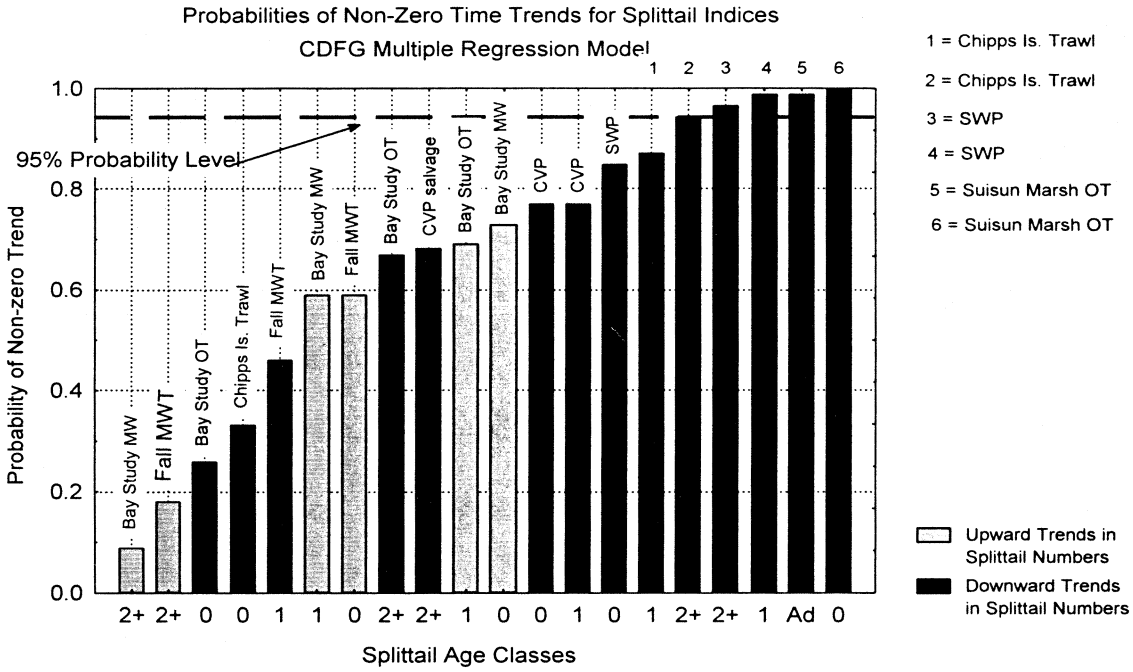
The CDFG/USBR MLR model includes HYDROLOGY and TIME (year) as independent variables and ABUNDANCE INDICES as the dependent variable. It also incorporates corrected splittail abundance data (Rempel 2001). We consider this statistical approach superior to the previous practice of using unstratified Mann-Whitney U-tests (Meng and Moyle 1995; Sommer *et al.* 1997) because it does not require arbitrarily dividing an inherently continuous data set into ''before'' and ''after'' categories (see previous discussion of this issue in 66 FR 43145). We also consider the CDFG/USBR MLR model superior to the permutation-based, exact calculations of p-values for stratified Mann-Whitney U-tests discussed in 66 FR 43145 because of substantive scientific issues raised by Rempel (2001), Michny (2001) and others, specifically, that such an analysis inappropriately combines results from differing survey methods (i.e. midwater trawl, otter trawl, beach seine, salvage) and considers primarily adult age class splittail. We further consider the CDFG/USBR MLR model superior to the polynomial regression model presented in 66 FR 43145 because existing abundance index monitoring programs have not been conducted for a sufficient duration to provide for reasonably conclusive application of the polynomial model (as concluded in 66 FR 43145). We also support use of the CDFG/USBR MLR model because of the facility with which it can be applied to all sets of splittail age class data from all seven abundance monitoring data sets (a total of 20 discrete sets of age-specific abundance monitoring data). Lastly, we have omitted the exponential decay model found in 66 FR 43145 because: (1) It was found by respondents to be insufficient to describe interactions in a complex aquatic ecosystem; and (2) the CDFG Mann-Whitney U-test results upon which the exponential decay calculation was based have since been superceded by the CDFG/BOR MLR model.

The CDFG/USBR MLR model explicitly controls for potential confounding effects of hydrological year type, the factor that is nearly unanimously viewed as the single strongest predictor of splittail year class strengths (e.g., Moyle *et al.* 2001 in prep.), by utilizing the number of days total delta inflow (DAYFLOW, California Department of Water Resources) exceeds 1,558 cubic meters per second (cms) (55,000 cubic feet per second (cfs)) during the February through May spawning/rearing period as a predictor (independent variable). This is conceptually comparable, yet superior, to the stratified Mann-Whitney U-tests presented in 66 FR 43145, which also controlled for hydrological year type. There is, however, one potentially important assumption associated with the CDFG/USBR MLR model that remains untested: The assumption that there is a lack of interaction between the HYDROLOGY and TIME variables. The CDFG/USBR MLR model assumes that the long term probabilities of high and low Delta inflow years are not systematically changing over time. If in fact those probabilities are systematically changing over time (due to either changing climate or changing water management policy), the coefficients for the TIME variable would be incapable of detecting the influence of the potentially changing HYDROLOGY component of splittail abundance trends. We believe this assumption can and should be tested against existing longitudinal hydrological data bases, with future changes to be determined once: (1) Sufficient splittail abundance data exist to ensure conclusive application of the polynomial model (i.e. multiple peaks and troughs); and (2) the cumulative expected hydrologic effects of potential large-scale water resource projects (i.e. potential projects such as the Folsom Dam reoperation and height increase, Shasta Dam height increase, Sites Reservoir, Colusa Basin off stream storage, increased pumping at export facilities, etc.) are more clearly understood. These potential future actions, and possibly long term climate changes, may appreciably change the timing, duration, magnitude and/or frequency of floodplain inundation within the splittail's range, thus influencing future population trends.

Discussion of CDFG/USBR MLR Model Results

The TIME variable captures temporal trends in the population index data. Its regression coefficient will be negative if splittail abundance is trending downward over time and positive if splittail abundance is trending upward over time. The probabilities of any given coefficient reflecting a true nonzero time trend are 1-p, where p is the standard statistical probability for the null hypothesis (of a zero trend). Thus, a ''p-value'' of 0.05 would be the same as a 95 percent probability that the corresponding TIME coefficient reflects a true nonzero downward or upward trend in splittail abundance. Results of the CDFG/USBR MLR model as presented by Rempel (2001: Table 3) for CDFG and Michny (2001: Table 1) for USBR reveal that 14 of 20 abundance monitoring data sets for splittail show downward trends (i.e., have negative coefficients for the TIME variable). In addition to a high frequency of negative coefficients that would be highly unlikely by chance alone (exact one tailed p = 0.0577; binomial test, H_0=0.50, N_1=6, N_2=14)(StatXact 4: CYTEL Software Corp. 2000), the median (middle value) probability of nonzero negative trends (0.81 or 81 percent) is also clearly greater than the median probability of nonzero positive trends (0.59 or 59 percent) (Figure 1 below), to an extent that would be highly unlikely by chance alone (exact one tailed p= 0.0303, Wilcoxon-Mann-Whitney test).

Figure 1.



All four coefficients for the TIME variable that exceed a 95 percent probability (classic 0.05 alpha level statistical significance criterion) for a true nonzero trend are negative. A fifth negative TIME variable coefficient is nearly statistically significant (p=0.057). Due to the very limited statistical power associated with the abundance monitoring data sets for splittail (see discussion of this topic in 66 FR 43145) there is substantive bias in favor of type II statistical error, i.e., failing to correctly reject the null hypothesis (of no time trends). Low statistical power is not unique to the splittail data sets. Due to the inherent high variability in fisheries and wildlife abundance data, for applied purposes (such as detecting oil spill impacts on marine bird populations) it has become ''customary'' to use an alpha level of 0.20 (i.e., an 80 percent probability of true nonzero trends) for statistical tests of population trends over time (Day *et al.* 1997; Murphy *et al.* 1997; Irons *et al.* 2000; Wiens *et al.* 2001). Wiens *et al.* (2001:890) further state that even using an alpha level of 0.20, ''* * * there remains the question of how blindly one should follow the results of statistical (significance) testing.'' Furthermore, Taylor and Gerrodette (1993) persuasively argue that because of the low statistical power that is so often characteristic of abundance monitoring data sets for rare species, ''* * * detection of a [statistically significant] decline should not be a necessary criterion for enacting conservation measures * * *.'' Referring to the management of a rare species of porpoise, the vaquita, Taylor and Gerrodette (1993) caution that due to the low statistical power of abundance monitoring data, ''* * * if we were to wait for a statistically significant decline before instituting stronger protective measures, the vaquita would probably go extinct first.'' Although splittail are not as rare as vaquita, the ''boom-or-bust'' reproductive biology of splittail results in such high-variance abundance monitoring data that the limitations on statistical power are as severe as Taylor and Gerrodette (1993) encountered with the vaquita. We must therefore take into consideration the issue of statistical power when interpreting the splittail abundance data. We accomplish this by evaluating all trends, not just the trends that meet traditional (p=0.05) criteria for statistical significance. Those traditional criteria assume a much higher standard of statistical power than the splittail data are able to meet. The inherent difficulty in effectively surveying splittail is likely to result in considerable scientific uncertainty and low statistical power to detect actions' effects. Recent studies indicate that these constituents, and the uncertainty and risk associated with them, favor a precautionary approach (Thompson *et al.* 2000, Slooten *et al.* 2000). Under such circumstances, and given the intrinsically precautionary nature of section 4 of the Act, we must consider the preponderance of the data, including both statistically significant and insignificant trends. Of 14 negative coefficients, 7 have a probability of 80 percent or greater (p=0.20) to reflect true nonzero downward trends in splittail abundance. Of 6 positive coefficients, 0 (none) have a probability of 80 percent or greater to reflect true nonzero upward trends in splittail abundance. This asymmetry in the results is highly significant (exact one tailed p=0.022, Fisher's exact test, ''mid p'' corrected) (StatXact 4: CYTEL Software Corp. 2000) and clearly indicates a preponderance of data consistent with an ''apparent'' declining trend in splittail abundance.

The four highest, statistically significant (at traditional levels) probabilities of a nonzero downward splittail population trend are exhibited by the Suisun Marsh survey (Age-0 and adult) and in the data collected via fish salvage operations at the State Water Project (SWP) Skinner Delta Fish Protective Facility (Age-1, and Age-2 and greater). The decline evident in the Chipps Island Trawl (Age-2 and greater) is nearly statistically significant at traditional levels (94.3 percent probability). Two additional probabilities of a nonzero downward splittail population trend are evident at the 80 percent probability level; Chipps Island Trawl (Age-1) and SWP (Age-0).

We fully concur with the statements of various respondents that abundance monitoring data for splittail have

methodological weaknesses of one sort or another; none of the surveys were designed specifically to rigorously estimate splittail population numbers (see Moyle et al. 2001 in prep.; Meng and Moyle 1995; and Sommer et al. 1997 for descriptions of surveys). However, existing data sets do constitute best available scientific information for the species.

Public Comments Solicited

We will accept written comments during this re-opened comment period, and comments should be submitted to the Sacramento Fish and Wildlife Office as found in the **ADDRESSES** section.

Author(s)

The primary authors of this notice are Jason Douglas and Joseph Skorupa (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 14, 2002.

Steve Williams,

Director, Fish and Wildlife Service.

[FR Doc. 02–6803 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 223

[Docket 020313057–2057–01; I.D. 031102E]

RIN 0648–AP91

Sea Turtle Conservation; Restrictions to Fishing Activities

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

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS is enacting a seasonally-adjusted gear restriction by closing the Mid-Atlantic Exclusive Economic Zone (EEZ) waters to fishing with gillnets with a mesh size larger than 8 inch (20.3 cm) stretched mesh, starting on March 15, 2002. The purpose of this action is to reduce the impact of the large-mesh gillnet fisheries on endangered and threatened species of sea turtles primarily from the monkfish fishery which has previously demonstrated a high sea turtle bycatch and mortality rate. The areas restricted to fishing with gillnets larger than 8 inch stretched mesh and the times are as follows: Waters north of 33°51.0′ N (North Carolina/South Carolina border at the coast) and south of 35°46.0′ N (Oregon Inlet)—at all times; waters north of 35°46.0′ N (Oregon Inlet) and south of 36°22.5′ N (Currituck Beach Light, NC)—from March 16 through January 14; waters north of 36°22.5′ N (Currituck Beach Light, NC) and south of 37°34.6′ N (Wachapreague Inlet, VA)—from April 1 through January 14; waters north of 37° 34.6′ N (Wachapreague Inlet, VA) and south of 37°56.0′ N (Chincoteague, VA)—from April 16 through January 14. Waters north of 37°56.0′ N (Chincoteague, VA) will not be affected by this rule. NMFS also intends to publish a permanent rule establishing these seasonal restrictions and is seeking comments on this interim final rule.

DATES: This interim final rule is effective on March 15, 2002 through 240 days after March 15, 2002. Comments on this interim final rule are requested and must be postmarked or transmitted by facsimile by 5 p.m., Eastern Standard Time, on June 19, 2002. Comments transmitted via e-mail or the Internet will not be accepted.

ADDRESSES: Send written comments on this interim final rule to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments may also be sent via fax to 301–713–0376, Attn: Chief, Endangered Species Division, Office of Protected Resources. Comments will not be accepted if submitted via e-mail or the Internet. Copies of the Environmental Assessment (EA) prepared for this interim final rule may also be requested at the same address.

FOR FURTHER INFORMATION CONTACT: David M. Bernhart (ph. 727–570–5312, fax 727–570–5517, e-mail *David.Bernhart@noaa.gov*), or Barbara A. Schroeder (ph. 301–713–1401, fax 301–713–0376, e-mail *Barbara.Schroeder@noaa.gov*).

SUPPLEMENTARY INFORMATION: All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973 (ESA). The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered. Loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered.

Under the ESA and its implementing regulations, taking sea turtles—even incidentally—is prohibited, with exceptions for threatened species identified in 50 CFR 223.206. The incidental take of endangered species may be authorized only by an incidental take statement provided or an incidental take permit issued pursuant to section 7 or 10 of the ESA.

Background

Beginning in 1995, sea turtle strandings off North Carolina dramatically increased during April and May, particularly near the area between Hatteras Inlet and Oregon Inlet. This new stranding pattern continued and intensified throughout the rest of the 1990's, and North Carolina sea turtle strandings grew to record levels. Increasing strandings coincided with increasing effort in the monkfish gillnet fishery, which first began off North Carolina in 1995. In April and May 2000, the largest-ever fisheries-related stranding event occurred: 280 sea turtles, 275 of them threatened loggerhead sea turtles, stranded in two short periods. Four of the carcasses were still entangled in gillnet gear with a larger than 8 inch stretched mesh size. Three fisheries were active in offshore waters the week prior to the strandings: Hook-and-line fishing for mackerel, bluefish gillnetting, and monkfish gillnetting. The mesh sizes of the gear recovered with the stranded turtles were only consistent with gillnets for monkfish. There was no evidence that the turtles had been hooked, and the nature of the strandings were not consistent with other possible causes. Satellite sea surface temperature information allowed NMFS to reconstruct the likely times and locations of the sea turtle mortality. Gillnetting for dogfish and monkfish was occurring in those times and places.

These fisheries deploy thousands of yards/meters of gillnets with larger than 8 inch stretched mesh and have very long soak times, ranging from overnight to several days. In order to prevent further sea turtle deaths, on May 12, 2000, NMFS restricted an area along eastern North Carolina and Virginia to fishing with large-mesh gillnets with a stretched mesh size of 6 inches (15.24 cm) or greater for a 30-day period through a temporary rule (65 FR 31500, May 18, 2000). After the large mesh closure was in effect, no additional mass stranding events occurred in North Carolina. However, the monkfish fishery in North Carolina was over by the time the closure went into effect.

The closure also reduced the monkfish gillnetting effort off the coast of Virginia, and there was a large reduction in strandings in 2000 (Mansfield et al., 2001). Due to the large-mesh gillnet closure, as well as the new

trip limits imposed by the FMP on May 1, 2000, there was also a reduction in fisheries landings reported within this region.

Monkfish gillnets—12-inch mesh, tied-down, anchored gillnets; up to 4 nautical miles of net per boat; and soak times from 24 to 120 hours—pose a lethal threat to sea turtles, if they are fished in times and places where turtles occur. In the early spring, sea turtles, particularly loggerheads, mass along warm-water fronts off the North Carolina coast and migrate northward as warming water temperatures allow. Based on the information regarding fishing activity prior to the strandings, large mesh gillnets set along these warm-water fronts were the most likely cause of the catastrophic levels of sea turtle mortality seen in North Carolina in 2000. Even with the high level of strandings, the great majority of turtle carcasses probably never stranded due to the strong offshore currents of the Gulf Stream, and the actual turtle mortality was much higher than the strandings suggest.

2001 Events

NMFS considered implementing closures of the monkfish gillnet fishery in the Mid-Atlantic in 2001 to prevent the same level of turtle mortality from recurring. Implementation of the Year 2 Monkfish Fishery Management Plan (FMP) measures as of May 1, 2000, limited monkfish gillnet vessels in the Southern Fishery Management Area to a trip limit of 300 lb (tail weight) per Day-at-Sea (DAS). In addition, NMFS placed observers on nearly 100 percent of the monkfish gillnet trips out of North Carolina and Virginia ports in spring 2001. Further, NMFS published a rule (66 FR 28842, May 25, 2001) that provided authority to close the monkfish gillnet fishery if the observers documented turtle takes greater than the authorized level in the incidental take statement (ITS) issued with the December 21, 1998, biological opinion on the monkfish fishery.

NMFS, in the meantime, had also reinitiated consultation (pursuant to section 7 of the ESA) on the FMP, primarily as the result of concerns over right whale takes in fixed gear. Consultation was also reinitiated because the ITS for sea turtles was exceeded in 1999. NMFS also analyzed the information on sea turtle strandings and the effect of the FMP's daily landings limits and limitations on total days at sea (DAS). Beginning May 1, 2000, for the area off North Carolina and Virginia, monkfish gillnet vessels were limited to 300 pounds of tails landed per day and 40 DAS per year. Beginning May 1, 2002, the DAS would be reduced to zero (i.e., no directed gillnet fishing for monkfish), but up to ten unused DAS could be carried over. NMFS issued a new biological opinion on the fishery on June 14, 2001, concluding that the fishery, as managed under the FMP, was not likely to jeopardize the continued existence of any species of sea turtle. Incidental take was authorized, with a reduced take level after April, 2002 and zero take anticipated after April, 2003. The opinion expressly considered the reduction in daily landings limits and DAS and considered that the FMP's restrictions would greatly reduce the effort off North Carolina and Virginia, because vessels from northern ports would have little incentive to travel to the south for the limited fishing opportunity.

The June 14, 2001 biological opinion's analysis of the fishery's behavior in spring 2001 proved to be correct: Only seven sink gillnet vessels targeting monkfish fished off North Carolina in 2001, compared to 33 sink gillnet vessels that landed monkfish in North Carolina in 2000. The sea turtle mortality was also greatly reduced: there were only 11 turtle strandings in eastern North Carolina (zone 35) for April and May, total, compared to the close to 300 turtles that stranded in April and May 2000. Four sea turtle takes were observed in the monkfish gillnet fishery off North Carolina and Virginia in spring 2001. Not only were there fewer vessels fishing gillnets in 2001, those vessels apparently fished farther to the north and in colder water, compared to 2000, and thus avoided sea turtle takes.

Changes to the FMP

On August 14, 2001, the U.S. District Court for the District of Rhode Island found the provisions in the FMP that established the trip limits for gillnetters to be unlawful. NMFS filed a motion with the court, asking for reconsideration and asking that the FMP's trip limits remain in place until a new FMP could be developed. The U.S. District Court denied this motion on February 15, 2002. The effect of this ruling is that the gillnet daily limits have now increased from 300 pounds to 1500 or 1000 pounds (based on permit type). In addition, the New England and Mid-Atlantic Fishery Management Councils voted on February 8, 2002, to reverse the FMP's elimination of gillnet DAS after April, 2002, allowing continued gillnetting with a 550 or 450 pounds of tails per DAS (based on permit type). NMFS is reviewing this council action for possible approval. Note that all trip limits discussed in this interim rule, and any past changes to those trip limits are specific only to the Southern Fishery Management Area of the monkfish fishery. The Northern Fishery Management Area has no trip limits and these have not been changed by the court order or new Council action. The reinitiation of ESA Section 7 consultation on the monkfish fishery is underway.

Threat to Sea Turtles

The fishery off North Carolina will be closed from February 15 through March 15, under provisions of the Mid-Atlantic Harbor Porpoise Take Reduction Plan. However, because of the recent court ruling, if no turtle protective measures are in place in the fishery and effort returns to 2000 levels, there is every reason to believe that sea turtle mortality off the southern Mid-Atlantic will return to the very high levels of the late 1990's and possibly the disastrous levels of 2000. The court's ruling and the Council's action undo the effort limitation measures that were important factors in the June 14, 2001 no-jeopardy biological opinion. Under a 1500- or 1000-pound daily limit, NMFS believes that effort off North Carolina will return to the levels seen in 2000. In 2000, there were no trip limits, but the average landings per trip were only 764 pounds, so the 1500- or 1000-pound limit will have little to no effect in reducing effort, and, based on past effort, vessels from other states are expected to travel to North Carolina to target monkfish. The other protective measures of 2001 are no longer in place. The temporary framework rule that depended on 100 percent observer coverage, with closure after the observers documented take greater than that authorized in the ITS, has expired. NMFS does not have funds or observers to achieve 100 percent coverage again, certainly not at the much higher levels of fishing effort that are anticipated. The level of incidental take authorized in the June 14, 2001 opinion is very low (6 loggerheads, 1 green, 1 Kemp's ridley, 1 leatherback sea turtle) and would probably be exceeded quickly if monkfish gillnets are set near warm water boundaries when turtles are making their northward migration. NMFS believes that emergency action is warranted to prevent the violation of the incidental take statement of the opinion and to reduce the potential for a serious impact to turtle populations. The 275 loggerheads that stranded in North Carolina in spring 2000 were probably disproportionately made up of individuals from the northern subpopulation of loggerheads, a subpopulation that has been of

particular concern, for example, in the 2001 Biological Opinion on the Atlantic pelagic longline fishery management plan, that concluded that fishery was likely to jeopardize loggerhead and leatherback sea turtles.

Seasonally-Adjusted Closure of Large-Mesh Gillnet Fishing in the Mid-Atlantic

By this interim final rule, NMFS is enacting, effective immediately, seasonally-adjusted gear restrictions by closing the Mid-Atlantic EEZ waters to fishing with gillnets with a mesh size larger than 8 inch (20.3 cm) stretched mesh to protect migrating sea turtles. Although the monkfish gillnet fishery currently uses 12 inch (30.5 cm) stretched mesh as their primary gear type, the potential exists for the utilization of smaller mesh gillnets for monkfish. The 8 inch cutoff size as mentioned above is, therefore, being enacted in this rule. NMFS considered banning smaller mesh sizes but fishing for monkfish with gillnets with less than 8 inch mesh is impractical and banning smaller mesh sizes would interfere with the prosecution of other fisheries that have been shown to have minimal impact on sea turtles.

The areas restricted to fishing with gillnets larger than 8 inch stretched mesh and the times are as follows: waters north of 33°51.0′ N (North Carolina/South Carolina border at the coast) and south of 35°46.0′ N (Oregon Inlet)—at all times; waters north of 35°46.0′ N (Oregon Inlet) and south of 36°22.5′ N (Currituck Beach Light, NC)—from March 16 through January 14; waters north of 36°22.5′ N (Currituck Beach Light, NC) and south of 37°34.6′ N (Wachapreague Inlet, VA)—from April 1 through January 14; waters north of 37°34.6′ N (Wachapreague Inlet, VA) and south of 37°56.0′ N (Chincoteague, VA)—from April 16 through January 14. Waters north of 37°56.0′ N (Chincoteague, VA) will not be affected by this rule. NMFS also intends to publish a permanent rule establishing these seasonal restrictions and is seeking comments on this interim final rule. The restricted areas include all EEZ waters within the stated boundaries. Because of the evidence from past stranding events, particularly the large stranding event in April and May 2000, NMFS concludes that the large mesh gillnet fishery in the Mid-Atlantic takes, including to capture and kill, numerous endangered and threatened sea turtles during their spring migration. NMFS is taking this action to prevent further mortalities and other takes of listed species in this fishery. The timing of the restrictions is based upon an analysis of sea surface temperatures for the above areas. Sea turtles are known to migrate into and through these waters when the sea surface temperature is 11 degrees Celsius or greater. The January 15 date for the reopening of the areas north of Oregon Inlet (35°46.0′ N) to the large-mesh gillnet fishery is also based upon the 11 degree Celsius threshold and is consistent with the seasonal boundary established for the summer flounder fishery-sea turtle protection area (50 CFR 223.206(d)(2) (iii)(A)).

The actions implemented by this interim final rule are expected to impact approximately 20–25 monkfish gillnet vessel owners and operators. Five alternatives were evaluated in the EA prepared for this interim final rule, including a status quo or ''no action'' alternative. For a description and analysis of the alternatives, readers should refer to the EA available at the address listed above.

The total cost to the monkfish fishery is expected to be minimal. The primary effect of this interim final rule will be to establish restrictions in an area which is not heavily utilized by the fishery and to set required dates for the northward movement of the fishery up through 37°56.0′ N (Chincoteague, VA) in order to avoid sea turtle interactions. However, based on vessel trip reporting (VTR) data from May 1998 through April 2001, the Virginia and North Carolina trips make up a small part of the total effort in the monkfish sink gillnet fishery. Together they represent 5.1 percent of the monkfish tail weight, 0.9 percent of the liver weight, and 4.1 percent of the total gillnet trips. The fishery normally migrates northward anyway as it follows the monkfish movements. This rule does not prevent or limit fishermen from moving north of 37°56.0′ N (Chincoteague, VA) to prosecute the fishery, although the small number of vessels in this fishery that are based in North Carolina and Virginia would have extra fuel costs that would impact profitability. This rule does not impact the available DAS or catch limits established under previous regulations.

Request for Comments

NMFS is considering issuing these seasonally-adjusted gear restrictions as a final rule. Written public comments on this interim final rule must be postmarked or transmitted by facsimile by 5 p.m., Eastern Standard Time, on June 19, 2002.

Classification

This action has been determined to be not significant for purposes of Executive Order 12866.

The Assistant Administrator has determined that this interim final rule is necessary to respond to the emergency created by the changes to the federal monkfish fishery, changes which may lead to unauthorized takes in violation of the terms and conditions of the June 14, 2001 Biological Opinion. This interim final rule is consistent with the ESA and other applicable laws. Section 4(b)(7) of the ESA provides that the requirements of 5 U.S.C. 553 of the Administrative Procedure Act do not apply to regulations when there is an emergency posing a significant risk to wildlife (16 U.S.C. 1533(b)(7)).

This interim final rule will be effective for 240 days. If NMFS determines to adopt this interim final rule permanently, NMFS will publish the rule in the **Federal Register** by winter 2002. If significant changes to this interim final rule are needed, NMFS will first publish a proposed rule and seek additional public comment. If NMFS determines that the rule is no longer necessary, NMFS will withdraw this interim final rule. NMFS is providing notice of these regulations to the states of North Carolina and Virginia, as required by section 4(b)(7)(B) of the ESA. NMFS regulations, which were developed and adopted after full notice and comment, give the Assistant Administrator the authority to take emergency actions when the need arises. 50 CFR 223.206(d)(4).

The AA also finds good cause to waive the requirements for prior notice and an opportunity for public comment, for this interim final rule, pursuant to 5 U.S.C. 553(b)(B), as such procedures would be impracticable and contrary to the public interest. The recent court ruling, described above, increased gillnet DAS limits from 300 pounds to either 1500 or 1000 pounds, based upon permit type. It is expected that, in light of these higher trip limits, the level of fishing effort occurring after March 16, 2002, when the fishery off North Carolina will open, until May 1, 2002, when gillnet DAS will be reduced to zero under the FMP, will cause a significant increase in risk of mortality to sea turtles. As such, any delay in implementation of this interim final rule would prevent NMFS from meeting its obligations under the ESA to prevent such harm.

The New England and Mid-Atlantic Fishery Management Councils have voted to reverse the FMP's elimination of gillnet DAS after April, 2002, and to

allow continued gillnetting with a 550 or 450 pounds of tails per DAS (based on permit type). Should NMFS decide to follow the recommendation of the Council, emergency protection for sea turtles would remain necessary after May 1, 2002. However, should NMFS not follow the recommendation of the Council, NMFS will consider this in determining whether to adopt the interim final rule as a final rule.

This interim final rule will be effective for 240 days. If NMFS determines to adopt this interim final rule permanently, NMFS will publish the rule in the **Federal Register** by winter 2002. If significant changes to this interim final rule are needed, NMFS will first publish a proposed rule and seek additional public comment. If NMFS determines that the rule is no longer necessary, NMFS will withdraw this interim final rule.

For the reasons stated above, the AA finds good cause under both section 4(b)(7) of the ESA and 5 U.S.C. 553(d)(3) not to delay the effective date of this rule for 30 days. This restriction has been announced on the NOAA weather channel, in newspapers, and other media.

As prior notice and an opportunity for public comment are not required to be provided for this notification by 5 U.S.C. 553, or by any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are inapplicable.

The AA has prepared an Environmental Assessment for this interim final rule. Copies of the EA are available (see **ADDRESSES**).

List of Subjects in 50 CFR Part 223

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and record-keeping requirements.

Dated: March 15, 2002.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries.

For the reasons set out in the preamble, 50 CFR parts 222 and 223 are amended to read as follows:

PART 222—GENERAL ENDANGERED AND THREATENED MARINE SPECIES

1. The authority citation for part 222 continues to read as follows:

Authority: 16 U.S.C. § 1531 *et seq.*; 16 U.S.C. § 742a *et seq.*; 31 U.S.C. § 9701 *et seq.*

2. In § 222.102, Definitions, add after the definition for ''Four-seam, tapered-wing trawl'' and before the definition for ''Gulf Area'', the following regulatory definition to read as follows:

§ 222.102 Definitions.

* * * * *

Gillnet means a panel of netting, suspended vertically in the water by floats along the top and weights along the bottom, to entangle fish that attempt to pass through it.

* * * * *

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

2. In § 223.206, paragraph (d) introductory text is suspended and paragraph (d)(8) and (e) are added to read as follows:

§ 223.206 Exceptions to prohibitions relating to sea turtles.

* * * * *

(d) * * *

(8) *Restrictions applicable to large-mesh gillnet fisheries in the mid-Atlantic region.* No person may fish (including, but not limited to, setting, hauling back, or leaving in the ocean) with, or possess any gillnet with a stretched mesh size larger than 8 inches (20.3 cm), unless all gillnets are covered with canvas or other similar material and lashed or otherwise securely fastened to the deck or the rail, and all buoys larger than 6 inches (15.24 cm) in diameter, high flyers, and anchors are disconnected. This restriction is effective starting on March 15, 2002, in the Atlantic Exclusive Economic Zone (as defined in 50 CFR 600.10) during the following time periods and in the following areas:

(i) Waters north of 33°51.0′ N (North Carolina/South Carolina border at the coast) and south of 35°46.0′ N (Oregon Inlet) at any time;

(ii) Waters north of 35°46.0′ N (Oregon Inlet) and south of 36°22.5′ N (Currituck Beach Light, NC) from March 16 through January 14;

(iii) Waters north of 36°22.5′ N (Currituck Beach Light, NC) and south of 37°34.6′ N (Wachapreague Inlet, VA) from April 1 through January 14; and

(iv) Waters north of 37°34.6′ N (Wachapreague Inlet, VA) and south of 37°56.0′ N (Chincoteague, VA) from April 16 through January 14.

* * * * *

(e) *Exception for incidental taking.* The prohibitions against taking in § 223.205(a) do not apply to the incidental take of any member of a threatened species of sea turtle (i.e., a take not directed toward such member) during fishing or scientific research activities, to the extent that those involved are in compliance with all applicable requirements of paragraphs (d)(1) through (d)(8) of this section, or in compliance with the terms and conditions of an incidental take permit issued pursuant to paragraph (a)(2) of this section.

[FR Doc. 02–6772 Filed 3–15–02; 5:02 pm]

BILLING CODE 3510–KA–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 011218304–1304–01; I.D. 031802A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for pollock in Statistical Area 630 of the Gulf of Alaska (GOA) for 24 hours. This action is necessary to fully use the second seasonal apportionment of the total allowable catch of pollock specified for this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 19, 2002, until 1200 hrs, A.l.t., March 20, 2002.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

NMFS closed the directed fishery for pollock in Statistical Area 630 of the GOA pursuant to § 679.20(d)(1)(iii) on March 11, 2002 (67 FR 10847, March 11, 2002). As of March 15, 2002, 532 metric tons (mt) of pollock remain in the second seasonal directed fishing allowance of the pollock TAC in Statistical Area 630 of the GOA. Therefore, NMFS is terminating the previous closure and is opening

directed fishing for pollock in Statistical Area 630 of the GOA. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that the directed fishing allowance will be reached after 24 hours. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 of the GOA effective 1200 hrs, A.l.t., March 20, 2002.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action to allow full use of the amount of the 2002 B season pollock TAC specified for Statistical Area 630 of the GOA constitutes good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR 679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly, the need to implement these measures in a timely fashion to allow full use of the amount of the 2002 B season pollock TAC specified for Statistical Area 630 of the GOA constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: March 18, 2002.

Bruce Morehead,

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

[FR Doc. 02–6856 Filed 3–18–02; 2:13 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 67, No. 55
Thursday, March 21, 2002

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 352

[Docket No. 01–073–1]

Untreated Citrus from Mexico Transiting the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the plant quarantine safeguard regulations to remove Brownsville and Hidalgo, TX, as ports of entry for untreated Mexican oranges, tangerines, and grapefruit transiting the United States for export to another country. We are also proposing to remove Brownsville, TX, as an authorized port for the exportation by water of shipments of untreated Mexican oranges, tangerines, and grapefruit. We are proposing these actions because neither port has been used for these purposes in over 20 years. These actions would update the regulations so that they accurately reflect the ports used for the importation and exportation by water of untreated citrus from Mexico.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by May 20, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–073–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 01–073–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov*. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 01–073–1'' on the subject line.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Pam Byrne, Senior Operations Officer, Port Operations, PPQ, APHIS, 4700 River Road Unit 60, Riverdale, MD 20737–1231; (301) 734–5242.

SUPPLEMENTARY INFORMATION:

Background

The plant quarantine safeguard regulations in 7 CFR part 352 relieve restrictions for certain plants, plant products, plant pests, soil, and other products and articles that are classified as prohibited or restricted in other regulations in title 7, chapter III. Such plant products include fruits and vegetables that are moved into the United States for: (1) A temporary stay where unloading or landing is not intended; (2) unloading or landing for transshipment and exportation; (3) unloading or landing for transportation and exportation; or (4) unloading and entry at a port other than the port of arrival. Fruits and vegetables that are moved into the United States under these circumstances are subject to inspection and must be handled in accordance with conditions assigned under the safeguard regulations to prevent the introduction and spread of plant pests.

The regulations in § 352.30 address the movement into or through the United States of untreated oranges, tangerines, and grapefruit from Mexico that transit the United States en route to foreign countries. The regulations currently allow untreated oranges, tangerines, and grapefruit from Mexico to enter the United States at the ports of Nogales, AZ, or Brownsville, Eagle Pass, El Paso, Hidalgo, or Laredo, TX. The fruit may then be moved, under certain conditions, by truck or railcar to seaports at Brownsville and Galveston, TX, for export by water to another country.

In this document, we are proposing to remove Brownsville and Hidalgo, TX, as ports of entry for untreated oranges, tangerines, and grapefruit from Mexico. In addition, we are also proposing to remove Brownsville, TX, as an authorized port for the exportation by water of such fruit. We are proposing these actions because it has been more than 20 years since any shipments of untreated citrus from Mexico have been imported into the United States through either port. Additionally, the port of Hidalgo, TX, no longer handles cargo; that port now handles only pedestrians and passenger vehicles. It has also been more than 20 years since Brownsville, TX, has been used for the export of untreated Mexican citrus by water to another country.

Removing Brownsville and Hidalgo, TX, as ports of entry for untreated citrus from Mexico and removing Brownsville, TX, as an authorized port of export for such fruit would update the regulations in § 352.30 so that they accurately reflect the ports that are used for those purposes.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

We are proposing to amend the plant quarantine safeguard regulations to remove Brownsville and Hidalgo, TX, as ports of entry for untreated Mexican oranges, tangerines, and grapefruit transiting the United States for export to another country. We are also proposing to remove Brownsville, TX, as an authorized port for the exportation by water of shipments of untreated Mexican oranges, tangerines, and grapefruit. We are proposing these actions because neither port has been used for these purposes in over 20 years. These actions would update the regulations so that they accurately reflect the ports used for the importation and exportation by water of untreated citrus from Mexico.

Since the ports of Brownsville and Hidalgo, TX, have not been used for any shipments of untreated citrus from Mexico in over 20 years, this proposed action would have no economic effect on any entity. Small entities located at or around the ports of Brownsville and Hidalgo, TX, will not be affected by this proposed rule for the same reason that no economic entity of any size will be affected.

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 352

Customs duties and inspection, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we propose to amend 7 CFR part 352 as follows:

PART 352—PLANT QUARANTINE SAFEGUARD REGULATIONS

1. The authority citation for part 352 would continue to read as follows:

Authority: 7 U.S.C. 2260, 7711–7714, 7731, and 7734; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

§ 352.30 [Amended]

2. Section 352.30 would be amended as follows:

a. In paragraph (b)(2), by removing the words ''Brownsville,'' and ''Hidalgo,''.

b. In paragraph (b)(3)(iii), by removing the words ''Brownsville or''.

c. In paragraph (c)(1), by removing the words ''Brownsville, or''.

d. In paragraph (c)(3), in the paragraph heading and in paragraphs (c)(3)(i) and (c)(3)(ii), by removing the words ''Brownsville or'' each time they appear.

Done in Washington, DC, this 18th day of March 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–6838 Filed 3–20–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 928

[Docket No. FV02–928–2]

Papayas Grown in Hawaii; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Order to terminate and reschedule referendum.

SUMMARY: This document directs that the continuance referendum scheduled to be held March 4 through March 22, 2002 among eligible growers of Hawaii papayas be terminated and rescheduled for May 6 through May 31, 2002. Rescheduling is necessary due to complications encountered with timely delivery of ballots by mail. Rescheduling will ensure that eligible growers receive their ballots with time to review them and vote. A referendum is necessary to determine whether eligible growers of Hawaii papayas favor continuance of the marketing order regulating the handling of papayas grown in the production area.

DATES: The rescheduled referendum will be conducted from May 6, through May 31, 2002. To vote in this referendum, growers must have been producing Hawaii papayas during the period July 1, 2000, through June 30, 2001.

ADDRESSES: Copies of the marketing order may be obtained from the office of the referendum agent at 2202 Monterey Street, Suite 102 B, Fresno, California, 93721, or the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, Agricultural Marketing Service (AMS), US Department of Agriculture (USDA), 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237.

FOR FURTHER INFORMATION CONTACT: J. Terry Vawter, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, at 2202 Monterey Street, Suite 102 B, Fresno, California 93721; telephone (559) 487–5901; or Melissa Schmaedick, Marketing Order Administration Branch, Fruit & Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; telephone (202) 720–2491.

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Order No. 928 (7 CFR part 928), hereinafter referred to as the ''order'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' it is hereby directed that the March 4 through March 22, 2002 referendum be terminated and that a rescheduled referendum be conducted from May 6 through May 31, 2002 to ascertain whether continuance of the order is favored by producers. Only growers that were engaged in the production of Hawaii papayas during the period of July 1, 2000, through June 30, 2001, may participate in the rescheduled continuance referendum.

A continuance referendum to be conducted among growers of papayas in Hawaii had been scheduled for the period March 4, through March 22, 2002. Notice of this referendum order was issued on January 31, 2002 and published in the February 6, 2002 issue of the **Federal Register** (67 FR 5526). Termination of this referendum is necessary due to complications encountered with timely delivery of ballots by mail. Given this delay, we can no longer ensure that adequate time will be given to all eligible voters to fully review, contemplate and cast their ballots within the allotted referendum period. All ballots pertaining to the March referendum period will be considered invalid.

The USDA has determined that a rescheduled referendum to determine if growers of papayas in the production area favor continuance of their marketing order will be held from May 6 through May 31, 2002. Rescheduling of the referendum period will ensure proper distribution and ample review for all eligible growers voting in the referendum. New ballots and voting instruction will be issued to all growers of record subsequent to this Notice.

The USDA has determined that continuance referenda are an effective means for ascertaining whether growers favor continuation of marketing order programs. The USDA would continue the order if either two-thirds of the growers voting in the referendum or growers of two-thirds of the volume of Hawaii papayas represented in the referendum favor continuance. In evaluating the merits of continuance versus termination, the USDA will consider the results of the referendum

and other relevant information regarding operation of the order. The USDA will evaluate the order's relative benefits and disadvantages to growers, handlers, and consumers to determine whether continuing the order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum herein ordered have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0102 for Hawaii papayas. It has been estimated that it will take an average of 20 minutes for each of the approximately 400 growers of Hawaii papayas to cast a ballot. Participation is voluntary. Ballots postmarked after May 31, 2002, will not be included in the vote tabulation.

J. Terry Vawter and Martin Engeler of the California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, are hereby designated as the referendum agents of the Department to conduct such referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR 900.400—900.407).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents and from their appointees.

List of Subjects in 7 CFR Part 928

Marketing agreements, Papayas, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Dated: March 19, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–6957 Filed 3–19–02; 2:36 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 01–059–1]

Change in Disease Status of Greece With Regard to Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations to add Greece to the list of regions that are considered free of rinderpest and foot-and-mouth disease. We are taking this action because we have determined that Greece is now free of foot-and-mouth disease. We are also proposing to add Greece to the list of regions that are subject to certain import restrictions on meat or meat products because of their proximity to or trading relationships with rinderpest- or foot-and-mouth-disease-affected regions. These actions would update the disease status of Greece with regard to foot-and-mouth disease while continuing to protect the United States from an introduction of this disease by providing additional requirements for any meat and meat products imported into the United States from Greece.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by May 20, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–059–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 01–059–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov*. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 01–059–1'' on the subject line.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Anne Goodman, Senior Staff Microbiologist, Regionalization Evaluation Services Staff, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–4356.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States in order to prevent the introduction of various diseases, including rinderpest, foot-and-mouth disease (FMD), African swine fever, hog cholera, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.1 lists regions of the world that are declared to be free of rinderpest or free of both rinderpest and FMD. The Animal and Plant Health Inspection Service (APHIS) considers rinderpest or FMD to exist in all parts of the world not listed. Section 94.11 of the regulations lists regions of the world that APHIS has determined to be free of rinderpest and FMD, but that are subject to certain restrictions because of their proximity to or trading relationships with rinderpest- or FMD-affected regions.

Greece is currently listed in § 94.1(a)(3) of the regulations as a region free of rinderpest. On June 25, 1999, we published in the **Federal Register** (64 FR 34155–34168, Docket No. 98–090–1) a proposal to amend § 94.1 to recognize Greece as a region free of FMD. However, in July 2000, FMD was diagnosed in cattle in the Evros Prefecture in Greece. This and subsequent outbreaks meant that we were unable to declare Greece free of FMD based on that proposal.

Since September 2000, there have been no additional outbreaks of FMD in Greece. APHIS representatives conducted a site visit to Greece in January 2001 to obtain evidence regarding the FMD status of Greece. Documentation of the control and eradication procedures used during the FMD outbreaks in Greece is provided in the site visit report, which may be viewed on the Internet at *http://www.aphis.usda.gov/vs/reg-request.html.* Briefly summarized, the disease outbreak was eradicated by applying a stamping out/nonvaccination policy. Controls over the movement of animals and animal products from regions of higher risk, such as along Greece's border with Turkey, were applied. In addition, Greece continues to conduct an established surveillance program to detect and control any future incursions of FMD or other diseases. Greece continues to work with Turkey to address risk factors associated with the presence of FMD in Turkey.

Consistent with the guidelines of the Office International des Epizooties (OIE)—i.e., at least 12 months have elapsed since the last outbreak of FMD in Greece—and the findings of our site visit and review of the supporting documentation provided by Greece, we are proposing to recognize Greece as free of FMD. In addition, we are proposing to add Greece to the list of rinderpest- and FMD-free regions whose exports of ruminant and swine meat and meat products to the United States are subject to certain restrictions to ensure against the introduction of those diseases into this country.

Based on the information submitted to us by the Government of Greece, we have reviewed and analyzed the animal health status of Greece relative to FMD. This review and analysis was conducted in light of the risk factors identified in 9 CFR 92.2, ''Application for recognition of the animal health status of a region,'' which are used to determine the level of risk associated with importing animals or animal products into the United States from a given region. Based on the information submitted to us, we have concluded the following:

Veterinary infrastructure. The veterinary services authorities in Greece have the legal authority, organization, and infrastructure to detect, control, and eradicate FMD. The official veterinary force of Greece includes approximately 810 veterinarians, 70 veterinary laboratories, and 190 lay assistants organized under the State Veterinary Service. The field force is dispersed among 51 Local Disease Control Centers, each of which reports to the National Disease Control Center in Athens. In the event of an animal disease emergency, the State Veterinary Service has the authority to call upon police and local authorities to provide support and assistance in depopulating infected premises, disposing of animal carcasses, controlling and restricting animal movements, and closing markets and slaughterhouses.

Greece's veterinary infrastructure has been strengthened by financial contributions from the European Union for activities relating to specific diseases. In the case of FMD, financial support has been provided for diagnostic laboratory equipment, data management equipment, and surveillance activities.

Disease history and surveillance. The first outbreak of FMD virus serotype Asia 1 in Greece occurred in July 2000, and the last in September 2000. A total of 14 FMD outbreaks occurred in 6 epidemiological episodes. There were three primary outbreaks in the Prefecture of Evros. The remaining outbreaks were secondary, caused by spread from the primary outbreaks. The virus is believed to have come from Turkey, an FMD-affected country with which Greece shares a border.

Routine surveillance for targeted diseases is carried out in specified areas of Greece under the Epidemio-Vigilance Rotational System (EVROS). This program, launched in 2000 with the support of the European Commission, is an integrated system of active surveillance for incursions of targeted diseases, including FMD, designed to provide early warning and effective control. The program is established in the border areas with Turkey that are primarily at risk for incursions of FMD virus.

Diagnostic capabilities. This factor was evaluated by APHIS in the context of the proposed rule published in 1999 and found to be acceptable. No significant changes have occurred since that time, so no further evaluation is necessary.

Vaccination status. No vaccination was used in control of the outbreak of FMD virus type Asia 1 in 2000 or type O1 in 1996. Vaccination has not been used to control type Asia 1 in Greece since 1961.

Disease status of adjacent regions. Following is a brief discussion of the disease status of those countries with which Greece shares a land border:

- *Turkey.* FMD is endemic in the Anatolia region of Turkey and causes significant economic losses. The disease is being controlled using vaccination, quarantine, movement controls, and surveillance and monitoring. Turkey has increased its efforts to control FMD in recent years. Asia 1 and subtypes of FMD virus serotype A remain potential risks for Turkey, however, and also for Europe. Although Turkey should be considered a high-risk area regarding the transmission of the disease to Greece and the rest of Europe, APHIS considers existing controls in Greece to be sufficient to reduce the risk.
- *Bulgaria.* There were no outbreaks of FMD reported to the OIE by Bulgaria in 2000 and through June 2001.
- *Macedonia.* There were no outbreaks of FMD reported to the OIE by the Former Yugoslav Republic of Macedonia in 2000. No data are available for 2001.
- *Albania.* There were no outbreaks of FMD reported to the OIE by Albania in 2000. No data are available for 2001.

Degree of separation from adjacent regions. The Evros River defines the border between Greece and Turkey. However, it is possible that persons and animals may still cross the river undetected, thus posing a risk of transmitting FMD from Turkey. However, Greece has the laws, policies, and infrastructure to detect, respond to, and eliminate any occurrence of FMD.

There are several Greek islands that lie in the Aegean Sea directly to the south of the Evros delta off the Turkish mainland. Greece has special surveillance programs in effect on these islands to prevent the transmission of FMD from Turkey to Greece via these islands.

Greece's borders with Bulgaria, Macedonia, and Albania are generally mountainous, concentrating movements in the river valleys but making the mountainous part of the borders more difficult to monitor. This is not considered to be a significant source of risk.

Movement across borders. The movement of animals and animal products from non-European Union (EU) countries is regulated according to EU legislation. These regulations prohibit the entry of live susceptible animals and risky products from regions of higher risk, including Turkey. In general, these movements are well controlled through established border posts. The border between Greece and Turkey is well protected by military and other control points.

Livestock demographics and marketing practices. The area where the outbreak occurred in 2000 is located in the Evros delta, immediately adjacent to the border with Turkey. The Evros delta lies entirely within Greek territory. The entire delta area is a wildlife sanctuary protected by the Ramsar Convention and thus is not inhabited. Arable land within the delta is cultivated with various crops, such as corn, alfalfa, cotton, and tobacco. The marshland along the river and the crop fields after harvest provide year-round pasture for cattle, sheep, and goats. The delta can sustain more than 5,000 cattle and approximately 2,000 sheep and goats. The majority of the cattle are free-grazing beef cattle that move freely throughout the area. All cattle and most sheep and goats inside the delta are individually identified using unique ear tags. As outlined in the EVROS program, all animal movements in the prefecture of Evros, including the delta area, are controlled via permits.

Detection and eradication of disease. FMD has been effectively controlled and eradicated from Greece and is not known to exist in Greece at this time. Greece maintains a surveillance system capable of rapidly detecting FMD should the disease be introduced into the country, with more intense scrutiny in the Evros delta bordering Turkey. The animal health status of the Greek Evros

prefecture will continue to be closely monitored. Greece has the laws, policies, and infrastructure to detect, respond to, and eliminate any occurrence of FMD and is working closely with neighboring countries and EU Member States to address risk factors presented by those potential sources.

These findings are described in further detail in a qualitative evaluation that may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** and may be viewed on the Internet at *http://www.aphis.usda.gov/vs/reg-request.html* by following the link for current requests and supporting documentation. The evaluation documents the factors that have led us to conclude that Greece is free of FMD. Therefore, we are proposing to recognize Greece as free of FMD and add Greece to the list in § 94.1(a)(2) of regions that are considered free of FMD and rinderpest. We would also remove Greece from the list in § 94(a)(3) of countries that are free of rinderpest only.

These proposed actions would relieve certain restrictions due to FMD and rinderpest on the importation into the United States of certain live animals and animal products from Greece. However, because Greece shares common land borders with countries not considered free of rinderpest and FMD, the importation of meat and other products from ruminants and swine into the United States from Greece would continue to be subject to certain restrictions.

Specifically, we are proposing to add Greece to the list in § 94.11(a) of regions declared free of rinderpest and FMD but that are subject to special restrictions on the importation of their meat and other animal products into the United States. The regions listed in § 94.11(a) are subject to these special restrictions because they: (1) Supplement their national meat supply by importing fresh (chilled or frozen) meat of ruminants or swine from regions that are designated in § 94.1(a) as regions where rinderpest or FMD exists, (2) have a common land border with regions where rinderpest or FMD exists, or (3) import ruminants or swine from regions where rinderpest or FMD exists under conditions less restrictive than would be acceptable for importation into the United States.

Greece has a common land border with Turkey, a country not considered free of FMD. As a result, there is some risk that the meat and other animal products produced by Greece could be commingled with the fresh (chilled or frozen) meat of animals from a region in which FMD exists and present an undue risk of introducing FMD into the United States if imported without restriction.

Under § 94.11, meat and other animal products of ruminants and swine, including ship stores, airplane meals, and baggage containing these meat or animal products, may not be imported into the United States except in accordance with § 94.11 and the applicable requirements of the U.S. Department of Agriculture's Food Safety and Inspection Service at 9 CFR chapter III.

Section 94.11 generally requires that the meat and other animal products of ruminants and swine be: (1) Prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act; and (2) accompanied by an additional certificate, issued by a full-time salaried veterinary official of the national government of the exporting region, assuring that the meat or other animal products have not been commingled with or exposed to meat or other animal products originating in, imported from, transported through, or that have otherwise been in a region where rinderpest or FMD exists.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

We are proposing to amend the regulations to add Greece to the list of regions that are considered free of rinderpest and FMD. We are taking this action because we have determined that Greece is now free of FMD. We are also proposing to add Greece to the list of regions that are subject to certain restrictions because of their proximity to or trading relationships with rinderpest- or FMD-affected countries. These actions would update the disease status of Greece with regard to FMD while continuing to protect the United States from an introduction of rinderpest and FMD by providing additional requirements for any meat and meat products imported into the United States from Greece.

The following analysis addresses the potential economic effects of this proposed rule as required by the Regulatory Flexibility Act.

From an economic standpoint, the proposed rule would have little or no impact on U.S. animal stock and commodities. There are two reasons. First, the proposed rule would not remove other disease-based restrictions on the importation of ruminants or swine (and certain meat and other products from those animals) from Greece into the United States. Because bovine spongiform encephalopathy is considered to exist in Greece, the importation of ruminants and meat, meat products, and certain other products of ruminants that have been in Greece is prohibited. Furthermore, because hog cholera (also known as classical swine fever) and swine vesicular disease are also considered to exist in Greece, the importation of swine from that region into the United States is prohibited, and the importation of pork and pork products is subject to restrictions.

Second, it appears unlikely that the volume of animals and animal products that would be eligible for importation into the United States from Greece would be sufficient to have a significant impact on the U.S. market. In 2000, Greece produced 287,765 metric tons of beef, veal, mutton, lamb, and pig meat, representing less than 1.5 percent of the comparable U.S. production that year. Similarly, Greece's production of whole, fresh cow milk was 770,000 metric tons, only 1 percent of the comparable U.S. production during that period. Finally, in 1999, live cattle and pig stock in Greece was 1,510,000 head, less than 1 percent of the comparable stock in the United States that year.[1]

Besides cow milk, Greece also produces sheep and goat milk. In 2000, Greece produced 670,000 metric tons of sheep milk and 450,000 metric tons of goat milk. However, there appears to be no significant market in the United States for those commodities, or products made from them, such as cheese, as evidenced by the fact that no sheep or goat milk or cheese is commercially produced in the United States, and U.S. imports of those commodities are relatively minor. In 1999, for example, U.S. imports of cheese made from sheep and goat milk from all countries totaled 32,505 metric tons, less than 1 percent of the total U.S. cheese production.

In 1999, the stock of live sheep and goats in Greece was 14,276,000 head, or 66 percent more than the comparable stock in the United States that year. Here again, however, there appears to be no significant market in the United States for those animals, as evidenced by the fact that the United States imported only 53,165 live sheep and goats from all countries in 1999, which represents less than 1 percent of the sheep and goat stock in the United States that year and less than 1 percent

[1] Food and Agricultural Organization of the United Nations.

of U.S. imports of all live animals from all countries in 1999.[2]

Entities potentially affected by this proposed rule include U.S. import brokers, agents, and others involved in the sale of animals or animal products from Greece that would no longer be prohibited, or that could be imported under less restrictive conditions, if Greece is declared free of FMD. The number and size of entities that might be directly involved in the importation and sale of such animals or animal products from Greece is unknown, but it is likely that these entities would be small, based on the U.S. Small Business Administration's (SBA) size standards.[3] Given the disease-based restrictions discussed previously that would remain in place and the minimal level of U.S. imports of animals and animal products that would be eligible for importation from Greece, we expect that declaring Greece free of FMD would have only a negligible effect on U.S. entities, large or small.

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

Executive Order 12988

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

Paperwork Reduction Act

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

Lists of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are proposing to amend 9 CFR part 94 as follows:

[2] Food and Agricultural Organization of the United Nations.

[3] The overwhelming majority of U.S. business entities are small under the SBA's standards.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 would continue to read as follows:

Authority: 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 11, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

§ 94.1 [Amended]

2. Section 94.1 would be amended as follows:

a. In paragraph (a)(2), by adding, in alphabetical order, the word ''Greece,''.

b. In paragraph (a)(3), by removing the words ''Greece and the'' and adding the word ''The'' in their place.

§ 94.11 [Amended]

3. In § 94.11, paragraph (a), the first sentence would be amended by adding, in alphabetical order, the word ''Greece,''.

Done in Washington, DC, this 18th day of March 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–6837 Filed 3–20–02; 8:45 am]

BILLING CODE 3410–34–U

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 121, 124, and 134

RIN 3245–AE71

Small Business Size Regulations; 8(a) Business Development/Small Disadvantaged Business Status Determinations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals

AGENCY: Small Business Administration.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the Regulatory Information Number (RIN) to the proposed rule published in the **Federal Register** on March 12, 2002. The rule proposes to amend its regulations governing proceedings before the Office of Hearings and Appeals and to make conforming changes to several sections of the regulations governing the Small Business Size Determination program and the 8(a) Business Development (8(a) BD) program. This document corrects the RIN.

FOR FURTHER INFORMATION CONTACT: Michael J. Wolter, 202–401–1420.

Correction

The Small Business Administration published a document in the **Federal Register** on March 12, 2002, 67 FR 11057, mistakenly referring to RIN 3245-AE92. This correction provides the correct RIN.

In proposed rule FR Doc. 02–5613 published on March 12, 2002 (67 FR 11057) make the following correction. On page 11057, in the first column, remove ''RIN: 3245–AE92'' and replace with ''RIN: 3245–AE71.''

Dated: March 15, 2002.

Gloria E. Blazsik,

Acting Assistant Administrator for Office of Hearings and Appeals.

[FR Doc. 02–6792 Filed 3–20–02; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–69–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–8–100, -200, and ''300 series airplanes. This proposal would require revision of the applicable maintenance program manual, repetitive inspections for corrosion or cracking of the hook roller shafts of the flap carriage, and eventual replacement of the hook roller shafts with new or serviceable hook roller shafts. This replacement would extend the interval for the repetitive inspections. This action is necessary to prevent cracking of the hook roller shafts of the flap carriage and consequent reduced structural integrity of the flap, which could result in jamming of the flap. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 22, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation

Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–69–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–69–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Dan Parrillo, Aerospace Engineer, Airframe and Propulsion Branch, ANE–172, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7505; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–69–AD.'' The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–69–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model DHC–8–100, –200, and –300 series airplanes. TCCA advises that corroded hook roller shafts have been found on the flap carriages of several in-service airplanes. During its investigation, the airplane manufacturer has identified discrepancies in the manufacturing process that may have resulted in inadequate corrosion protection on some hook roller shafts. This condition, if not corrected, could cause cracking of the hook roller shafts of the flap carriage and consequent reduced structural integrity of the flap, which could result to jamming of the flap.

Explanation of Relevant Service Information

Bombardier, Inc., has issued De Havilland Inc. Dash 8 Airworthiness Limitations List Temporary Revisions (TRs) AWL–75 and AWL–76 (for Model DHC–8–100 series airplanes), AWL 2–19 (for Model DHC–8–200 series airplanes), and AWL 3–83 (for Model DHC–8–300 series airplanes), all dated July 14, 2000. Those TRs specify new thresholds and repetitive intervals for existing structural inspections of the hook roller shafts of the flap carriage according to De Havilland Inc. Dash 8 Maintenance Program Manual PSM 1–8–7 (for Model DHC–8–100 series airplanes), PSM 1–82–7 (for Model DHC–8–200 series airplanes), or PSM 1–83–7 (for Model DHC–8–300 series airplanes), as applicable. TCCA classified these TRs as mandatory and issued Canadian airworthiness directive CF–1999–10R2, dated September 12, 2000, in order to assure the continued airworthiness of these airplanes in Canada. Canadian airworthiness directive CF–1999–10R2 also requires replacement of existing hook roller shafts with new or serviceable hook roller shafts.

FAA's Conclusions

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCCA has kept the FAA informed of the situation described above. The FAA has examined the findings of the TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require revision of De Havilland Inc. Dash 8 Maintenance Program Manual PSM 1–8–7 (for Model DHC–8–100 series airplanes), PSM 1–82–7 (for Model DHC–8–200 series airplanes), or PSM 1–83–7 (for Model DHC–8–300 series airplanes), as applicable, repetitive detailed inspections for corrosion or cracking of the hook roller shafts of the flap carriage, and eventual replacement of the hook roller shafts with new or serviceable hook roller shafts. This replacement would extend the interval for the repetitive inspections. The inspections would be required to be accomplished according to the applicable De Havilland Inc. Dash 8 Maintenance Program Manual and at the compliance times specified in the TRs described previously. The replacement of the hook roller shafts would be required to be accomplished in accordance with certain sections of the applicable De Havilland Inc. Dash 8 Aircraft Maintenance Manual.

Differences Between the Proposed Rule and Service Information

The service information identifies the inspection described previously only as

a ''structural inspection.'' For clarity, this proposed AD refers to that structural inspection as a ''detailed inspection.'' Note 2 of this proposed AD defines such an inspection.

Cost Impact

The FAA estimates that 183 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 4 work hours per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be $43,920, or $240 per airplane, per inspection cycle.

It would take approximately 4 work hours per airplane to accomplish the proposed replacement, at an average labor rate of $60 per work hour. Required parts would cost approximately $460 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $128,100, or $700 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc. (Formerly de Havilland, Inc.): Docket 2001–NM–69–AD.

Applicability: Model DHC–8–100, –200, and ''300 series airplanes; serial numbers 3 through 555 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking of the hook roller shafts of the flap carriage and consequent reduced structural integrity of the flap, which could result in jamming of the flap, accomplish the following:

Revision of Maintenance Program Manual

(a) Within 30 days after the effective date of this AD, accomplish paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable.

(1) For Model DHC–8–100 series airplanes: Insert De Havilland Inc. Dash 8 Airworthiness Limitations List Temporary Revisions (TRs) AWL–75 and AWL–76, both dated July 14, 2000, into De Havilland Inc. Dash 8 Series 100 Maintenance Program Manual PSM 1–8–7.

(2) For Model DHC–8–200 series airplanes: Insert De Havilland Inc. Airworthiness Limitations List TR AWL 2–19, dated July 14, 2000, into De Havilland Inc. Dash 8 Series 200 Maintenance Program Manual PSM 1–82–7.

(3) For Model DHC–8–300 series airplanes: Insert De Havilland Inc. Airworthiness Limitations List TR AWL 3–83, dated July 14, 2000, into De Havilland Inc. Dash 8 Series 300 Maintenance Program Manual PSM 1–83–7.

Repetitive Inspections

(b) Do a detailed inspection for corrosion or cracking of the hook roller shafts of the flap carriage, at the times specified in paragraph (b)(1), (b)(2), or (b)(3) of this AD, as applicable, and according to the service information in paragraph (b)(1), (b)(2), or (b)(3) of this AD, as applicable.

Note 2: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(1) For Model DHC–8–100 series airplanes: For Pre Mod 8Q101103 roller shafts having part number (P/N) 85750362–103 or 85750362–105, do the initial inspection at the compliance time specified in the ''Threshold'' column of the table in De Havilland Inc. Airworthiness Limitations List TRs AWL–75 and AWL–76, both dated July 14, 2000, or within 12 months after the effective date of this AD, whichever occurs later, according to De Havilland Inc. Dash 8 Series 100 Maintenance Program Manual PSM 1–8–7. Thereafter, repeat the inspection at the applicable interval specified in the ''Initial Interval'' column of the table in TR AWL–75 and AWL–76, until the airplane reaches the applicable threshold listed in the ''Repeat Cut-In'' column of the table in TR AWL–75 and AWL–76. Thereafter, repeat the inspections at the applicable interval listed in the ''Repeat Interval'' column of the table in TR AWL–75 and AWL–76, until paragraph (c) of this AD has been accomplished on all affected hook roller shafts. Where the TR specifies compliance intervals in ''flights,'' for the purposes of this AD, ''flights'' means ''flight cycles.''

(2) For Model DHC–8–200 series airplanes: For Pre Mod 8Q101103 hook roller shafts having part number (P/N) 85750362–103 or 85750362–105, do the initial inspection at the compliance time specified in the ''Threshold'' column of the table in De Havilland Inc. Airworthiness Limitations List TR AWL 2–19, dated July 14, 2000, or within 12 months after the effective date of this AD, whichever occurs later, according to De Havilland Inc. Dash 8 Series 200 Maintenance Program Manual PSM 1–82–7. Thereafter, repeat the inspection at the applicable interval specified in the ''Initial Interval'' column of the table in TR AWL 2–19, until the airplane reaches the applicable threshold listed in the ''Repeat Cut-In'' column of the table in TR AWL 2–19.

Thereafter, repeat the inspections at the applicable interval listed in the ''Repeat Interval'' column of the table in TR AWL 2–19, until paragraph (c) of this AD has been accomplished on all affected hook roller shafts. Where the TR specifies compliance intervals in ''flights,'' for the purposes of this AD, ''flights'' means ''flight cycles.''

(3) For Model DHC–8–300 series airplanes: For Pre Mod 8Q101103 hook roller shafts having part number (P/N) 85750362–103 or 85750362–105, do the initial inspection at the compliance time specified in the ''Threshold'' column of the table in De Havilland Inc. Airworthiness Limitations List TR AWL 3–83, or within 12 months after the effective date of this AD, whichever occurs later, according to De Havilland Inc. Dash 8 Series 300 Maintenance Program Manual PSM 1–83–7. Thereafter, repeat the inspection at the applicable interval specified in the ''Initial Interval'' column of the table in TR AWL 3–83, until the airplane reaches the applicable threshold listed in the ''Repeat Cut-In'' column of the table in TR AWL 3–83. Thereafter, repeat the inspections at the applicable interval listed in the ''Repeat Interval'' column of the table in TR AWL 3–83 until paragraph (c) of this AD has been accomplished on all affected hook roller shafts. Where the TR specifies compliance intervals in ''flights,'' for the purposes of this AD, ''flights'' means ''flight cycles.''

Replacement

(c) At the applicable time specified in paragraph (c)(1) or (c)(2) of this AD, replace hook roller shafts having P/N 85750362–103 or 85750362–105 with new or serviceable hook roller shafts having P/N 85750362–107, according to Sections 57–50–44 and 57–50–53 of the De Havilland Inc. Dash 8 Aircraft Maintenance Manual, as applicable. Replacement of all hook roller shafts, P/N 85750362–103 or 85750362–105, with new hook roller shafts, P/N 85750362–107, ends the repetitive inspections at the intervals required by paragraph (a) of this AD.

(1) For hook roller shafts on which any corrosion or crack is found during any inspection per paragraph (b) of this AD: Do the replacement before further flight.

(2) For uncracked or uncorroded hook roller shafts: Do the replacement within 20,000 flight cycles or 5 years after the effective date of this AD, whichever is first.

Post-Replacement Inspections

(d) Following the replacement of hook roller shafts according to paragraph (c) of this AD, do the Structural Inspection Program for the hook roller shafts of the flap carriage, as specified in paragraph (d)(1), (d)(2), or (d)(3) of this AD, as applicable.

(1) For Model DHC–8–100 series airplanes: Using the criteria for Mod 8Q101103 hook roller shafts having P/N 85750362–107, do the initial inspection at the compliance time specified in the ''Threshold'' column of the table in De Havilland Inc. Airworthiness Limitations List TR AWL–75 and AWL ''76, both dated July 14, 2000, according to De Havilland Inc. Dash 8 Series 100 Maintenance Program Manual PSM 1–8–7. Thereafter, repeat the inspection at the applicable interval specified in the ''Initial Interval'' column of the table in TRs AWL–75 and AWL –76, until the airplane reaches the applicable threshold listed in the ''Repeat Cut-In'' column of the table in TRs AWL–75 and AWL–76. Thereafter, repeat the inspections at the applicable interval listed in the ''Repeat Interval'' column of the table in TRs AWL–75 and AWL–76. Where the TR specifies compliance intervals in ''flights,'' for the purposes of this AD, ''flights'' means ''flight cycles.''

(2) For Model DHC–8–200 series airplanes: Using the criteria for Mod 8Q101103 hook roller shafts having P/N 85750362–107, do the initial inspection at the compliance time specified in the ''Threshold'' column of the table in De Havilland Inc. Airworthiness Limitations List TR AWL 2–19, dated July 14, 2000, according to De Havilland Inc. Dash 8 Series 200 Maintenance Program Manual PSM 1–82–7. Thereafter, repeat the inspection at the applicable interval specified in the ''Initial Interval'' column of the table in TR AWL 2–19, until the airplane reaches the applicable threshold listed in the ''Repeat Cut-In'' column of the table in TR AWL 2–19. Thereafter, repeat the inspections at the applicable interval listed in the ''Repeat Interval'' column of the table in TR AWL 2–19. Where the TR specifies compliance intervals in ''flights,'' for the purposes of this AD, ''flights'' means ''flight cycles.''

(3) For Model DHC–8–300 series airplanes: Using the criteria for Mod 8Q101103 hook roller shafts having P/N 85750362–107, do the initial inspection at the compliance time specified in the ''Threshold'' column of the table in De Havilland Inc. Airworthiness Limitations List TR AWL 3–83, according to De Havilland Inc. Dash 8 Series 300 Maintenance Program Manual PSM 1–83–7. Thereafter, repeat the inspection at the applicable interval specified in the ''Initial Interval'' column of the table in TR AWL 3–83, until the airplane reaches the applicable threshold listed in the ''Repeat Cut-In'' column of the table in TR AWL 3–83. Thereafter, repeat the inspections at the applicable interval listed in the ''Repeat Interval'' column of the table in TR AWL 3–83. Where the TR specifies compliance intervals in ''flights,'' for the purposes of this AD, ''flights'' means ''flight cycles.''

Alternative Methods of Compliance

(e) 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, New York Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

Special Flight Permits

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

Note 4: The subject of this AD is addressed in Canadian airworthiness directive CF–1999–10R2, dated September 12, 2000.

Issued in Renton, Washington, on March 14, 2002.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–6794 Filed 3–20–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–130–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–90–30 airplanes, that would have required installation of two arcing protection brackets below and behind the circuit breakers located in the generator control rack in the electrical/electronics compartment. This new action revises the proposed rule by adding certain airplanes and removing certain other airplanes from the applicability. The actions specified by this new proposed AD are intended to prevent arcing between circuit breaker terminals and adjacent equipment and structure located in the generator control rack in the electrical/electronics compartment, which, if not corrected, could result in possible electrical shock to maintenance personnel during maintenance operations. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 6, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–130–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the

Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–130–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: George Y. Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5341; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–130–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–130–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–90–30 airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on August 29, 2001 (66 FR 45655). That NPRM would have required installation of two arcing protection brackets below and behind the circuit breakers located in the generator control rack in the electrical/electronics compartment. That condition, if not corrected, could result in arcing between circuit breaker terminals and adjacent equipment and structure located in the generator control rack in the electrical/electronics compartment, which, if not corrected, could result in possible electrical shock to maintenance personnel during maintenance operations.

Comments

Due consideration has been given to the comments received in response to the NPRM.

Support for the Proposed Rule

One commenter mentions that it generally supports the proposed rule.

Request to Add Additional Service Information

One commenter advises that Boeing has revised Service Bulletin MD90–24–007 by issuing Revision 01, dated August 31, 2000, and Revision 02, dated July 16, 2001. The commenter notes that Revision 01 and Revision 02 add certain airplanes and delete certain other airplanes from the effectivity of the original service bulletin. Since the procedures described in the original service bulletin did not change in the revised service bulletins, the commenter requests that credit also be given for the accomplishment of Revision 01 or 02 of the service bulletin.

The FAA agrees that the procedures described in the original service bulletin are the same as those described in Revision 01 and Revision 02 of the original service bulletin. Since Boeing Service Bulletin MD90–24–007, Revision 02, dated July 16, 2001, contains the correct airplane effectivity, we have revised the applicability of this proposed rule to specify Revision 02. We have also added a new ''Note 2'' that provides credit for those procedures accomplished per the original service bulletin and Revision 01 of the service bulletin.

Conclusion

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

There are approximately 26 Model MD–90–30 airplanes of the affected design in the worldwide fleet. The FAA estimates that 13 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $200 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $4,160, or $320 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore,

it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2001–NM–130–AD.

Applicability: Model MD–90–30 airplanes, certificated in any category; as identified in Boeing Service Bulletin MD90–24–007, Revision 02, dated July 16, 2001.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent arcing between circuit breaker terminals and adjacent equipment and structure located on the generator control rack in the electrical/electronics compartment, and consequent electrical shock to maintenance personnel during maintenance operations, accomplish the following:

Installation

(a) Within one year after the effective date of this AD, install two arcing protection brackets below and behind the circuit breakers located in the generator control rack in the electrical/electronics compartment per the Accomplishment Instructions of McDonnell Douglas Service Bulletin MD90–24–007, Revision 02, dated July 16, 2001.

Note 2: Installation of two arcing protection brackets below and behind the circuit breakers located in the generator control rack in the electrical/electronics compartment per the Accomplishment Instructions of Boeing Service Bulletin MD90–24–007, dated February 7, 1996, or Revision 01, dated August 31, 2000, is considered acceptable for compliance with the requirements of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permit

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

Issued in Renton, Washington, on March 14, 2002.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–6795 Filed 3–20–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Parts 200 and 212

[Docket OST–2002–11741]

Standards for Approving International Charter Flights; Petition of the National Air Carrier Association for Rulemaking

AGENCY: Office of the Secretary, DOT.

ACTION: Petition for rulemaking; request for comments.

SUMMARY: The Department is inviting comments on the petition for rulemaking filed by the National Air Carrier Association (NACA) to add, delete and amend certain provisions of 14 CFR Parts 200 and 212 of the Department's Regulations. In its petition, NACA proposes, among other things, changes in the definitions and standards the Department uses in determining whether to grant or deny foreign air carrier requests to conduct certain types of international charter flights. In order that we may have a complete record on which to base our decision on NACA's petition, we solicit the views of all interested persons and entities, including direct air carriers (both U.S. and foreign), indirect air carriers (both U.S. and foreign), trade associations, labor unions, travel agents, shippers, communities, and the general public, on the proposals set forth in that petition. The proposal is in OST Docket 2002–11741 and can be accessed via the internet by searching Docket 11741 at the DOT Docket website (*http://dms.dot.gov*). Hard copies may also be obtained by calling the contact person listed below.

DATES: Comments to the Petition for Rulemaking are due May 6, 2002. If comments are filed, reply comments are due June 4, 2002.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them (marked with docket number OST–2002–11741) by only one of the following means:

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

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

(3) Electronically through the Web Site for the Docket Management System at http://dms.dot.gov. Comments must be filed in Docket OST–2002–11741, U.S. Department of Transportation, 400 7th St. SW., Washington, DC 20590. Late filed comments will be considered to the extent possible. Due to security procedures in effect since October 2001 on mail deliveries, mail received through the Postal Service may be subject to delays. Commenters should consider using an express mail firm to ensure the timely filing of any

comments not submitted electronically or by hand.

FOR FURTHER INFORMATION CONTACT: Gordon Bingham, Foreign Air Carrier Licensing Division, U.S. Department of Transportation, Room 6412, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202) 366–2404.

Issued in Washington, DC on March 15, 2002.

Read C. Van De Water,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 02–6820 Filed 3–20–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR PART 1308

[DEA–225P]

Schedule of Controlled Substances: Proposed Rule: Rescheduling of Buprenorphine From Schedule V to Schedule III

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to increase the regulatory controls placed on buprenorphine by rescheduling buprenorphine from a Schedule V narcotic to a Schedule III narcotic. This proposed action is based on a formal rescheduling recommendation by the Department of Health and Human Services (DHHS) and a DEA review indicating that buprenorphine meets the definition of a Schedule III narcotic. If finalized, this action will impose the regulatory controls and criminal sanctions of a Schedule III narcotic on those person who handle buprenorphine or products containing buprenorphine.

DATES: Comments must be received by April 22, 2002.

ADDRESSES: Comments should be submitted to the Administrator, Drug Enforcement Administration, Washington, DC 20537; Attention: DEA Federal Register Representative/CCR.

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

SUPPLEMENTARY INFORMATION:

What Is Buprenorphine?

Buprenorphine is a derivative of thebaine, a major constituent of opium, presently marketed in the United States as an injectable formulation under the brand name of Buprenex® for the treatment of pain. It is classified as a narcotic agonist-antagonist, or partial agonist, with an analgesic potency far greater than morphine (generally reported to be about 20 to 30 times that of morphine sulfate in humans). DEA placed buprenorphine in Schedule V of the Controlled substances Act (CSA) in 1985 (50 FR 8104).

Buprenorphine has also been investigated for the treatment of narcotic addiction. Two New Drug Applications (NDA) have been submitted to the Food and Drug Administration (FDA) for this indication. Applications for marketing approval for these high-dose sublingual tablet products remain pending at FDA. However, approvable letters have been issued for both products and they are likely to receive final marketing approval in 2002.

Why Is DEA Issuing This Notice?

As part of the NDA review process for the high-dose sublingual tablet formulations for buprenorphine, the FDA reviewed and evaluated the scientific and medical data relating to scheduling under the CSA pursuant to 21 U.S.C. 811(b), (c), and (f). Since the original review conducted by the FDA in the early 1980s (prior to the marketing of Buprenex®), a substantial amount of human experience with buprenorphine products as well as a number of scientific studies have provided new information. These data have prompted a reevaluation of buprenorphine's status under the CSA. The eight factors used to determine the appropriate placement of buprenorphine under the CSA include:

(1) Its actual or relative potential for abuse;

(2) Scientific evidence of its pharmacological effects;

(3) The state of current scientific knowledge regarding the drug;

(4) Its history and current pattern of abuse;

(5) The scope, duration, and significance of abuse;

(6) What, if any, risk there is to the public health;

(7) Its physic or physiological dependence liability; and

(8) Whether the substance is an immediate precursor of a substance already controlled under this subchapter.

On December 4, 2001, the Assistant Surgeon General and Acting Principal Deputy Assistant Secretary for Health, Department of Health and Human Services (DHHS), Arthur J. Lawrence, signed and forwarded a letter to the DEA recommending that buprenorphine be rescheduled as a Schedule III substance. This recommendation was based on FDA's scientific and medical evaluation. After considering the FDA's evalaution and the DHHS scheduling recommendation and reviewing all the available relevant data regarding the eight factors determinative of control (21 U.S.C. 811(b)(c)), the DEA concludes that buprenorphine should be placed in Schedule III of the CSA.

Why Did DEA Conclude That Buprenorphine Should Be Placed in Schedule III of the Controlled Substances Act?

The DEA found that buprenorphine met the definition of a Schedule III substance. In accordance with 21 U.S.C. 812(b):

1. Buprenorphine has a potential for abuse less than the drugs or other substances in Schedule I or II.

Buprenorphine is a long-acting partial agonist with a high affinity for and slow dissociation from opioid receptors.

Buprenorphine produces effects similar to other pure mu agonists (like morphine or hydromorphone) including euphoria, drug liking, respiratory depression, pupillary constriction and sedation. It is recognized as morphine or heroin-like by experienced narcotic abusers.

Little abuse or diversion of buprenorphine has been noted in the U.S. (reflecting very limited prescription, distribution and product formulation: only low-dose injectable buprenorphine has been marketed). However, significant abuse of buprenorphine has been reported in many countries where it has been more available and other formulations have been marketed. In those countries, buprenorphine has been abused via the intravenous, sublingual, intransasal and inhalation routes by many abuser populations. Buprenorphine products have been diverted from legitimate channels through theft, doctor shopping and fraudulent prescriptions. Significant amounts of buprenorphine have been trafficked across international borders and law enforcement authorities have seized large amounts of buprenorphine involved in these activities.

The above data suggest that the abuse potential of buprenorphine is high and closely resembles other narcotics in Schedule II. However, buprenorphine effects are less dose-dependent than pure mu agonists and a ''ceiling effect''

has been demonstrated for many of the actions of buprenorphine. This attenuation in effects at high doses may have a blunting effect on the continued escalation in dose to obtain greater reinforcing effects. Although buprenorphine is capable of producing significant respiratory depression and numerous deaths have been associated with injection and abuse of high-dose sublingual tablets in combination with other psychoactive drugs in France, buprenorphine is a safer drug in overdose than other schedule II narcotics. Therefore, buprenorphine appears to have somewhat less abuse potential than Schedule I or II narcotic substances but more abuse potential than partial agonists in Schedule IV. Schedule IV partial agonists are less potent, less likely to produce pure mu agonists effects over a wide range of doses and are generally not recognized as heroin-like by experienced opioid abusers.

2. Buprenorphine has a currently accepted medical use in treatment in the United States.

Buprenex®, a low-dose (0.3 mg/m1) buprenorphine product, is approved for use as a parenteral narcotic analgesic for pain management. Subutex® and Subozone®, high-dose (2 and 8 mg) sublingual tablets for the treatment of narcotic addiction, have not, as yet, received final marketing approval in the U.S. If/When final approval is granted, they will have current accepted medical use in the United States.

3. Abuse of buprenorphine may lead to moderate or low physical dependence or high psychological dependence.

Data from a number of studies indicate that chronic use of buprenorphine is associated with a withdrawal syndrome that is of less intensity and, often, of longer duration than other opioids in Schedule I or II. The withdrawal effects have been characterized as mild to moderate. In addition, about 20 percent of babies born to mothers in treatment with buprenorphine substitution for opioid dependence have exhibited an abstinence syndrome severe enough to require treatment. Drug craving after discontinuation of buprenorphine use has been reported. Buprenorphine-dependent patients can easily return to heroin use and vice versa. These data suggest that buprenorphine produces low to moderate physical dependence and high psychological dependence.

It is likely that the approval and marketing of high-dose buprenorphine sublingual tables (and any other buprenorphine products that may be marketed in the future) will increase the availability of buprenorphine in the United States. The Schedule V controls presently in effect for buprenorphine are insufficient to prevent the diversion and abuse of buprenorphine that is likely to occur with its increased availability. Both foreign data on buprenorphine and the U.S. experience with other drugs like buprenorphine have been viewed by both the DHHS and the DEA as significant and relevant to the control of buprenorphine under the CSA.

According to the United Nations International Narcotics Control Board (UN/INCB), worldwide usage and availability of buprenorphine has increased substantially in recent years. Buprenorphine production has grown from 35 kg in 1980 to 460 kg in 1998. In France, imports increased from 5 kg in 1994 to 159 kg in 1998. The increased availability of buprenorphine in France coincides with the marketing of high-dose sublingual tablets and has been accompanied by increased diversion and abuse and over 100 buprenorphine-related deaths.

In the United States, expansion in the use of mixed agonists-antagonists or partial agonists has been accompanied by significant increases in their diversion, abuse and public health risks. For example, both pentazocine (Talwin®) and butorphanol (Stadol®) were initially marketed as injectable solutions for analgesia. The use of these products were limited and very few abuse-related problems were identified. However, when pentazocine became available in a table formulation and a butorphanol nasal spray was introduced, these fewer formulations greatly increased the availability of these substances. Significant abuse and diversion of these products resulted in their control under the CSA.

What Is the Effect of This Notice?

This proposed rule, if finalized, would specifically list buprenorphine as a Schedule III narcotic. All products containing buprenorphine or salts or buprenorphine would be subject to Schedule III narcotic regulatory requirements. The Schedule III placement will not prevent any future buprenorphine products approved by the FDA for the treatment of narcotic addiction from being used in office based treatment of narcotic addiction in accordance with the Drug Addiction Treatment Act of 2000 (Pub. L. 106–310). This Act amended the CSA to allow qualified physicians, under certification by the DHHS, to prescribe Schedule III–V narcotic drugs (FDA-approved for the indication of narcotic addiction treatment) to narcotic addicts outside the context of clinic-based narcotic treatment programs. The DEA recognizes the need to expand narcotic treatment and this factor was a consideration in proposing Schedule III placement for buprenorphine. However, buprenorphine's abuse potential and psychological dependence profile may result in significant abuse and diversion of the sublingual tablets once they are available for use in the U.S. Should this occur, the DEA will initiate action to further increase the regulatory controls on buprenorphine.

This notice also provides an opportunity for interested persons to comment, in writing, with regard to any information they feel may have a bearing on this matter. Requests for a hearing should state, with particularity, the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted to the Administrator, Drug Enforcement Administration, Washington, DC 20537. In the event that comments, objections, or requests for a hearing raise one or more questions that the Administrator finds warrants a hearing, the Administrator shall publish a hearing notice in the **Federal Register** summarizing the issues to be heard and setting the time for the hearing.

What Regulatory Requirements Will Be Applied to Handlers of Buprenorphine?

Persons currently involved with the manufacture or handling of this substance are not expected to comply with DEA regulations applicable to a schedule III narcotic substance until such time as a final rule is published in the **Federal Register.** If/When a final rule is published in the **Federal Register**, persons who are currently engaged in manufacturing, distributing, dispensing, importing, exporting, storing or conducting research with buprenorphine will be provided with delayed dates for compliance with Federal regulation in order to avoid imposing any special hardship.

Regulatory Certifications

Regulatory Flexibility Act

The Administrator hereby certifies that this rulemaking has been drafted in a manner consistent with the principles of the Regulatory Flexibility Act (5 U.S.C. 605(b)). It will not have a significant economic impact on a substantial number of small business entities. Buprenorphine is already controlled under the CSA. Individuals who are currently engaged in activities with buprenorphine are already registered to handle controlled substances and are subject to the regulatory requirements of the CSA.

Executive Order 12866

In accordance with the provisions of the CSA (21 U.S.C. 811(a)), this action is a formal rulemaking ''on the record after opportunity for a hearing.'' Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The Administrator certifies that this proposed rulemaking has been drafted in accordance with the principles in Executive Order 12866, Section 1(b). DEA has determined that this is not a significant rulemaking action. Therefore, this action has not been reviewed by the Office of Management and Budget. Buprenorphine is already controlled under the CSA. Individuals who are currently engaged in activities with buprenorphine are already registered to handle controlled substances and are subject to the regulatory requirements of the CSA.

Executive Order 12988

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

Executive Order 13132

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

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

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

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)), and delegated to the Administrator of the DEA by the Department of Justice regulations (21 CFR 0.100), the Administrator hereby proposes that 21 CFR part 1308 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b) unless otherwise noted.

2. Section 1308.13 is proposed to be amended by revising paragraph (e) to read as follows:

§ 1308.13 Schedule III.

* * * * *

(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(i) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium 9803

(ii) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9804

(iii) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium 9805

(iv) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts 9806

(v) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts 9807

(vi) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9808

(vii) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9809

(viii) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9810

(2) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth below:

(i) Buprenorphine 9064

(ii) [Reserved.]

* * * * *

3. Section 1308.15 (b) introductory text is proposed to be revised and paragraph (b) (1) is proposed to be removed and reserved to read as follows:

§ 1308.15 Schedule V.

* * * * *

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below:

(1) [Reserved]

* * * * *

Dated: March 11, 2002.

Asa Hutchinson,

Administrator.

[FR Doc. 02–6767 Filed 3–20–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1915

[Docket No. S–043; S–044; S–046; S–047; S–047a]

RIN 1218–AA68; 1218–AA70 [1]

Safety Standards in Shipyard Employment for Scaffolds; Welding, Cutting, and Heating; Access and Egress; and Fall Protection

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Withdrawal of proposed rules.

SUMMARY: OSHA is withdrawing its proposed rules for Scaffolds in Shipyard Employment, Subpart N, Welding, Cutting and Heating in Shipyard Employment, Subpart D, Access and Egress in Shipyards, Subpart E, and Fall Protection for Shipyard Employment, Subpart M.

DATES: This withdrawal is effective on March 21, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph V. Daddura, OSHA Office of Maritime Standards, N–3609, 200 Constitution Ave., NW, Washington, DC 20210, telephone (202) 693–2086.

SUPPLEMENTARY INFORMATION:

Background

On November 29, 1988, OSHA published proposed rules for Scaffolds in Shipyard Employment, Subpart N (53 FR 48182), Welding, Cutting and Heating in Shipyard Employment, Subpart D (53 FR 48111), Access and Egress in Shipyards, Subpart E (53 FR 48130), and Fall Protection for Shipyard Employment, Subpart M (53 FR 48168). The proposed rules intended to consolidate coverage of various shipyard hazards into one vertical standard.

The proposed rule on scaffolds included general requirements for scaffold construction and use, updated requirements for fall protection and falling object protection, and provided specific requirements for certain types of scaffolds. OSHA received 14 comments in response to this proposed rule. See Exhibit 6 (Docket S–047). On April 12, 1994, OSHA reopened the rulemaking record to consider some additional issues, including the appropriateness of replacing the term ''capable person'' in the proposed rule with ''qualified person,'' the requirements for interior hung scaffolds, and the qualifications for persons performing scaffold inspections. 59 FR 17290 (April 12, 1994). OSHA received 8 comments in response to this notice. See Ex. 9 (Docket S–047a).

The proposed rule for welding, cutting, and heating included general requirements for engineering controls, work practices, and personal protective equipment. It also established general requirements for welding, cutting, and heating in hazardous environments such as hollow metal spaces and confined spaces. In addition, the proposal included specific requirements for oxyfuel gas welding and cutting, arc welding and cutting, and resistance welding. OSHA received 8 comments in response to this proposed rule. See Ex. 6 (Docket S–043).

The proposed rule for access and egress included general requirements for means of access and egress, as well as specific requirements for access and egress on vessels, drydocks, cargo spaces, and other structures. OSHA received 5 comments in response to this proposed rule. See Ex. 6 (Docket S–044).

The proposed rule for fall protection specified instances where fall protection systems would be required in the shipyard environment. It also set forth requirements for fall protection systems criteria, including requirements for guardrail systems, and safety net systems. OSHA received 13 comments in response to this proposed rule. See Ex. 6 (Docket S–046).

Reasons for Withdrawal of Proposed Rules

OSHA is withdrawing the proposed rules for the following reasons. First, OSHA is devoting its resources to higher priority shipyard standards. These important rulemakings include proposed standards for Fire Protection in Shipyard Employment, Subpart P, and General Working Conditions for Shipyard Employment, Subpart F. See OSHA Regulatory Agenda at 66 FR 61872 (Dec. 3, 2001).

Second, there are technologies and developments in shipyard employment that have emerged over the last 14 years that are not reflected in the proposed rules and supporting economic analyses. For example, since 1988 the use of interior hung scaffolds in the shipyard industry has increased greatly. OSHA did not contemplate such widespread use of these scaffolds when it published the proposed rule on scaffolds in 1988. Indeed, the proposed rule on scaffolds only provides minimum requirements for the erection of interior hung scaffolds; it does not address the dismantling of such scaffolds or certain work practices that may affect the structural integrity of the scaffolds. In addition, the manner in which ships and other vessels are constructed has changed dramatically since 1988, especially in small shipyards. Most ships are now constructed in component parts and assembled in one location. This method of construction reduces the need for certain work practices, such as piece-by-piece welding. It also reduces the need for multiple craft work at a single location. OSHA did not envision such a change throughout the entire shipyard industry when it published the proposed rules. This change affects the need for the requirements in the proposed rules, as well as necessitating changes to the supporting economic analyses.

Third, the rulemaking records for these proposed rules are particularly sparse. OSHA received only a few comments in response to each proposal. While most of these comments were helpful and informative, OSHA believes there is insufficient information in the rulemaking records upon which to regulate the specific conditions the proposals were intended to address.

Accordingly, the proposed rules for (1) Scaffolds in Shipyard Employment, Subpart N, (2) Welding, Cutting and Heating in Shipyard Employment, Subpart D, (3) Access and Egress in Shipyards, Subpart E, and (4) Fall Protection for Shipyard Employment, Subpart M are withdrawn.

Authority: This notice was prepared under the direction of John L. Henshaw, Assistant Secretary for Occupational Safety and Health. It is issued under sections 6 and 8 of the Occupational Safety and Health Act (29 U.S.C. 655, 657), 29 CFR 1911.11, and 29 CFR 1911.18.

Issued at Washington, DC, this 11 day of March, 2002.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 02–6805 Filed 3–20–02; 8:45 am]

BILLING CODE 4510–26–M

[1] These RIN numbers correspond to the proposed rules for Scaffolds in Shipyard Employment, Subpart N and Access and Egress in Shipyards, Subpart E respectively. The proposed rules for Welding, Cutting and Heating in Shipyard Employment, Subpart D, and Fall Protection for Shipyard Employment, Subpart M no longer appear in OSHA's Semi-Annual Regulatory Agenda. These proposed rules were formally assigned RIN numbers 1218–AA73 and 1218–AA66 respectively.

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Eligibility; 1611 Negotiated Rulemaking Working Group Meeting

AGENCY: Legal Services Corporation.

ACTION: Regulatory negotiation working group meeting.

SUMMARY: LSC is conducting a Negotiated Rulemaking to consider revisions to its eligibility regulations at 45 CFR Part 1611. This document announces the dates, times, and address of the next meeting of the working group, which is open to the public.

DATES: The Legal Services Corporation's 1611 Negotiated Rulemaking Working Group will meet on April 11–12, 2002. The meeting will begin at 9 a.m. on April 11, 2002. It is anticipated that the meeting will end by 3:30 p.m. on April 12, 2002.

ADDRESSES: The meeting will be held at the offices of the Center for Law and Social Policy, 1015 15th Street, NW., Suite 400, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Mattie C. Condray, Senior Assistant General Counsel, Legal Services Corporation, 750 First St., NE., 11th Floor, Washington, DC 20001; (202) 336–8817 (phone); (202) 336–8952 (fax); *mcondray@lsc.gov.*

SUPPLEMENTARY INFORMATION: LSC is conducting a Negotiated Rulemaking to consider revisions to its eligibility regulations at 45 CFR Part 1611. The working group will hold its next meeting on the dates and at the location announced above. The meeting is open to public observation. Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Ms. Condray.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 02–6840 Filed 3–20–02; 8:45 am]

BILLING CODE 7050–01–P

FEDERAL MARITIME COMMISSION

46 CFR Parts 502, 503, 515, 520, 530, 535, 540, 550, 551, 555, and 560

[Docket No. 02–05]

Update of Existing and Addition of New Filing and Service Fees

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Maritime Commission (''Commission'') proposes to revise its existing fees for filing petitions and complaints; various public information services, such as record searches, document copying, and admissions to practice; filing ocean transportation intermediary applications; applications for special permission; service contracts; agreements; and passenger vessel performance and casualty certificate applications. These revised fees reflect current costs to the Commission. In addition, the Commission adds a new fee for the provision of a database report on effective carrier agreements, makes nomenclature changes in certain CFR units with respect to Commission bureau designations, and makes section reference changes in certain CFR units to reflect numbering changes made in a previous rulemaking. The Commission also is republishing a fee requirement that was previously inadvertently omitted.

DATES: Submit an original and 15 copies of comments (paper), or e-mail comments as an attachment in WordPerfect 8, Microsoft Word 97, or earlier versions of these applications, no later than April 22, 2002.

ADDRESSES: Address comments to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573–0001, *E-mail: secretary@fmc.gov.*

FOR FURTHER INFORMATION CONTACT: JoAnn Baca, Special Assistant to the Executive Director, Office of the Executive Director, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573–0001, (202)523–5800, E-mail: joannb@fmc.gov.

SUPPLEMENTARY INFORMATION: The Commission is authorized under the Independent Offices Appropriation Act (''IOAA''), 31 U.S.C. 9701 (1983), to establish fees for services and benefits that it provides to specific recipients. The IOAA provides that each service or thing of value provided by an agency to a person be self-sustaining to the extent possible, and that each charge shall be fair and based on the costs to the Government, the value of the service or thing to the recipient, policy or interest served, and other relevant facts. 31 U.S.C. 9701.

The primary guidance for implementation of IOAA is Office of Management and Budget (''OMB'') Circular A–25, as revised July 8, 1993. OMB Circular A–25 requires that a reasonable charge be made to each recipient for a measurable unit or amount of Government service from which the recipient derives a benefit, in order that the Government recover the full cost of rendering that service.

OMB Circular A–25 further provides that costs be determined or estimated from the best available records in the agency, and that cost computations shall cover the direct and indirect costs to the Government of carrying out the activity, including but not limited to:

(A) Direct and indirect personnel costs, including salaries and fringe benefits such as medical insurance and retirement.

(B) Physical overhead, consulting, and other indirect costs including material and supply costs, utilities, insurance, travel and rent.

(C) The management and supervisory costs.

(D) The costs of enforcement, collection, research, establishment of standards and regulations, including any required environmental impact statements.

OMB Circular A–25, paragraphs 6.d.1.(a), (b), (c) and (d).

OMB Circular A–25 also calls for a periodic reassessment of costs, with related adjustment of fees, if necessary, and the establishment of new fees where none exist.

The Commission's current filing and service fees have been in effect since 1998, and are no longer representative of the Commission's actual costs for providing such services. Accordingly, the Commission proposes to revise its fees so as to reflect costs attendant to providing the involved services. Fee increases primarily reflect increases in salary and indirect (overhead) costs. For some services, the increase in processing or review time accounts in part for the increase in the level of proposed fees. For other services, proposed fees are lower than current fees due to overall reduced costs to provide those services.

The Commission is instituting a new user fee for provision of a database report on effective carrier agreements. Also, in promulgating new rules governing the filing of service contracts to implement the Ocean Shipping Reform Act of 1998, Public Law 105–158, 112 Stat. 1902, in Docket No. 99–12, *Termination of Dial-Up Service Contract Filing System,* 64 FR 41041 (July 29, 1999), we inadvertently failed to carry over § 514.7 into part 530. That section was a permission process to correct clerical or administrative errors in the essential terms of a filed service contract, and included an attendant user fee. We are therefore republishing it.

The Commission has reviewed its current fees and developed data on the time and cost involved in providing particular services to arrive at the updated direct labor costs for those services. The direct labor costs include clerical, professional, supervisory, and executive time expended on an activity, plus a check processing cost of $1.70. The indirect costs include Government

overhead costs, which are fringe benefits and other wage-related Government contributions contained in OMB Circular A–76; [1] Commission general and administrative expenses; [2] and office general and administrative overhead expenses.[3] The sum of these indirect cost components gives an indirect cost factor that is added to the direct labor costs of an activity to arrive at the fully distributed cost.

A detailed summary of the data used to arrive at the proposed fees is available from the Secretary of the Commission upon written or e-mail request.

The Commission intends to update its fees biennially in keeping with OMB guidance. In updating its fees, the Commission will incorporate changes in the salaries of its employees into direct labor costs associated with its services, and recalculate its indirect costs (overhead) based on current level of costs.

The Chairman of the Federal Maritime Commission hereby certifies that these proposed fees will not have a significant economic impact on a substantial number of small entities. The Commission recognizes that these proposed revisions may have some impact on the shipping industry. Fees collected from the general public for Commission information recover the cost to the Commission for providing specific services. Commission regulations provide for waiver of fees for those entities that can make the required showing of undue hardship (46 CFR 503.41).

This Rule also makes nomenclature changes in certain CFR units to reflect a change in a relevant Commission bureau name since these CFR units were last revised. Additionally, this Rule makes section reference changes in certain CFR units to reflect numbering changes made in a previous rulemaking.

This Rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1980, as amended. Therefore, OMB review is not required.

[1] These include leave and holidays, retirement, worker's compensation, awards, health and life insurance, and Medicare. These are expressed as a percentage of basic pay.

[2] These costs include all salaries and overhead, such as rent, utilities, supplies, and equipment, allocated to the Offices of the Commissioners, Executive Director (including administrative offices) and General Counsel. The percentage of these costs to the total agency budget is allocated across all Commission programs.

[3] These expenses are limited to the overhead expenses allocated to those bureaus and offices involved in the fee-generating activities, and is derived from dividing allocated overhead expenses by the total funding for these fee-generated offices.

List of Subjects

46 CFR Part 502

Administrative practice and procedure, Claims, Equal access to justice, Investigations, Lawyers, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 503

Classified information, Freedom of information, Privacy, Sunshine Act.

46 CFR Part 515

Exports, Freight forwarders, Non-vessel-operating common carriers, Ocean transportation intermediaries, Licensing requirements, Financial responsibility requirements, Reporting and recordkeeping requirements.

46 CFR Part 520

Common carrier, Freight, Intermodal transportation, Maritime carriers, Reporting and recordkeeping requirements.

46 CFR Part 530

Freight, Maritime carriers, Reporting and recordkeeping requirements.

46 CFR Part 535

Administrative practice and procedure, Maritime carriers, Reporting and recordkeeping requirements.

46 CFR Part 540

Insurance, Maritime carriers, Penalties, Reporting and recordkeeping requirements, Surety bonds.

46 CFR Part 550

Administrative practice and procedure, Maritime carriers.

46 CFR Part 551

Administrative practice and procedure, Maritime carriers.

46 CFR Part 555

Administrative practice and procedure, Investigations, Maritime carriers.

46 CFR Part 560

Administrative practice and procedure, Maritime carriers.

For the reasons set forth above, the Federal Maritime Commission proposes to amend 46 CFR parts 502, 503, 515, 520, 530, 535, 540, 550, 551, 555, and 560 as follows:

PART 502—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 502 continues to read as follows:

Authority: 5 U.S.C. 504, 551, 552, 553, 556(c), 559, 561–569, 571–596; 5 U.S.C. 571–584; 12 U.S.C. 1141j(a); 18 U.S.C. 207; 26 U.S.C. 501(c)(3); 28 U.S.C. 2112(a); 31 U.S.C. 9701; 46 U.S.C. app. 817d, 817e, 1114(b), 1705, 1707–1711, 1713–1716; E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR, 1964–1965 Comp. P. 306; 21 U.S.C. 853a; Pub. L. 105–258, 112 Stat. 1902.

Subpart D—Rulemaking

2. The fourth sentence of § 502.51(a) is revised to read as follows:

§ 502.51 Initiation of procedure to issue, amend, or repeal a rule.

(a) * * * Petitions shall be accompanied by remittance of a $228 filing fee.* * *

* * * * *

Subpart E—Proceedings; Pleadings; Motions; Replies

3. Section 502.62(g) is revised to read as follows:

§ 502.62 Complaints and fee.

* * * * *

(g) The complaint shall be accompanied by remittance of a $209 filing fee.

* * * * *

4. Section 502.68(a)(3) is revised to read as follows:

§ 502.68 Declaratory orders and fee.

(a) * * *

(3) Petitions shall be accompanied by remittance of a $228 filing fee.

* * * * *

5. Section 502.69(b) is revised to read as follows:

§ 502.69 Petitions—General and fee.

* * * * *

(b) Petitions shall be accompanied by remittance of a $228 filing fee. [Rule 69.]

Subpart K—Shortened Procedure

6. The last sentence of § 502.182 is revised to read as follows:

§ 502.182 Complaint and memorandum of facts and arguments and filing fee.

* * * The complaint shall be accompanied by remittance of a $209 filing fee. [Rule 182.]

Subpart Q—Refund or Waiver of Freight Charges

7. § 502.271(d)(5) is revised to read as follows:

§ 502.271 Special docket application for permission to refund or waive freight charges.

* * * * *

(d) * * *

(5) Applications must be accompanied by remittance of a $81 filing fee.

* * * * *

Subpart S—Informal Procedure for Adjudication of Small Claims

8. The last sentence of § 502.304(b) is revised to read as follows:

§ 502.304 Procedure and filing fee.

* * * * *

(b) * * * Such claims shall be accompanied by remittance of a $63 filing fee.

* * * * *

PART 503—PUBLIC INFORMATION

9. The authority citation for part 503 continues to read as follows:

Authority: 5 U.S.C. 552, 552a, 552b, 553; 31 U.S.C. 9701; E.O. 12958 of April 20, 1995 (60 FR 19825), sections 5.2(a) and (b).

10. In § 503.43, paragraphs (c)(1) (i) and (ii), the first sentence of paragraph (c)(2), paragraph (c)(3)(ii) and (iii), paragraph (c)(4), paragraph (d) and paragraph (e) are revised to read as follows:

§ 503.43 Fees for services.

* * * * *

(c) * * *

(1) * * *

(i) Search will be performed by clerical/administrative personnel at a rate of $20.00 per hour and by professional/executive personnel at a rate of $40.00 per hour.

(ii) Minimum charge for record search is $20.00.

(2) Charges for review of records to determine whether they are exempt from disclosure under § 503.35 shall be assessed to recover full costs at the rate of $75.00 per hour. * * *

(3) * * *

(ii) By Commission personnel, at the rate of five cents per page (one side) plus $20.00 per hour.

(iii) Minimum charge for copying is $5.00.

* * * * *

(4) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at $86.00 for each certification.

(d) To have one's name and address placed on the mailing list of a specific docket as an interested party to receive all issuances pertaining to that docket: $10 per proceeding.

(e) Applications for admission to practice before the Commission for persons not attorneys at law must be accompanied by a fee of $95 pursuant to § 502.27 of this chapter.

Subpart G—Access to Any Record of Identifiable Personal Information

11. In § 503.69, paragraph (b)(2) is revised to read as follows:

§ 503.69 Fees.

* * * * *

(b) * * *

(2) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at $86 for each certification.

* * * * *

PART 515—LICENSING, FINANCIAL RESPONSIBILITY REQUIREMENTS, AND GENERAL DUTIES FOR OCEAN TRANSPORTATION INTERMEDIARIES

12. The authority citation for part 515 continues to read as follows:

Authority: 5 U.S.C. 553; 31 U.S.C. 9701; 46 U.S.C. app. 1702, 1707, 1709, 1710, 1712, 1714, 1716, and 1718; Pub. L. 105–383, 112 Stat. 3411; 21 U.S.C. 862.

Subpart A—General

13. In § 515.5, paragraphs (a), (b)(1), (b)(2), and (b)(3) are revised to read as follows:

§ 515.5 Forms and Fees.

(a) *Forms.* License form FMC–18 Rev., and financial responsibility forms FMC–48, FMC–67, FMC–68, FMC–69 may be obtained from the Commission's website at *http://www.fmc.gov,* the Director, Bureau of Consumer Complaints and Licensing, Federal Maritime Commission, Washington, D.C. 20573, or from any of the Commission's area representatives.

(b) * * *

(1) Application for license as required by § 515.12(a): $799;

(2) Application for status change or license transfer as required by §§ 515.18(a) and 515.18(b): $506; and

(3) Supplementary investigations required by § 515.25(a): $225.

Subpart D—Duties and Responsibilities of Ocean Transportation Intermediaries; Reports to Commission

14. The second sentence of § 515.34 is revised to read as follows:

§ 515.34 Regulated Persons Index.

* * * The database may be purchased for $103 by contacting the Bureau of Consumer Complaints and Licensing, Federal Maritime Commission, Washington, DC 20573. * * *

§ 515.12, 515.18, 515.22, 515.25, Appendix A to Subpart C, Appendix B to Subpart C, Appendix D to Subpart C [Amended]

15. In addition to the amendments set forth above, in 46 CFR part 515 remove the words ''Bureau of Tariffs, Certification and Licensing'' and add, in their place, the words ''Bureau of Consumer Complaints and Licensing'' in the following places:

a. Section 515.12(a)(1);
b. Section 515.18(a);
c. Section 515.22(e);
d. Section 515.25(a);
e. Appendix A to Subpart C;
f. Appendix B to Subpart C; and
g. Appendix D to Subpart C.

PART 520—CARRIER AUTOMATED TARIFFS

16. The authority citation for part 520 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1701–1702, 1707–1709, 1712, 1716; and sec. 424 of Pub. L. 105–383, 112 Stat. 3411.

Subpart B—Filing Requirements

17. The last sentence of § 520.14(c)(1) is revised to read as follows:

§ 520.14 Special permission.

(c) * * *

(1) * * * Every such application shall be submitted to the Bureau of Consumer Complaints and Licensing and be accompanied by a filing fee of $172.

* * * * *

§ 520.2, 520.3, 520.7 [Amended]

18. In addition to the amendments set forth above, in 46 CFR part 520 remove the words ''Bureau of Tariffs, Certification and Licensing'' and add, in their place, the words ''Bureau of Consumer Complaints and Licensing'' and remove the acronym ''BTCL'' and add, in its place, the acronym ''BCCL'' in the following places:

a. Section 520.2;
b. Section 520.3(d); and
c. Section 520.7(b).

PART 530—SERVICE CONTRACTS

19. The authority citation for part 530 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. App. 1704, 1705, 1707, 1716.

Subpart B—Service Contracts

20. Section 530.10(c), introductory text, is revised to read as follows:

§ 530.10 Amendment, correction, and cancellation.

* * * * *

(c) * * * Requests shall be filed, in duplicate, with the Commission's Office

of the Secretary within forty-five (45) days of the contract's filing with the Commission, accompanied by remittance of a $276 service fee, and shall include:

* * * * *

PART 535—AGREEMENTS BY OCEAN COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT OF 1984

21. The authority citation for part 535 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1701–1707, 1709–1710, 1712 and 1714–1718; Pub. L. 105–383, 112 Stat. 3411.

Subpart D—Filing of Agreements

22–23. In § 535.401, paragraph (f) is revised and paragraph (g) is added to read as follows:

§ 535.401 General requirements.

* * * * *

(f) *Fees.* The filing fee is $1,834 for new class A/B agreements requiring Commission review and action; $931 for class A/B agreement modifications requiring Commission review and action; $442 for agreements processed under delegated authority (for types of agreements that can be processed under delegated authority, see § 501.26(e) of this chapter); and $145 for carrier and terminal exempt agreements.

(g) The fee for the Commission's agreement database report is $32.

PART 540—PASSENGER VESSEL FINANCIAL RESPONSIBILITY

24. The authority citation for part 540 continues to read as follows:

Authority: 5 U.S.C. 552, 553; 31 U.S.C. 9701; secs. 2 and 3, Pub. L. 89–777, 80 Stat. 1356–1358; 46 U.S.C. app. 817e, 817d; 46 U.S.C. 1716.

Subpart A—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation

25. The last two sentences in § 540.4(b) are revised to read as follows:

§ 540.4 Procedure for establishing financial responsibility.

* * * * *

(b) * * * An application for a Certificate (Performance), excluding an application for the addition or substitution of a vessel to the applicant's fleet, shall be accompanied by a filing fee remittance of $2,549. An application for a Certificate (Performance) for the addition or substitution of a vessel to the applicant's fleet shall be accompanied by a filing fee remittance of $1,276.

* * * * *

Subpart B—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages

26. The last two sentences in § 540.23(b) are revised to read as follows:

§ 540.23 Procedure for establishing financial responsibility.

* * * * *

(b) * * * An application for a Certificate (Casualty), excluding an application for the addition or substitution of a vessel to the applicant's fleet, shall be accompanied by a filing fee remittance of $1,111. An application for a Certificate (Casualty) for the addition or substitution of a vessel to the applicant's fleet shall be accompanied by a filing fee remittance of $557.

* * * * *

PART 550—REGULATIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES

27. The authority citation for part 550 continues to read as follows:

Authority: 5 U.S.C. 553; sec. 19(a)(2), (e), (f), (g), (h), (i), (j), (k) and (l) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(a)(2), (e), (f), (g), (h), (i), (j), (k) and (l), as amended by Pub. L. 105–258; Reorganization Plan No. 7 of 1961, 75 Stat 840; and sec. 10002 of the Foreign Shipping Practices Act of 1988, 46 U.S.C. app. 1710a.

Subpart B—Production of Information

28. Section 550.203(b) is revised to read as follows:

§ 550.203 Failure to provide information.

* * * * *

(b) The Commission may, when there is a failure to produce any information ordered produced under § 550.201, make appropriate findings of fact and inferences, including the inference that conditions unfavorable to shipping in the foreign trade of the United States do exist.

Subpart D—Petitions for Section 19 Relief

29. Section 550.402 is revised to read as follows:

§ 550.402 Filing of petitions.

All requests for relief from conditions unfavorable to shipping in the foreign trade shall be by written petition. An original and fifteen copies of a petition for relief under the provisions of this part shall be filed with the Secretary, Federal Maritime Commission, Washington, DC 20573. The petition shall be accompanied by remittance of a $228 filing fee.

Subpart F—Corrective Actions

30. Section 550.601(d) is revised to read as follows:

§ 550.601 Actions to correct unfavorable conditions.

* * * * *

(d) Suspend, in whole or in part, an ocean common carrier's right to operate under an agreement, including any agreement authorizing preferential treatment at terminals or preferential terminal leases, whether filed with the Commission or not filed with the Commission pursuant to the exemptions granted in 46 CFR part 535; or any agreement filed with the Commission authorizing space chartering, or pooling of cargo or revenues with other ocean common carriers;

* * * * *

PART 551—ACTION TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE U.S. FOREIGN TRADE

31. The authority citation for part 551 continues to read as follows:

Authority: 46 U.S.C. app. 876(1)(b); 46 U.S.C. app 876 (5) through (12); 46 CFR part 550; Reorganization Plan No. 7 of 1961, 26 FR 7315 (August 12, 1961).

32. Section 551.1 is revised to read as follows:

§ 551.1 Actions to adjust or meet conditions unfavorable to shipping in specific trades.

Whenever the Commission determines that conditions unfavorable to shipping exist in the United States foreign trade with any nation and issues rules to adjust or meet such conditions, pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b) and 46 CFR part 551, such rules shall be published in the **Federal Register** and added to this part.

PART 555—ACTIONS TO ADDRESS ADVERSE CONDITIONS AFFECTING U.S.-FLAG CARRIERS THAT DO NOT EXIST FOR FOREIGN CARRIERS IN THE UNITED STATES

33. The authority citation for part 555 continues to read as follows:

Authority: 5 U.S.C. 553; sec. 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. app. 1710a), as amended by Pub. L. 105–258.

34. In § 555.4, paragraphs (a) and (b)(9) are revised to read as follows:

§ 555.4 Petitions.

(a) A petition for investigation to determine the existence of adverse conditions as described in § 555.3 may be submitted by any person, including any common carrier, shipper, shippers' association, ocean freight forwarder, or marine terminal operator, or any branch, department, agency, or other component of the Government of the United States. Petitions for relief under this part shall be in writing, and filed in the form of an original and fifteen copies with the Secretary, Federal Maritime Commission, Washington, DC 20573. The petition shall be accompanied by remittance of a $228 filing fee.

* * * * *

(b) * * *

(9) A recommended action, including any of those enumerated in § 555.8, the result of which will, in the view of the petitioner, address the conditions complained of.

* * * * *

35. In § 555.5, the first sentence of paragraph (a) and the last sentence of § 555.5(c) are revised to read as follows:

§ 555.5 Investigations.

(a) An investigation to determine the existence of adverse conditions as described in § 555.3 may be initiated by the Commission on its own motion or on the petition of any person pursuant to § 555.4. * * *

* * * * *

(c) * * * Persons who receive information requests from the Commission pursuant to § 555.6 of this part are not precluded from filing additional voluntary submissions in accordance with this paragraph.

* * * * *

36. The first sentence of § 555.6(c) is revised to read as follows:

§ 555.6 Information demands and subpoenas.

* * * * *

(c) The Commission may, in its discretion, determine that any information submitted to it in response to a request (including a subpoena) under this section, or accompanying a petition under § 555.4, or voluntarily submitted by any person pursuant to § 555.5(c), shall not be disclosed to the public. * * *

37. The first sentence of § 555.7 is revised to read as follows:

§ 555.7 Notification to Secretary of State.

Upon publication of a petition in the **Federal Register**, or on its own motion should it determine to initiate an investigation pursuant to § 555.5, the Commission will notify the Secretary of State of same, and may request action to seek resolution of the matter through diplomatic channels. * * *

§ 555.5, 555.8 [Amended]

38. In addition to the amendments set forth above, in 46 CFR part 555 remove the references to the term ''§ 588.3'' and add, in its place, the term ''§ 555.3'' in the following places:

a. Section 555.5 (b);
b. Section 555.8 (a); and
c. Section 555.8 (a) (7).

PART 560—ACTIONS TO ADDRESS CONDITIONS UNDULY IMPAIRING ACCESS OF U.S.-FLAG VESSELS TO OCEAN TRADE BETWEEN FOREIGN PORTS

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

Authority: 5 U.S.C. 553; secs. 13(b)(6), 15 and 17 of the Shipping Act of 1984, 46 U.S.C. app. 1712(b)(6), 1714 and 1716, as amended by Pub. L. 105–258; sec. 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. app. 1710a), as amended by Pub. L. 105–258.

40. Section 560.3(a)(2) is revised to read as follows:

§ 560.3 Petitions for relief.

(a) * * *

(2) An original and fifteen copies of such a petition including any supporting documents shall be filed with the Secretary, Federal Maritime Commission, Washington, DC 20573. The petition shall be accompanied by remittance of a $228 filing fee.

* * * * *

41. In § 560.4, paragraphs (a) and (b)(2) are revised to read as follows:

§ 560.4 Proceeding.

(a) Upon the Commission's own motion or upon the filing of a petition which meets the requirements of § 560.3, when there are indications that conditions unduly impairing the access of a U.S. flag vessel to trade between foreign ports may exist, the Commission will institute a proceeding pursuant to this part.

(b) * * *

(2) Interested or adversely affected persons will be allowed a period of time to reply to the petition by the submission of written data, views or legal arguments pursuant to § 560.5 of this part. Factual submissions shall be in affidavit form.

* * * * *

42. Section 560.7(b)(6) is revised to read as follows:

§ 560.7 Decision; sanctions; effective date.

* * * * *

(b) * * *

(6) A request to the collector of customs at any port or place of destination in the United States to refuse the clearance required by section 4197 of the Revised Statutes, 46 U.S.C. app. 91, to any vessel of a foreign carrier which is or whose government is identified as contributing to the conditions described in § 560.2 of this part;

* * * * *

43. Section 560.8 is revised to read as follows:

§ 560.8 Submission of decision to the President.

Concurrently with the submission of any decision imposing sanctions to the **Federal Register** pursuant to § 560.7(d)(1), the Commission shall transmit that decision to the President of the United States who may, within ten days after receiving the decision, disapprove it if the President finds that disapproval is required for reasons of the national defense or the foreign policy of the United States.

44. Section 560.9(b) is revised to read as follows:

§ 560.9 Postponement, discontinuance, or suspension of action.

* * * * *

(b) The Commission shall postpone, discontinue or suspend any action provided for in its final decision if so directed by the President for reasons of national defense or foreign policy of the United States as provided in § 560.8.

By the Commission*.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 02–6742 Filed 3–20–02; 8:45 am]

BILLING CODE 6730–01–P

* Commissioner John A. Moran is not participating.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH96

Endangered and Threatened Wildlife and Plants; Reopening of Public Comment Period on Proposed Designation of Critical Habitat for the Northern Great Plains Breeding Population of the Piping Plover

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), provide notice of the reopening of the public comment period for the proposal to designate critical habitat for the northern Great Plains population of the piping plover (*Charadrius melodus*), and the associated draft environmental assessment and economic analysis, to allow all interested parties to comment. Comments previously submitted via regular or express postal mail need not be resubmitted as they have already been incorporated into the public record and will be fully considered in the final rule. Please resubmit comments via regular or express mail that were sent to us by electronic mail since December 2001. We have not received your comments because the Service's internet electronic mail has not been available due to a court order in an unrelated case.

DATES: The comment period is opened and will close on May 20, 2002. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: You may submit written comments and information to Piping Plover Comments, South Dakota Ecological Services Field Office, U.S. Fish and Wildlife Service, 420 South Garfield Avenue, Suite 400, Pierre, SD 57501, or by facsimile to 605–224–9974.

You may hand-deliver written comments to our South Dakota Field Office at the address given above.

Copies of the draft economic analysis, draft environmental assessment, and proposed rule for designation of critical habitat for the northern Great Plains breeding population of the piping plover are available from the above address or on the Internet at *http://mountain-prairie.fws.gov/pipingplover.* Please note that at the time this notice was prepared the Service's web pages and electronic mail were not available because of a court order in an unrelated case. If you are unable to access the above website please contact the South Dakota Field Office by telephone or regular mail at the above address.

You may view comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Nell McPhillips, Fish and Wildlife Biologist, at the above address or at 605–224–8693, extension 32.

SUPPLEMENTARY INFORMATION:

Background

We published a proposed rule to designate critical habitat for the northern Great Plains breeding population of the piping plover in the **Federal Register** on June 12, 2001 (66 FR 31760). Section 4(b)(2) of the Endangered Species Act (Act) requires that we designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impacts, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species.

The proposed designation includes 11 areas of prairie alkali wetlands, inland and reservoir lakes in 5 counties in Montana, 18 counties in North Dakota, and 1 county at Lake-of-the-Woods, Minnesota, totaling approximately 196,576.5 acres (79,553.1 hectares). It also includes five areas of portions of four rivers in the States of Montana, North Dakota, South Dakota, and Nebraska, totaling approximately 1,338 miles (2,152.9 kilometers) of river. If this proposal is made final, section 7 of the Act would prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency.

We reopened the comment period on the proposed critical habitat and provided a notice of availability for the economic analysis in the **Federal Register** on December 28, 2001 (66 FR 67165). However, prior to that reopening the Service's web sites and electronic mail were disconnected in response to a court order in an unrelated lawsuit. Persons who have submitted electronic comments to the Service on this proposal since December 28, 2001, should resubmit those comments directly to the office listed in the **ADDRESSES** section above via regular or express mail or facsimile.

Public Comments Solicited

We solicit public comment on the proposal to designate critical habitat for the northern Great Plains breeding population of the piping plover, as well as the associated draft environmental assessment and draft economic analysis. We will accept written comments and information during this comment period. Previous written comments and information submitted during the comment period need not be resubmitted; however, comments submitted by electronic mail since December 28, 2001, should be resubmitted by regular or express mail or facsimile (see **ADDRESSES** section).

Comments and materials received, as well as supporting documentation used in preparation of the proposal to designate critical habitat, will be available for public inspection, by appointment, during normal business hours at the South Dakota Field Office (see **ADDRESSES** section). Our practice is to make all comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home addresses from the rulemaking record; we will honor these requests to the extent allowed by law. In some circumstances, we would withhold from the rulemaking record a respondent's identity, allowed by law. If you wish us to withhold your name or address, you must state this prominently at the beginning of your 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.

Author

The primary authors of this notice are the South Dakota Field Office staff (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: March 13, 2002.

Craig Manson,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 02–6802 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–55–P

Proposed Rules

Federal Register
Vol. 67, No. 55
Thursday, March 21, 2002

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 352

[Docket No. 01–073–1]

Untreated Citrus from Mexico Transiting the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the plant quarantine safeguard regulations to remove Brownsville and Hidalgo, TX, as ports of entry for untreated Mexican oranges, tangerines, and grapefruit transiting the United States for export to another country. We are also proposing to remove Brownsville, TX, as an authorized port for the exportation by water of shipments of untreated Mexican oranges, tangerines, and grapefruit. We are proposing these actions because neither port has been used for these purposes in over 20 years. These actions would update the regulations so that they accurately reflect the ports used for the importation and exportation by water of untreated citrus from Mexico.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by May 20, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–073–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 01–073–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov*. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 01–073–1'' on the subject line.

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

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

FOR FURTHER INFORMATION CONTACT: Ms. Pam Byrne, Senior Operations Officer, Port Operations, PPQ, APHIS, 4700 River Road Unit 60, Riverdale, MD 20737–1231; (301) 734–5242.

SUPPLEMENTARY INFORMATION:

Background

The plant quarantine safeguard regulations in 7 CFR part 352 relieve restrictions for certain plants, plant products, plant pests, soil, and other products and articles that are classified as prohibited or restricted in other regulations in title 7, chapter III. Such plant products include fruits and vegetables that are moved into the United States for: (1) A temporary stay where unloading or landing is not intended; (2) unloading or landing for transshipment and exportation; (3) unloading or landing for transportation and exportation; or (4) unloading and entry at a port other than the port of arrival. Fruits and vegetables that are moved into the United States under these circumstances are subject to inspection and must be handled in accordance with conditions assigned under the safeguard regulations to prevent the introduction and spread of plant pests.

The regulations in § 352.30 address the movement into or through the United States of untreated oranges, tangerines, and grapefruit from Mexico that transit the United States en route to foreign countries. The regulations currently allow untreated oranges, tangerines, and grapefruit from Mexico to enter the United States at the ports of Nogales, AZ, or Brownsville, Eagle Pass, El Paso, Hidalgo, or Laredo, TX. The fruit may then be moved, under certain conditions, by truck or railcar to seaports at Brownsville and Galveston, TX, for export by water to another country.

In this document, we are proposing to remove Brownsville and Hidalgo, TX, as ports of entry for untreated oranges, tangerines, and grapefruit from Mexico. In addition, we are also proposing to remove Brownsville, TX, as an authorized port for the exportation by water of such fruit. We are proposing these actions because it has been more than 20 years since any shipments of untreated citrus from Mexico have been imported into the United States through either port. Additionally, the port of Hidalgo, TX, no longer handles cargo; that port now handles only pedestrians and passenger vehicles. It has also been more than 20 years since Brownsville, TX, has been used for the export of untreated Mexican citrus by water to another country.

Removing Brownsville and Hidalgo, TX, as ports of entry for untreated citrus from Mexico and removing Brownsville, TX, as an authorized port of export for such fruit would update the regulations in § 352.30 so that they accurately reflect the ports that are used for those purposes.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

We are proposing to amend the plant quarantine safeguard regulations to remove Brownsville and Hidalgo, TX, as ports of entry for untreated Mexican oranges, tangerines, and grapefruit transiting the United States for export to another country. We are also proposing to remove Brownsville, TX, as an authorized port for the exportation by water of shipments of untreated Mexican oranges, tangerines, and grapefruit. We are proposing these actions because neither port has been used for these purposes in over 20 years. These actions would update the regulations so that they accurately reflect the ports used for the importation and exportation by water of untreated citrus from Mexico.

Since the ports of Brownsville and Hidalgo, TX, have not been used for any shipments of untreated citrus from Mexico in over 20 years, this proposed action would have no economic effect on any entity. Small entities located at or around the ports of Brownsville and Hidalgo, TX, will not be affected by this proposed rule for the same reason that no economic entity of any size will be affected.

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

Executive Order 12988

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

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 352

Customs duties and inspection, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we propose to amend 7 CFR part 352 as follows:

PART 352—PLANT QUARANTINE SAFEGUARD REGULATIONS

1. The authority citation for part 352 would continue to read as follows:

Authority: 7 U.S.C. 2260, 7711–7714, 7731, and 7734; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

§ 352.30 [Amended]

2. Section 352.30 would be amended as follows:

a. In paragraph (b)(2), by removing the words ''Brownsville,'' and ''Hidalgo,''.

b. In paragraph (b)(3)(iii), by removing the words ''Brownsville or''.

c. In paragraph (c)(1), by removing the words ''Brownsville, or''.

d. In paragraph (c)(3), in the paragraph heading and in paragraphs (c)(3)(i) and (c)(3)(ii), by removing the words ''Brownsville or'' each time they appear.

Done in Washington, DC, this 18th day of March 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–6838 Filed 3–20–02; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 928

[Docket No. FV02–928–2]

Papayas Grown in Hawaii; Continuance Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Order to terminate and reschedule referendum.

SUMMARY: This document directs that the continuance referendum scheduled to be held March 4 through March 22, 2002 among eligible growers of Hawaii papayas be terminated and rescheduled for May 6 through May 31, 2002. Rescheduling is necessary due to complications encountered with timely delivery of ballots by mail. Rescheduling will ensure that eligible growers receive their ballots with time to review them and vote. A referendum is necessary to determine whether eligible growers of Hawaii papayas favor continuance of the marketing order regulating the handling of papayas grown in the production area.

DATES: The rescheduled referendum will be conducted from May 6, through May 31, 2002. To vote in this referendum, growers must have been producing Hawaii papayas during the period July 1, 2000, through June 30, 2001.

ADDRESSES: Copies of the marketing order may be obtained from the office of the referendum agent at 2202 Monterey Street, Suite 102 B, Fresno, California, 93721, or the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, Agricultural Marketing Service (AMS), US Department of Agriculture (USDA), 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237.

FOR FURTHER INFORMATION CONTACT: J. Terry Vawter, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, at 2202 Monterey Street, Suite 102 B, Fresno, California 93721; telephone (559) 487–5901; or Melissa Schmaedick, Marketing Order Administration Branch, Fruit & Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; telephone (202) 720–2491.

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Order No. 928 (7 CFR part 928), hereinafter referred to as the ''order'' and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' it is hereby directed that the March 4 through March 22, 2002 referendum be terminated and that a rescheduled referendum be conducted from May 6 through May 31, 2002 to ascertain whether continuance of the order is favored by producers. Only growers that were engaged in the production of Hawaii papayas during the period of July 1, 2000, through June 30, 2001, may participate in the rescheduled continuance referendum.

A continuance referendum to be conducted among growers of papayas in Hawaii had been scheduled for the period March 4, through March 22, 2002. Notice of this referendum order was issued on January 31, 2002 and published in the February 6, 2002 issue of the **Federal Register** (67 FR 5526). Termination of this referendum is necessary due to complications encountered with timely delivery of ballots by mail. Given this delay, we can no longer ensure that adequate time will be given to all eligible voters to fully review, contemplate and cast their ballots within the allotted referendum period. All ballots pertaining to the March referendum period will be considered invalid.

The USDA has determined that a rescheduled referendum to determine if growers of papayas in the production area favor continuance of their marketing order will be held from May 6 through May 31, 2002. Rescheduling of the referendum period will ensure proper distribution and ample review for all eligible growers voting in the referendum. New ballots and voting instruction will be issued to all growers of record subsequent to this Notice.

The USDA has determined that continuance referenda are an effective means for ascertaining whether growers favor continuation of marketing order programs. The USDA would continue the order if either two-thirds of the growers voting in the referendum or growers of two-thirds of the volume of Hawaii papayas represented in the referendum favor continuance. In evaluating the merits of continuance versus termination, the USDA will consider the results of the referendum

and other relevant information regarding operation of the order. The USDA will evaluate the order's relative benefits and disadvantages to growers, handlers, and consumers to determine whether continuing the order would tend to effectuate the declared policy of the Act.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the ballot materials used in the referendum herein ordered have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0102 for Hawaii papayas. It has been estimated that it will take an average of 20 minutes for each of the approximately 400 growers of Hawaii papayas to cast a ballot. Participation is voluntary. Ballots postmarked after May 31, 2002, will not be included in the vote tabulation.

J. Terry Vawter and Martin Engeler of the California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, are hereby designated as the referendum agents of the Department to conduct such referendum. The procedure applicable to the referendum shall be the ''Procedure for the Conduct of Referenda in Connection With Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended'' (7 CFR 900.400—900.407).

Ballots will be mailed to all growers of record and may also be obtained from the referendum agents and from their appointees.

List of Subjects in 7 CFR Part 928

Marketing agreements, Papayas, Reporting and recordkeeping requirements.

Authority: 7 U.S.C. 601–674.

Dated: March 19, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–6957 Filed 3–19–02; 2:36 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 01–059–1]

Change in Disease Status of Greece With Regard to Foot-and-Mouth Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations to add Greece to the list of regions that are considered free of rinderpest and foot-and-mouth disease. We are taking this action because we have determined that Greece is now free of foot-and-mouth disease. We are also proposing to add Greece to the list of regions that are subject to certain import restrictions on meat or meat products because of their proximity to or trading relationships with rinderpest- or foot-and-mouth-disease-affected regions. These actions would update the disease status of Greece with regard to foot-and-mouth disease while continuing to protect the United States from an introduction of this disease by providing additional requirements for any meat and meat products imported into the United States from Greece.

DATES: We will consider all comments we receive that are postmarked, delivered, or e-mailed by May 20, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–059–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 01–059–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov*. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 01–059–1'' on the subject line.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Anne Goodman, Senior Staff Microbiologist, Regionalization Evaluation Services Staff, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–4356.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation of certain animals and animal products into the United States in order to prevent the introduction of various diseases, including rinderpest, foot-and-mouth disease (FMD), African swine fever, hog cholera, and swine vesicular disease. These are dangerous and destructive communicable diseases of ruminants and swine. Section 94.1 lists regions of the world that are declared to be free of rinderpest or free of both rinderpest and FMD. The Animal and Plant Health Inspection Service (APHIS) considers rinderpest or FMD to exist in all parts of the world not listed. Section 94.11 of the regulations lists regions of the world that APHIS has determined to be free of rinderpest and FMD, but that are subject to certain restrictions because of their proximity to or trading relationships with rinderpest- or FMD-affected regions.

Greece is currently listed in § 94.1(a)(3) of the regulations as a region free of rinderpest. On June 25, 1999, we published in the **Federal Register** (64 FR 34155–34168, Docket No. 98–090–1) a proposal to amend § 94.1 to recognize Greece as a region free of FMD. However, in July 2000, FMD was diagnosed in cattle in the Evros Prefecture in Greece. This and subsequent outbreaks meant that we were unable to declare Greece free of FMD based on that proposal.

Since September 2000, there have been no additional outbreaks of FMD in Greece. APHIS representatives conducted a site visit to Greece in January 2001 to obtain evidence regarding the FMD status of Greece. Documentation of the control and eradication procedures used during the FMD outbreaks in Greece is provided in the site visit report, which may be viewed on the Internet at *http://www.aphis.usda.gov/vs/reg-request.html.* Briefly summarized, the disease outbreak was eradicated by applying a stamping out/nonvaccination policy. Controls over the movement of animals and animal products from regions of higher risk, such as along Greece's border with Turkey, were applied. In addition, Greece continues to conduct an established surveillance program to detect and control any future incursions of FMD or other diseases. Greece continues to work with Turkey to address risk factors associated with the presence of FMD in Turkey.

Consistent with the guidelines of the Office International des Epizooties (OIE)—i.e., at least 12 months have elapsed since the last outbreak of FMD in Greece—and the findings of our site visit and review of the supporting documentation provided by Greece, we are proposing to recognize Greece as free of FMD. In addition, we are proposing to add Greece to the list of rinderpest- and FMD-free regions whose exports of ruminant and swine meat and meat products to the United States are subject to certain restrictions to ensure against the introduction of those diseases into this country.

Based on the information submitted to us by the Government of Greece, we have reviewed and analyzed the animal health status of Greece relative to FMD. This review and analysis was conducted in light of the risk factors identified in 9 CFR 92.2, ''Application for recognition of the animal health status of a region,'' which are used to determine the level of risk associated with importing animals or animal products into the United States from a given region. Based on the information submitted to us, we have concluded the following:

Veterinary infrastructure. The veterinary services authorities in Greece have the legal authority, organization, and infrastructure to detect, control, and eradicate FMD. The official veterinary force of Greece includes approximately 810 veterinarians, 70 veterinary laboratories, and 190 lay assistants organized under the State Veterinary Service. The field force is dispersed among 51 Local Disease Control Centers, each of which reports to the National Disease Control Center in Athens. In the event of an animal disease emergency, the State Veterinary Service has the authority to call upon police and local authorities to provide support and assistance in depopulating infected premises, disposing of animal carcasses, controlling and restricting animal movements, and closing markets and slaughterhouses.

Greece's veterinary infrastructure has been strengthened by financial contributions from the European Union for activities relating to specific diseases. In the case of FMD, financial support has been provided for diagnostic laboratory equipment, data management equipment, and surveillance activities.

Disease history and surveillance. The first outbreak of FMD virus serotype Asia 1 in Greece occurred in July 2000, and the last in September 2000. A total of 14 FMD outbreaks occurred in 6 epidemiological episodes. There were three primary outbreaks in the Prefecture of Evros. The remaining outbreaks were secondary, caused by spread from the primary outbreaks. The virus is believed to have come from Turkey, an FMD-affected country with which Greece shares a border.

Routine surveillance for targeted diseases is carried out in specified areas of Greece under the Epidemio-Vigilance Rotational System (EVROS). This program, launched in 2000 with the support of the European Commission, is an integrated system of active surveillance for incursions of targeted diseases, including FMD, designed to provide early warning and effective control. The program is established in the border areas with Turkey that are primarily at risk for incursions of FMD virus.

Diagnostic capabilities. This factor was evaluated by APHIS in the context of the proposed rule published in 1999 and found to be acceptable. No significant changes have occurred since that time, so no further evaluation is necessary.

Vaccination status. No vaccination was used in control of the outbreak of FMD virus type Asia 1 in 2000 or type O1 in 1996. Vaccination has not been used to control type Asia 1 in Greece since 1961.

Disease status of adjacent regions. Following is a brief discussion of the disease status of those countries with which Greece shares a land border:

- *Turkey.* FMD is endemic in the Anatolia region of Turkey and causes significant economic losses. The disease is being controlled using vaccination, quarantine, movement controls, and surveillance and monitoring. Turkey has increased its efforts to control FMD in recent years. Asia 1 and subtypes of FMD virus serotype A remain potential risks for Turkey, however, and also for Europe. Although Turkey should be considered a high-risk area regarding the transmission of the disease to Greece and the rest of Europe, APHIS considers existing controls in Greece to be sufficient to reduce the risk.
- *Bulgaria.* There were no outbreaks of FMD reported to the OIE by Bulgaria in 2000 and through June 2001.
- *Macedonia.* There were no outbreaks of FMD reported to the OIE by the Former Yugoslav Republic of Macedonia in 2000. No data are available for 2001.
- *Albania.* There were no outbreaks of FMD reported to the OIE by Albania in 2000. No data are available for 2001.

Degree of separation from adjacent regions. The Evros River defines the border between Greece and Turkey. However, it is possible that persons and animals may still cross the river undetected, thus posing a risk of transmitting FMD from Turkey. However, Greece has the laws, policies, and infrastructure to detect, respond to, and eliminate any occurrence of FMD.

There are several Greek islands that lie in the Aegean Sea directly to the south of the Evros delta off the Turkish mainland. Greece has special surveillance programs in effect on these islands to prevent the transmission of FMD from Turkey to Greece via these islands.

Greece's borders with Bulgaria, Macedonia, and Albania are generally mountainous, concentrating movements in the river valleys but making the mountainous part of the borders more difficult to monitor. This is not considered to be a significant source of risk.

Movement across borders. The movement of animals and animal products from non-European Union (EU) countries is regulated according to EU legislation. These regulations prohibit the entry of live susceptible animals and risky products from regions of higher risk, including Turkey. In general, these movements are well controlled through established border posts. The border between Greece and Turkey is well protected by military and other control points.

Livestock demographics and marketing practices. The area where the outbreak occurred in 2000 is located in the Evros delta, immediately adjacent to the border with Turkey. The Evros delta lies entirely within Greek territory. The entire delta area is a wildlife sanctuary protected by the Ramsar Convention and thus is not inhabited. Arable land within the delta is cultivated with various crops, such as corn, alfalfa, cotton, and tobacco. The marshland along the river and the crop fields after harvest provide year-round pasture for cattle, sheep, and goats. The delta can sustain more than 5,000 cattle and approximately 2,000 sheep and goats. The majority of the cattle are free-grazing beef cattle that move freely throughout the area. All cattle and most sheep and goats inside the delta are individually identified using unique ear tags. As outlined in the EVROS program, all animal movements in the prefecture of Evros, including the delta area, are controlled via permits.

Detection and eradication of disease. FMD has been effectively controlled and eradicated from Greece and is not known to exist in Greece at this time. Greece maintains a surveillance system capable of rapidly detecting FMD should the disease be introduced into the country, with more intense scrutiny in the Evros delta bordering Turkey. The animal health status of the Greek Evros

prefecture will continue to be closely monitored. Greece has the laws, policies, and infrastructure to detect, respond to, and eliminate any occurrence of FMD and is working closely with neighboring countries and EU Member States to address risk factors presented by those potential sources.

These findings are described in further detail in a qualitative evaluation that may be obtained by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** and may be viewed on the Internet at *http://www.aphis.usda.gov/vs/reg-request.html* by following the link for current requests and supporting documentation. The evaluation documents the factors that have led us to conclude that Greece is free of FMD. Therefore, we are proposing to recognize Greece as free of FMD and add Greece to the list in § 94.1(a)(2) of regions that are considered free of FMD and rinderpest. We would also remove Greece from the list in § 94(a)(3) of countries that are free of rinderpest only.

These proposed actions would relieve certain restrictions due to FMD and rinderpest on the importation into the United States of certain live animals and animal products from Greece. However, because Greece shares common land borders with countries not considered free of rinderpest and FMD, the importation of meat and other products from ruminants and swine into the United States from Greece would continue to be subject to certain restrictions.

Specifically, we are proposing to add Greece to the list in § 94.11(a) of regions declared free of rinderpest and FMD but that are subject to special restrictions on the importation of their meat and other animal products into the United States. The regions listed in § 94.11(a) are subject to these special restrictions because they: (1) Supplement their national meat supply by importing fresh (chilled or frozen) meat of ruminants or swine from regions that are designated in § 94.1(a) as regions where rinderpest or FMD exists, (2) have a common land border with regions where rinderpest or FMD exists, or (3) import ruminants or swine from regions where rinderpest or FMD exists under conditions less restrictive than would be acceptable for importation into the United States.

Greece has a common land border with Turkey, a country not considered free of FMD. As a result, there is some risk that the meat and other animal products produced by Greece could be commingled with the fresh (chilled or frozen) meat of animals from a region in which FMD exists and present an undue risk of introducing FMD into the United States if imported without restriction.

Under § 94.11, meat and other animal products of ruminants and swine, including ship stores, airplane meals, and baggage containing these meat or animal products, may not be imported into the United States except in accordance with § 94.11 and the applicable requirements of the U.S. Department of Agriculture's Food Safety and Inspection Service at 9 CFR chapter III.

Section 94.11 generally requires that the meat and other animal products of ruminants and swine be: (1) Prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act; and (2) accompanied by an additional certificate, issued by a full-time salaried veterinary official of the national government of the exporting region, assuring that the meat or other animal products have not been commingled with or exposed to meat or other animal products originating in, imported from, transported through, or that have otherwise been in a region where rinderpest or FMD exists.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

We are proposing to amend the regulations to add Greece to the list of regions that are considered free of rinderpest and FMD. We are taking this action because we have determined that Greece is now free of FMD. We are also proposing to add Greece to the list of regions that are subject to certain restrictions because of their proximity to or trading relationships with rinderpest- or FMD-affected countries. These actions would update the disease status of Greece with regard to FMD while continuing to protect the United States from an introduction of rinderpest and FMD by providing additional requirements for any meat and meat products imported into the United States from Greece.

The following analysis addresses the potential economic effects of this proposed rule as required by the Regulatory Flexibility Act.

From an economic standpoint, the proposed rule would have little or no impact on U.S. animal stock and commodities. There are two reasons. First, the proposed rule would not remove other disease-based restrictions on the importation of ruminants or swine (and certain meat and other products from those animals) from Greece into the United States. Because bovine spongiform encephalopathy is considered to exist in Greece, the importation of ruminants and meat, meat products, and certain other products of ruminants that have been in Greece is prohibited. Furthermore, because hog cholera (also known as classical swine fever) and swine vesicular disease are also considered to exist in Greece, the importation of swine from that region into the United States is prohibited, and the importation of pork and pork products is subject to restrictions.

Second, it appears unlikely that the volume of animals and animal products that would be eligible for importation into the United States from Greece would be sufficient to have a significant impact on the U.S. market. In 2000, Greece produced 287,765 metric tons of beef, veal, mutton, lamb, and pig meat, representing less than 1.5 percent of the comparable U.S. production that year. Similarly, Greece's production of whole, fresh cow milk was 770,000 metric tons, only 1 percent of the comparable U.S. production during that period. Finally, in 1999, live cattle and pig stock in Greece was 1,510,000 head, less than 1 percent of the comparable stock in the United States that year.[1]

Besides cow milk, Greece also produces sheep and goat milk. In 2000, Greece produced 670,000 metric tons of sheep milk and 450,000 metric tons of goat milk. However, there appears to be no significant market in the United States for those commodities, or products made from them, such as cheese, as evidenced by the fact that no sheep or goat milk or cheese is commercially produced in the United States, and U.S. imports of those commodities are relatively minor. In 1999, for example, U.S. imports of cheese made from sheep and goat milk from all countries totaled 32,505 metric tons, less than 1 percent of the total U.S. cheese production.

In 1999, the stock of live sheep and goats in Greece was 14,276,000 head, or 66 percent more than the comparable stock in the United States that year. Here again, however, there appears to be no significant market in the United States for those animals, as evidenced by the fact that the United States imported only 53,165 live sheep and goats from all countries in 1999, which represents less than 1 percent of the sheep and goat stock in the United States that year and less than 1 percent

[1] Food and Agricultural Organization of the United Nations.

of U.S. imports of all live animals from all countries in 1999.[2]

Entities potentially affected by this proposed rule include U.S. import brokers, agents, and others involved in the sale of animals or animal products from Greece that would no longer be prohibited, or that could be imported under less restrictive conditions, if Greece is declared free of FMD. The number and size of entities that might be directly involved in the importation and sale of such animals or animal products from Greece is unknown, but it is likely that these entities would be small, based on the U.S. Small Business Administration's (SBA) size standards.[3] Given the disease-based restrictions discussed previously that would remain in place and the minimal level of U.S. imports of animals and animal products that would be eligible for importation from Greece, we expect that declaring Greece free of FMD would have only a negligible effect on U.S. entities, large or small.

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

Executive Order 12988

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

Paperwork Reduction Act

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

Lists of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are proposing to amend 9 CFR part 94 as follows:

[2] Food and Agricultural Organization of the United Nations.

[3] The overwhelming majority of U.S. business entities are small under the SBA's standards.

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 would continue to read as follows:

Authority: 7 U.S.C. 450, 7711, 7712, 7713, 7714, 7751, and 7754; 19 U.S.C. 1306; 21 U.S.C. 11, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331 and 4332; 7 CFR 2.22, 2.80, and 371.4.

§ 94.1 [Amended]

2. Section 94.1 would be amended as follows:

a. In paragraph (a)(2), by adding, in alphabetical order, the word ''Greece,''.

b. In paragraph (a)(3), by removing the words ''Greece and the'' and adding the word ''The'' in their place.

§ 94.11 [Amended]

3. In § 94.11, paragraph (a), the first sentence would be amended by adding, in alphabetical order, the word ''Greece,''.

Done in Washington, DC, this 18th day of March 2002.

W. Ron DeHaven,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–6837 Filed 3–20–02; 8:45 am]

BILLING CODE 3410–34–U

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 121, 124, and 134

RIN 3245–AE71

Small Business Size Regulations; 8(a) Business Development/Small Disadvantaged Business Status Determinations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals

AGENCY: Small Business Administration.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects the Regulatory Information Number (RIN) to the proposed rule published in the **Federal Register** on March 12, 2002. The rule proposes to amend its regulations governing proceedings before the Office of Hearings and Appeals and to make conforming changes to several sections of the regulations governing the Small Business Size Determination program and the 8(a) Business Development (8(a) BD) program. This document corrects the RIN.

FOR FURTHER INFORMATION CONTACT: Michael J. Wolter, 202–401–1420.

Correction

The Small Business Administration published a document in the **Federal Register** on March 12, 2002, 67 FR 11057, mistakenly referring to RIN 3245-AE92. This correction provides the correct RIN.

In proposed rule FR Doc. 02–5613 published on March 12, 2002 (67 FR 11057) make the following correction. On page 11057, in the first column, remove ''RIN: 3245–AE92'' and replace with ''RIN: 3245–AE71.''

Dated: March 15, 2002.

Gloria E. Blazsik,

Acting Assistant Administrator for Office of Hearings and Appeals.

[FR Doc. 02–6792 Filed 3–20–02; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–69–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Bombardier Model DHC–8–100, -200, and ''300 series airplanes. This proposal would require revision of the applicable maintenance program manual, repetitive inspections for corrosion or cracking of the hook roller shafts of the flap carriage, and eventual replacement of the hook roller shafts with new or serviceable hook roller shafts. This replacement would extend the interval for the repetitive inspections. This action is necessary to prevent cracking of the hook roller shafts of the flap carriage and consequent reduced structural integrity of the flap, which could result in jamming of the flap. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 22, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation

Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–69–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–69–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Bombardier, Inc., Bombardier Regional Aircraft Division, 123 Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York.

FOR FURTHER INFORMATION CONTACT: Dan Parrillo, Aerospace Engineer, Airframe and Propulsion Branch, ANE–172, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7505; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–69–AD.'' The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–69–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, notified the FAA that an unsafe condition may exist on certain Bombardier Model DHC–8–100, –200, and –300 series airplanes. TCCA advises that corroded hook roller shafts have been found on the flap carriages of several in-service airplanes. During its investigation, the airplane manufacturer has identified discrepancies in the manufacturing process that may have resulted in inadequate corrosion protection on some hook roller shafts. This condition, if not corrected, could cause cracking of the hook roller shafts of the flap carriage and consequent reduced structural integrity of the flap, which could result to jamming of the flap.

Explanation of Relevant Service Information

Bombardier, Inc., has issued De Havilland Inc. Dash 8 Airworthiness Limitations List Temporary Revisions (TRs) AWL–75 and AWL–76 (for Model DHC–8–100 series airplanes), AWL 2–19 (for Model DHC–8–200 series airplanes), and AWL 3–83 (for Model DHC–8–300 series airplanes), all dated July 14, 2000. Those TRs specify new thresholds and repetitive intervals for existing structural inspections of the hook roller shafts of the flap carriage according to De Havilland Inc. Dash 8 Maintenance Program Manual PSM 1–8–7 (for Model DHC–8–100 series airplanes), PSM 1–82–7 (for Model DHC–8–200 series airplanes), or PSM 1–83–7 (for Model DHC–8–300 series airplanes), as applicable. TCCA classified these TRs as mandatory and issued Canadian airworthiness directive CF–1999–10R2, dated September 12, 2000, in order to assure the continued airworthiness of these airplanes in Canada. Canadian airworthiness directive CF–1999–10R2 also requires replacement of existing hook roller shafts with new or serviceable hook roller shafts.

FAA's Conclusions

This airplane model is manufactured in Canada and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, TCCA has kept the FAA informed of the situation described above. The FAA has examined the findings of the TCCA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require revision of De Havilland Inc. Dash 8 Maintenance Program Manual PSM 1–8–7 (for Model DHC–8–100 series airplanes), PSM 1–82–7 (for Model DHC–8–200 series airplanes), or PSM 1–83–7 (for Model DHC–8–300 series airplanes), as applicable, repetitive detailed inspections for corrosion or cracking of the hook roller shafts of the flap carriage, and eventual replacement of the hook roller shafts with new or serviceable hook roller shafts. This replacement would extend the interval for the repetitive inspections. The inspections would be required to be accomplished according to the applicable De Havilland Inc. Dash 8 Maintenance Program Manual and at the compliance times specified in the TRs described previously. The replacement of the hook roller shafts would be required to be accomplished in accordance with certain sections of the applicable De Havilland Inc. Dash 8 Aircraft Maintenance Manual.

Differences Between the Proposed Rule and Service Information

The service information identifies the inspection described previously only as

a ''structural inspection.'' For clarity, this proposed AD refers to that structural inspection as a ''detailed inspection.'' Note 2 of this proposed AD defines such an inspection.

Cost Impact

The FAA estimates that 183 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 4 work hours per airplane to accomplish the proposed inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be $43,920, or $240 per airplane, per inspection cycle.

It would take approximately 4 work hours per airplane to accomplish the proposed replacement, at an average labor rate of $60 per work hour. Required parts would cost approximately $460 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $128,100, or $700 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc. (Formerly de Havilland, Inc.): Docket 2001–NM–69–AD.

Applicability: Model DHC–8–100, –200, and ''300 series airplanes; serial numbers 3 through 555 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking of the hook roller shafts of the flap carriage and consequent reduced structural integrity of the flap, which could result in jamming of the flap, accomplish the following:

Revision of Maintenance Program Manual

(a) Within 30 days after the effective date of this AD, accomplish paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable.

(1) For Model DHC–8–100 series airplanes: Insert De Havilland Inc. Dash 8 Airworthiness Limitations List Temporary Revisions (TRs) AWL–75 and AWL–76, both dated July 14, 2000, into De Havilland Inc. Dash 8 Series 100 Maintenance Program Manual PSM 1–8–7.

(2) For Model DHC–8–200 series airplanes: Insert De Havilland Inc. Airworthiness Limitations List TR AWL 2–19, dated July 14, 2000, into De Havilland Inc. Dash 8 Series 200 Maintenance Program Manual PSM 1–82–7.

(3) For Model DHC–8–300 series airplanes: Insert De Havilland Inc. Airworthiness Limitations List TR AWL 3–83, dated July 14, 2000, into De Havilland Inc. Dash 8 Series 300 Maintenance Program Manual PSM 1–83–7.

Repetitive Inspections

(b) Do a detailed inspection for corrosion or cracking of the hook roller shafts of the flap carriage, at the times specified in paragraph (b)(1), (b)(2), or (b)(3) of this AD, as applicable, and according to the service information in paragraph (b)(1), (b)(2), or (b)(3) of this AD, as applicable.

Note 2: For the purposes of this AD, a detailed inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(1) For Model DHC–8–100 series airplanes: For Pre Mod 8Q101103 roller shafts having part number (P/N) 85750362–103 or 85750362–105, do the initial inspection at the compliance time specified in the ''Threshold'' column of the table in De Havilland Inc. Airworthiness Limitations List TRs AWL–75 and AWL–76, both dated July 14, 2000, or within 12 months after the effective date of this AD, whichever occurs later, according to De Havilland Inc. Dash 8 Series 100 Maintenance Program Manual PSM 1–8–7. Thereafter, repeat the inspection at the applicable interval specified in the ''Initial Interval'' column of the table in TR AWL–75 and AWL–76, until the airplane reaches the applicable threshold listed in the ''Repeat Cut-In'' column of the table in TR AWL–75 and AWL–76. Thereafter, repeat the inspections at the applicable interval listed in the ''Repeat Interval'' column of the table in TR AWL–75 and AWL–76, until paragraph (c) of this AD has been accomplished on all affected hook roller shafts. Where the TR specifies compliance intervals in ''flights,'' for the purposes of this AD, ''flights'' means ''flight cycles.''

(2) For Model DHC–8–200 series airplanes: For Pre Mod 8Q101103 hook roller shafts having part number (P/N) 85750362–103 or 85750362–105, do the initial inspection at the compliance time specified in the ''Threshold'' column of the table in De Havilland Inc. Airworthiness Limitations List TR AWL 2–19, dated July 14, 2000, or within 12 months after the effective date of this AD, whichever occurs later, according to De Havilland Inc. Dash 8 Series 200 Maintenance Program Manual PSM 1–82–7. Thereafter, repeat the inspection at the applicable interval specified in the ''Initial Interval'' column of the table in TR AWL 2–19, until the airplane reaches the applicable threshold listed in the ''Repeat Cut-In'' column of the table in TR AWL 2–19.

Thereafter, repeat the inspections at the applicable interval listed in the ''Repeat Interval'' column of the table in TR AWL 2–19, until paragraph (c) of this AD has been accomplished on all affected hook roller shafts. Where the TR specifies compliance intervals in ''flights,'' for the purposes of this AD, ''flights'' means ''flight cycles.''

(3) For Model DHC–8–300 series airplanes: For Pre Mod 8Q101103 hook roller shafts having part number (P/N) 85750362–103 or 85750362–105, do the initial inspection at the compliance time specified in the ''Threshold'' column of the table in De Havilland Inc. Airworthiness Limitations List TR AWL 3–83, or within 12 months after the effective date of this AD, whichever occurs later, according to De Havilland Inc. Dash 8 Series 300 Maintenance Program Manual PSM 1–83–7. Thereafter, repeat the inspection at the applicable interval specified in the ''Initial Interval'' column of the table in TR AWL 3–83, until the airplane reaches the applicable threshold listed in the ''Repeat Cut-In'' column of the table in TR AWL 3–83. Thereafter, repeat the inspections at the applicable interval listed in the ''Repeat Interval'' column of the table in TR AWL 3–83 until paragraph (c) of this AD has been accomplished on all affected hook roller shafts. Where the TR specifies compliance intervals in ''flights,'' for the purposes of this AD, ''flights'' means ''flight cycles.''

Replacement

(c) At the applicable time specified in paragraph (c)(1) or (c)(2) of this AD, replace hook roller shafts having P/N 85750362–103 or 85750362–105 with new or serviceable hook roller shafts having P/N 85750362–107, according to Sections 57–50–44 and 57–50–53 of the De Havilland Inc. Dash 8 Aircraft Maintenance Manual, as applicable. Replacement of all hook roller shafts, P/N 85750362–103 or 85750362–105, with new hook roller shafts, P/N 85750362–107, ends the repetitive inspections at the intervals required by paragraph (a) of this AD.

(1) For hook roller shafts on which any corrosion or crack is found during any inspection per paragraph (b) of this AD: Do the replacement before further flight.

(2) For uncracked or uncorroded hook roller shafts: Do the replacement within 20,000 flight cycles or 5 years after the effective date of this AD, whichever is first.

Post-Replacement Inspections

(d) Following the replacement of hook roller shafts according to paragraph (c) of this AD, do the Structural Inspection Program for the hook roller shafts of the flap carriage, as specified in paragraph (d)(1), (d)(2), or (d)(3) of this AD, as applicable.

(1) For Model DHC–8–100 series airplanes: Using the criteria for Mod 8Q101103 hook roller shafts having P/N 85750362–107, do the initial inspection at the compliance time specified in the ''Threshold'' column of the table in De Havilland Inc. Airworthiness Limitations List TR AWL–75 and AWL ''76, both dated July 14, 2000, according to De Havilland Inc. Dash 8 Series 100 Maintenance Program Manual PSM 1–8–7. Thereafter, repeat the inspection at the applicable interval specified in the ''Initial Interval'' column of the table in TRs AWL–75 and AWL –76, until the airplane reaches the applicable threshold listed in the ''Repeat Cut-In'' column of the table in TRs AWL–75 and AWL–76. Thereafter, repeat the inspections at the applicable interval listed in the ''Repeat Interval'' column of the table in TRs AWL–75 and AWL–76. Where the TR specifies compliance intervals in ''flights,'' for the purposes of this AD, ''flights'' means ''flight cycles.''

(2) For Model DHC–8–200 series airplanes: Using the criteria for Mod 8Q101103 hook roller shafts having P/N 85750362–107, do the initial inspection at the compliance time specified in the ''Threshold'' column of the table in De Havilland Inc. Airworthiness Limitations List TR AWL 2–19, dated July 14, 2000, according to De Havilland Inc. Dash 8 Series 200 Maintenance Program Manual PSM 1–82–7. Thereafter, repeat the inspection at the applicable interval specified in the ''Initial Interval'' column of the table in TR AWL 2–19, until the airplane reaches the applicable threshold listed in the ''Repeat Cut-In'' column of the table in TR AWL 2–19. Thereafter, repeat the inspections at the applicable interval listed in the ''Repeat Interval'' column of the table in TR AWL 2–19. Where the TR specifies compliance intervals in ''flights,'' for the purposes of this AD, ''flights'' means ''flight cycles.''

(3) For Model DHC–8–300 series airplanes: Using the criteria for Mod 8Q101103 hook roller shafts having P/N 85750362–107, do the initial inspection at the compliance time specified in the ''Threshold'' column of the table in De Havilland Inc. Airworthiness Limitations List TR AWL 3–83, according to De Havilland Inc. Dash 8 Series 300 Maintenance Program Manual PSM 1–83–7. Thereafter, repeat the inspection at the applicable interval specified in the ''Initial Interval'' column of the table in TR AWL 3–83, until the airplane reaches the applicable threshold listed in the ''Repeat Cut-In'' column of the table in TR AWL 3–83. Thereafter, repeat the inspections at the applicable interval listed in the ''Repeat Interval'' column of the table in TR AWL 3–83. Where the TR specifies compliance intervals in ''flights,'' for the purposes of this AD, ''flights'' means ''flight cycles.''

Alternative Methods of Compliance

(e) 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, New York Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

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

Special Flight Permits

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

Note 4: The subject of this AD is addressed in Canadian airworthiness directive CF–1999–10R2, dated September 12, 2000.

Issued in Renton, Washington, on March 14, 2002.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–6794 Filed 3–20–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–130–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–90–30 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–90–30 airplanes, that would have required installation of two arcing protection brackets below and behind the circuit breakers located in the generator control rack in the electrical/electronics compartment. This new action revises the proposed rule by adding certain airplanes and removing certain other airplanes from the applicability. The actions specified by this new proposed AD are intended to prevent arcing between circuit breaker terminals and adjacent equipment and structure located in the generator control rack in the electrical/electronics compartment, which, if not corrected, could result in possible electrical shock to maintenance personnel during maintenance operations. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 6, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–130–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the

Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–130–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: George Y. Mabuni, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5341; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–130–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–130–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–90–30 airplanes, was published as a notice of proposed rulemaking (NPRM) in the **Federal Register** on August 29, 2001 (66 FR 45655). That NPRM would have required installation of two arcing protection brackets below and behind the circuit breakers located in the generator control rack in the electrical/electronics compartment. That condition, if not corrected, could result in arcing between circuit breaker terminals and adjacent equipment and structure located in the generator control rack in the electrical/electronics compartment, which, if not corrected, could result in possible electrical shock to maintenance personnel during maintenance operations.

Comments

Due consideration has been given to the comments received in response to the NPRM.

Support for the Proposed Rule

One commenter mentions that it generally supports the proposed rule.

Request to Add Additional Service Information

One commenter advises that Boeing has revised Service Bulletin MD90–24–007 by issuing Revision 01, dated August 31, 2000, and Revision 02, dated July 16, 2001. The commenter notes that Revision 01 and Revision 02 add certain airplanes and delete certain other airplanes from the effectivity of the original service bulletin. Since the procedures described in the original service bulletin did not change in the revised service bulletins, the commenter requests that credit also be given for the accomplishment of Revision 01 or 02 of the service bulletin.

The FAA agrees that the procedures described in the original service bulletin are the same as those described in Revision 01 and Revision 02 of the original service bulletin. Since Boeing Service Bulletin MD90–24–007, Revision 02, dated July 16, 2001, contains the correct airplane effectivity, we have revised the applicability of this proposed rule to specify Revision 02. We have also added a new ''Note 2'' that provides credit for those procedures accomplished per the original service bulletin and Revision 01 of the service bulletin.

Conclusion

Since these changes expand the scope of the originally proposed rule, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Cost Impact

There are approximately 26 Model MD–90–30 airplanes of the affected design in the worldwide fleet. The FAA estimates that 13 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $200 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $4,160, or $320 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore,

it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2001–NM–130–AD.

Applicability: Model MD–90–30 airplanes, certificated in any category; as identified in Boeing Service Bulletin MD90–24–007, Revision 02, dated July 16, 2001.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent arcing between circuit breaker terminals and adjacent equipment and structure located on the generator control rack in the electrical/electronics compartment, and consequent electrical shock to maintenance personnel during maintenance operations, accomplish the following:

Installation

(a) Within one year after the effective date of this AD, install two arcing protection brackets below and behind the circuit breakers located in the generator control rack in the electrical/electronics compartment per the Accomplishment Instructions of McDonnell Douglas Service Bulletin MD90–24–007, Revision 02, dated July 16, 2001.

Note 2: Installation of two arcing protection brackets below and behind the circuit breakers located in the generator control rack in the electrical/electronics compartment per the Accomplishment Instructions of Boeing Service Bulletin MD90–24–007, dated February 7, 1996, or Revision 01, dated August 31, 2000, is considered acceptable for compliance with the requirements of this AD.

Alternative Methods of Compliance

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

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

Special Flight Permit

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

Issued in Renton, Washington, on March 14, 2002.

Ali Bahrami,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 02–6795 Filed 3–20–02; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Parts 200 and 212

[Docket OST–2002–11741]

Standards for Approving International Charter Flights; Petition of the National Air Carrier Association for Rulemaking

AGENCY: Office of the Secretary, DOT.

ACTION: Petition for rulemaking; request for comments.

SUMMARY: The Department is inviting comments on the petition for rulemaking filed by the National Air Carrier Association (NACA) to add, delete and amend certain provisions of 14 CFR Parts 200 and 212 of the Department's Regulations. In its petition, NACA proposes, among other things, changes in the definitions and standards the Department uses in determining whether to grant or deny foreign air carrier requests to conduct certain types of international charter flights. In order that we may have a complete record on which to base our decision on NACA's petition, we solicit the views of all interested persons and entities, including direct air carriers (both U.S. and foreign), indirect air carriers (both U.S. and foreign), trade associations, labor unions, travel agents, shippers, communities, and the general public, on the proposals set forth in that petition. The proposal is in OST Docket 2002–11741 and can be accessed via the internet by searching Docket 11741 at the DOT Docket website (*http://dms.dot.gov*). Hard copies may also be obtained by calling the contact person listed below.

DATES: Comments to the Petition for Rulemaking are due May 6, 2002. If comments are filed, reply comments are due June 4, 2002.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them (marked with docket number OST–2002–11741) by only one of the following means:

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

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

(3) Electronically through the Web Site for the Docket Management System at http://dms.dot.gov. Comments must be filed in Docket OST–2002–11741, U.S. Department of Transportation, 400 7th St. SW., Washington, DC 20590. Late filed comments will be considered to the extent possible. Due to security procedures in effect since October 2001 on mail deliveries, mail received through the Postal Service may be subject to delays. Commenters should consider using an express mail firm to ensure the timely filing of any

comments not submitted electronically or by hand.

FOR FURTHER INFORMATION CONTACT: Gordon Bingham, Foreign Air Carrier Licensing Division, U.S. Department of Transportation, Room 6412, 400 Seventh Street, SW., Washington, DC 20590. Telephone (202) 366–2404.

Issued in Washington, DC on March 15, 2002.

Read C. Van De Water,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 02–6820 Filed 3–20–02; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR PART 1308

[DEA–225P]

Schedule of Controlled Substances: Proposed Rule: Rescheduling of Buprenorphine From Schedule V to Schedule III

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule is issued by the Administrator of the Drug Enforcement Administration (DEA) to increase the regulatory controls placed on buprenorphine by rescheduling buprenorphine from a Schedule V narcotic to a Schedule III narcotic. This proposed action is based on a formal rescheduling recommendation by the Department of Health and Human Services (DHHS) and a DEA review indicating that buprenorphine meets the definition of a Schedule III narcotic. If finalized, this action will impose the regulatory controls and criminal sanctions of a Schedule III narcotic on those person who handle buprenorphine or products containing buprenorphine.

DATES: Comments must be received by April 22, 2002.

ADDRESSES: Comments should be submitted to the Administrator, Drug Enforcement Administration, Washington, DC 20537; Attention: DEA Federal Register Representative/CCR.

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

SUPPLEMENTARY INFORMATION:

What Is Buprenorphine?

Buprenorphine is a derivative of thebaine, a major constituent of opium, presently marketed in the United States as an injectable formulation under the brand name of Buprenex® for the treatment of pain. It is classified as a narcotic agonist-antagonist, or partial agonist, with an analgesic potency far greater than morphine (generally reported to be about 20 to 30 times that of morphine sulfate in humans). DEA placed buprenorphine in Schedule V of the Controlled substances Act (CSA) in 1985 (50 FR 8104).

Buprenorphine has also been investigated for the treatment of narcotic addiction. Two New Drug Applications (NDA) have been submitted to the Food and Drug Administration (FDA) for this indication. Applications for marketing approval for these high-dose sublingual tablet products remain pending at FDA. However, approvable letters have been issued for both products and they are likely to receive final marketing approval in 2002.

Why Is DEA Issuing This Notice?

As part of the NDA review process for the high-dose sublingual tablet formulations for buprenorphine, the FDA reviewed and evaluated the scientific and medical data relating to scheduling under the CSA pursuant to 21 U.S.C. 811(b), (c), and (f). Since the original review conducted by the FDA in the early 1980s (prior to the marketing of Buprenex®), a substantial amount of human experience with buprenorphine products as well as a number of scientific studies have provided new information. These data have prompted a reevaluation of buprenorphine's status under the CSA. The eight factors used to determine the appropriate placement of buprenorphine under the CSA include:

(1) Its actual or relative potential for abuse;

(2) Scientific evidence of its pharmacological effects;

(3) The state of current scientific knowledge regarding the drug;

(4) Its history and current pattern of abuse;

(5) The scope, duration, and significance of abuse;

(6) What, if any, risk there is to the public health;

(7) Its physic or physiological dependence liability; and

(8) Whether the substance is an immediate precursor of a substance already controlled under this subchapter.

On December 4, 2001, the Assistant Surgeon General and Acting Principal Deputy Assistant Secretary for Health, Department of Health and Human Services (DHHS), Arthur J. Lawrence, signed and forwarded a letter to the DEA recommending that buprenorphine be rescheduled as a Schedule III substance. This recommendation was based on FDA's scientific and medical evaluation. After considering the FDA's evalaution and the DHHS scheduling recommendation and reviewing all the available relevant data regarding the eight factors determinative of control (21 U.S.C. 811(b)(c)), the DEA concludes that buprenorphine should be placed in Schedule III of the CSA.

Why Did DEA Conclude That Buprenorphine Should Be Placed in Schedule III of the Controlled Substances Act?

The DEA found that buprenorphine met the definition of a Schedule III substance. In accordance with 21 U.S.C. 812(b):

1. Buprenorphine has a potential for abuse less than the drugs or other substances in Schedule I or II.

Buprenorphine is a long-acting partial agonist with a high affinity for and slow dissociation from opioid receptors.

Buprenorphine produces effects similar to other pure mu agonists (like morphine or hydromorphone) including euphoria, drug liking, respiratory depression, pupillary constriction and sedation. It is recognized as morphine or heroin-like by experienced narcotic abusers.

Little abuse or diversion of buprenorphine has been noted in the U.S. (reflecting very limited prescription, distribution and product formulation: only low-dose injectable buprenorphine has been marketed). However, significant abuse of buprenorphine has been reported in many countries where it has been more available and other formulations have been marketed. In those countries, buprenorphine has been abused via the intravenous, sublingual, intransasal and inhalation routes by many abuser populations. Buprenorphine products have been diverted from legitimate channels through theft, doctor shopping and fraudulent prescriptions. Significant amounts of buprenorphine have been trafficked across international borders and law enforcement authorities have seized large amounts of buprenorphine involved in these activities.

The above data suggest that the abuse potential of buprenorphine is high and closely resembles other narcotics in Schedule II. However, buprenorphine effects are less dose-dependent than pure mu agonists and a ''ceiling effect''

has been demonstrated for many of the actions of buprenorphine. This attenuation in effects at high doses may have a blunting effect on the continued escalation in dose to obtain greater reinforcing effects. Although buprenorphine is capable of producing significant respiratory depression and numerous deaths have been associated with injection and abuse of high-dose sublingual tablets in combination with other psychoactive drugs in France, buprenorphine is a safer drug in overdose than other schedule II narcotics. Therefore, buprenorphine appears to have somewhat less abuse potential than Schedule I or II narcotic substances but more abuse potential than partial agonists in Schedule IV. Schedule IV partial agonists are less potent, less likely to produce pure mu agonists effects over a wide range of doses and are generally not recognized as heroin-like by experienced opioid abusers.

2. Buprenorphine has a currently accepted medical use in treatment in the United States.

Buprenex®, a low-dose (0.3 mg/m1) buprenorphine product, is approved for use as a parenteral narcotic analgesic for pain management. Subutex® and Subozone®, high-dose (2 and 8 mg) sublingual tablets for the treatment of narcotic addiction, have not, as yet, received final marketing approval in the U.S. If/When final approval is granted, they will have current accepted medical use in the United States.

3. Abuse of buprenorphine may lead to moderate or low physical dependence or high psychological dependence.

Data from a number of studies indicate that chronic use of buprenorphine is associated with a withdrawal syndrome that is of less intensity and, often, of longer duration than other opioids in Schedule I or II. The withdrawal effects have been characterized as mild to moderate. In addition, about 20 percent of babies born to mothers in treatment with buprenorphine substitution for opioid dependence have exhibited an abstinence syndrome severe enough to require treatment. Drug craving after discontinuation of buprenorphine use has been reported. Buprenorphine-dependent patients can easily return to heroin use and vice versa. These data suggest that buprenorphine produces low to moderate physical dependence and high psychological dependence.

It is likely that the approval and marketing of high-dose buprenorphine sublingual tables (and any other buprenorphine products that may be marketed in the future) will increase the availability of buprenorphine in the United States. The Schedule V controls presently in effect for buprenorphine are insufficient to prevent the diversion and abuse of buprenorphine that is likely to occur with its increased availability. Both foreign data on buprenorphine and the U.S. experience with other drugs like buprenorphine have been viewed by both the DHHS and the DEA as significant and relevant to the control of buprenorphine under the CSA.

According to the United Nations International Narcotics Control Board (UN/INCB), worldwide usage and availability of buprenorphine has increased substantially in recent years. Buprenorphine production has grown from 35 kg in 1980 to 460 kg in 1998. In France, imports increased from 5 kg in 1994 to 159 kg in 1998. The increased availability of buprenorphine in France coincides with the marketing of high-dose sublingual tablets and has been accompanied by increased diversion and abuse and over 100 buprenorphine-related deaths.

In the United States, expansion in the use of mixed agonists-antagonists or partial agonists has been accompanied by significant increases in their diversion, abuse and public health risks. For example, both pentazocine (Talwin®) and butorphanol (Stadol®) were initially marketed as injectable solutions for analgesia. The use of these products were limited and very few abuse-related problems were identified. However, when pentazocine became available in a table formulation and a butorphanol nasal spray was introduced, these fewer formulations greatly increased the availability of these substances. Significant abuse and diversion of these products resulted in their control under the CSA.

What Is the Effect of This Notice?

This proposed rule, if finalized, would specifically list buprenorphine as a Schedule III narcotic. All products containing buprenorphine or salts or buprenorphine would be subject to Schedule III narcotic regulatory requirements. The Schedule III placement will not prevent any future buprenorphine products approved by the FDA for the treatment of narcotic addiction from being used in office based treatment of narcotic addiction in accordance with the Drug Addiction Treatment Act of 2000 (Pub. L. 106–310). This Act amended the CSA to allow qualified physicians, under certification by the DHHS, to prescribe Schedule III–V narcotic drugs (FDA-approved for the indication of narcotic addiction treatment) to narcotic addicts outside the context of clinic-based narcotic treatment programs. The DEA recognizes the need to expand narcotic treatment and this factor was a consideration in proposing Schedule III placement for buprenorphine. However, buprenorphine's abuse potential and psychological dependence profile may result in significant abuse and diversion of the sublingual tablets once they are available for use in the U.S. Should this occur, the DEA will initiate action to further increase the regulatory controls on buprenorphine.

This notice also provides an opportunity for interested persons to comment, in writing, with regard to any information they feel may have a bearing on this matter. Requests for a hearing should state, with particularity, the issues concerning which the person desires to be heard. All correspondence regarding this matter should be submitted to the Administrator, Drug Enforcement Administration, Washington, DC 20537. In the event that comments, objections, or requests for a hearing raise one or more questions that the Administrator finds warrants a hearing, the Administrator shall publish a hearing notice in the **Federal Register** summarizing the issues to be heard and setting the time for the hearing.

What Regulatory Requirements Will Be Applied to Handlers of Buprenorphine?

Persons currently involved with the manufacture or handling of this substance are not expected to comply with DEA regulations applicable to a schedule III narcotic substance until such time as a final rule is published in the **Federal Register.** If/When a final rule is published in the **Federal Register**, persons who are currently engaged in manufacturing, distributing, dispensing, importing, exporting, storing or conducting research with buprenorphine will be provided with delayed dates for compliance with Federal regulation in order to avoid imposing any special hardship.

Regulatory Certifications

Regulatory Flexibility Act

The Administrator hereby certifies that this rulemaking has been drafted in a manner consistent with the principles of the Regulatory Flexibility Act (5 U.S.C. 605(b)). It will not have a significant economic impact on a substantial number of small business entities. Buprenorphine is already controlled under the CSA. Individuals who are currently engaged in activities with buprenorphine are already registered to handle controlled substances and are subject to the regulatory requirements of the CSA.

Executive Order 12866

In accordance with the provisions of the CSA (21 U.S.C. 811(a)), this action is a formal rulemaking ''on the record after opportunity for a hearing.'' Such proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557. The Administrator certifies that this proposed rulemaking has been drafted in accordance with the principles in Executive Order 12866, Section 1(b). DEA has determined that this is not a significant rulemaking action. Therefore, this action has not been reviewed by the Office of Management and Budget. Buprenorphine is already controlled under the CSA. Individuals who are currently engaged in activities with buprenorphine are already registered to handle controlled substances and are subject to the regulatory requirements of the CSA.

Executive Order 12988

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

Executive Order 13132

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

Unfunded Mandates Reform Act of 1995

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

Small Business Regulatory Enforcement Fairness Act of 1996

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

List of Subjects in 21 CFR Part 1308

Administrative practice and procedure, Drug traffic control, Narcotics, Prescription drugs.

Under the authority vested in the Attorney General by section 201(a) of the CSA (21 U.S.C. 811(a)), and delegated to the Administrator of the DEA by the Department of Justice regulations (21 CFR 0.100), the Administrator hereby proposes that 21 CFR part 1308 be amended as follows:

PART 1308—[AMENDED]

1. The authority citation for 21 CFR part 1308 continues to read as follows:

Authority: 21 U.S.C. 811, 812, 871(b) unless otherwise noted.

2. Section 1308.13 is proposed to be amended by revising paragraph (e) to read as follows:

§ 1308.13 Schedule III.

* * * * *

(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(i) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium 9803

(ii) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9804

(iii) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium 9805

(iv) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts 9806

(v) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts 9807

(vi) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9808

(vii) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9809

(viii) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts 9810

(2) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth below:

(i) Buprenorphine 9064

(ii) [Reserved.]

* * * * *

3. Section 1308.15 (b) introductory text is proposed to be revised and paragraph (b) (1) is proposed to be removed and reserved to read as follows:

§ 1308.15 Schedule V.

* * * * *

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below:

(1) [Reserved]

* * * * *

Dated: March 11, 2002.

Asa Hutchinson,

Administrator.

[FR Doc. 02–6767 Filed 3–20–02; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1915

[Docket No. S–043; S–044; S–046; S–047; S–047a]

RIN 1218–AA68; 1218–AA70 [1]

Safety Standards in Shipyard Employment for Scaffolds; Welding, Cutting, and Heating; Access and Egress; and Fall Protection

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Withdrawal of proposed rules.

SUMMARY: OSHA is withdrawing its proposed rules for Scaffolds in Shipyard Employment, Subpart N, Welding, Cutting and Heating in Shipyard Employment, Subpart D, Access and Egress in Shipyards, Subpart E, and Fall Protection for Shipyard Employment, Subpart M.

DATES: This withdrawal is effective on March 21, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph V. Daddura, OSHA Office of Maritime Standards, N–3609, 200 Constitution Ave., NW, Washington, DC 20210, telephone (202) 693–2086.

SUPPLEMENTARY INFORMATION:

Background

On November 29, 1988, OSHA published proposed rules for Scaffolds in Shipyard Employment, Subpart N (53 FR 48182), Welding, Cutting and Heating in Shipyard Employment, Subpart D (53 FR 48111), Access and Egress in Shipyards, Subpart E (53 FR 48130), and Fall Protection for Shipyard Employment, Subpart M (53 FR 48168). The proposed rules intended to consolidate coverage of various shipyard hazards into one vertical standard.

The proposed rule on scaffolds included general requirements for scaffold construction and use, updated requirements for fall protection and falling object protection, and provided specific requirements for certain types of scaffolds. OSHA received 14 comments in response to this proposed rule. See Exhibit 6 (Docket S–047). On April 12, 1994, OSHA reopened the rulemaking record to consider some additional issues, including the appropriateness of replacing the term ''capable person'' in the proposed rule with ''qualified person,'' the requirements for interior hung scaffolds, and the qualifications for persons performing scaffold inspections. 59 FR 17290 (April 12, 1994). OSHA received 8 comments in response to this notice. See Ex. 9 (Docket S–047a).

The proposed rule for welding, cutting, and heating included general requirements for engineering controls, work practices, and personal protective equipment. It also established general requirements for welding, cutting, and heating in hazardous environments such as hollow metal spaces and confined spaces. In addition, the proposal included specific requirements for oxyfuel gas welding and cutting, arc welding and cutting, and resistance welding. OSHA received 8 comments in response to this proposed rule. See Ex. 6 (Docket S–043).

The proposed rule for access and egress included general requirements for means of access and egress, as well as specific requirements for access and egress on vessels, drydocks, cargo spaces, and other structures. OSHA received 5 comments in response to this proposed rule. See Ex. 6 (Docket S–044).

The proposed rule for fall protection specified instances where fall protection systems would be required in the shipyard environment. It also set forth requirements for fall protection systems criteria, including requirements for guardrail systems, and safety net systems. OSHA received 13 comments in response to this proposed rule. See Ex. 6 (Docket S–046).

Reasons for Withdrawal of Proposed Rules

OSHA is withdrawing the proposed rules for the following reasons. First, OSHA is devoting its resources to higher priority shipyard standards. These important rulemakings include proposed standards for Fire Protection in Shipyard Employment, Subpart P, and General Working Conditions for Shipyard Employment, Subpart F. See OSHA Regulatory Agenda at 66 FR 61872 (Dec. 3, 2001).

Second, there are technologies and developments in shipyard employment that have emerged over the last 14 years that are not reflected in the proposed rules and supporting economic analyses. For example, since 1988 the use of interior hung scaffolds in the shipyard industry has increased greatly. OSHA did not contemplate such widespread use of these scaffolds when it published the proposed rule on scaffolds in 1988. Indeed, the proposed rule on scaffolds only provides minimum requirements for the erection of interior hung scaffolds; it does not address the dismantling of such scaffolds or certain work practices that may affect the structural integrity of the scaffolds. In addition, the manner in which ships and other vessels are constructed has changed dramatically since 1988, especially in small shipyards. Most ships are now constructed in component parts and assembled in one location. This method of construction reduces the need for certain work practices, such as piece-by-piece welding. It also reduces the need for multiple craft work at a single location. OSHA did not envision such a change throughout the entire shipyard industry when it published the proposed rules. This change affects the need for the requirements in the proposed rules, as well as necessitating changes to the supporting economic analyses.

Third, the rulemaking records for these proposed rules are particularly sparse. OSHA received only a few comments in response to each proposal. While most of these comments were helpful and informative, OSHA believes there is insufficient information in the rulemaking records upon which to regulate the specific conditions the proposals were intended to address.

Accordingly, the proposed rules for (1) Scaffolds in Shipyard Employment, Subpart N, (2) Welding, Cutting and Heating in Shipyard Employment, Subpart D, (3) Access and Egress in Shipyards, Subpart E, and (4) Fall Protection for Shipyard Employment, Subpart M are withdrawn.

Authority: This notice was prepared under the direction of John L. Henshaw, Assistant Secretary for Occupational Safety and Health. It is issued under sections 6 and 8 of the Occupational Safety and Health Act (29 U.S.C. 655, 657), 29 CFR 1911.11, and 29 CFR 1911.18.

Issued at Washington, DC, this 11 day of March, 2002.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 02–6805 Filed 3–20–02; 8:45 am]

BILLING CODE 4510–26–M

[1] These RIN numbers correspond to the proposed rules for Scaffolds in Shipyard Employment, Subpart N and Access and Egress in Shipyards, Subpart E respectively. The proposed rules for Welding, Cutting and Heating in Shipyard Employment, Subpart D, and Fall Protection for Shipyard Employment, Subpart M no longer appear in OSHA's Semi-Annual Regulatory Agenda. These proposed rules were formally assigned RIN numbers 1218–AA73 and 1218–AA66 respectively.

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Eligibility; 1611 Negotiated Rulemaking Working Group Meeting

AGENCY: Legal Services Corporation.

ACTION: Regulatory negotiation working group meeting.

SUMMARY: LSC is conducting a Negotiated Rulemaking to consider revisions to its eligibility regulations at 45 CFR Part 1611. This document announces the dates, times, and address of the next meeting of the working group, which is open to the public.

DATES: The Legal Services Corporation's 1611 Negotiated Rulemaking Working Group will meet on April 11–12, 2002. The meeting will begin at 9 a.m. on April 11, 2002. It is anticipated that the meeting will end by 3:30 p.m. on April 12, 2002.

ADDRESSES: The meeting will be held at the offices of the Center for Law and Social Policy, 1015 15th Street, NW., Suite 400, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Mattie C. Condray, Senior Assistant General Counsel, Legal Services Corporation, 750 First St., NE., 11th Floor, Washington, DC 20001; (202) 336–8817 (phone); (202) 336–8952 (fax); *mcondray@lsc.gov.*

SUPPLEMENTARY INFORMATION: LSC is conducting a Negotiated Rulemaking to consider revisions to its eligibility regulations at 45 CFR Part 1611. The working group will hold its next meeting on the dates and at the location announced above. The meeting is open to public observation. Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Ms. Condray.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 02–6840 Filed 3–20–02; 8:45 am]

BILLING CODE 7050–01–P

FEDERAL MARITIME COMMISSION

46 CFR Parts 502, 503, 515, 520, 530, 535, 540, 550, 551, 555, and 560

[Docket No. 02–05]

Update of Existing and Addition of New Filing and Service Fees

AGENCY: Federal Maritime Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Maritime Commission (''Commission'') proposes to revise its existing fees for filing petitions and complaints; various public information services, such as record searches, document copying, and admissions to practice; filing ocean transportation intermediary applications; applications for special permission; service contracts; agreements; and passenger vessel performance and casualty certificate applications. These revised fees reflect current costs to the Commission. In addition, the Commission adds a new fee for the provision of a database report on effective carrier agreements, makes nomenclature changes in certain CFR units with respect to Commission bureau designations, and makes section reference changes in certain CFR units to reflect numbering changes made in a previous rulemaking. The Commission also is republishing a fee requirement that was previously inadvertently omitted.

DATES: Submit an original and 15 copies of comments (paper), or e-mail comments as an attachment in WordPerfect 8, Microsoft Word 97, or earlier versions of these applications, no later than April 22, 2002.

ADDRESSES: Address comments to: Bryant L. VanBrakle, Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573–0001, *E-mail: secretary@fmc.gov.*

FOR FURTHER INFORMATION CONTACT: JoAnn Baca, Special Assistant to the Executive Director, Office of the Executive Director, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573–0001, (202)523–5800, E-mail: joannb@fmc.gov.

SUPPLEMENTARY INFORMATION: The Commission is authorized under the Independent Offices Appropriation Act (''IOAA''), 31 U.S.C. 9701 (1983), to establish fees for services and benefits that it provides to specific recipients. The IOAA provides that each service or thing of value provided by an agency to a person be self-sustaining to the extent possible, and that each charge shall be fair and based on the costs to the Government, the value of the service or thing to the recipient, policy or interest served, and other relevant facts. 31 U.S.C. 9701.

The primary guidance for implementation of IOAA is Office of Management and Budget (''OMB'') Circular A–25, as revised July 8, 1993. OMB Circular A–25 requires that a reasonable charge be made to each recipient for a measurable unit or amount of Government service from which the recipient derives a benefit, in order that the Government recover the full cost of rendering that service.

OMB Circular A–25 further provides that costs be determined or estimated from the best available records in the agency, and that cost computations shall cover the direct and indirect costs to the Government of carrying out the activity, including but not limited to:

(A) Direct and indirect personnel costs, including salaries and fringe benefits such as medical insurance and retirement.

(B) Physical overhead, consulting, and other indirect costs including material and supply costs, utilities, insurance, travel and rent.

(C) The management and supervisory costs.

(D) The costs of enforcement, collection, research, establishment of standards and regulations, including any required environmental impact statements.

OMB Circular A–25, paragraphs 6.d.1.(a), (b), (c) and (d).

OMB Circular A–25 also calls for a periodic reassessment of costs, with related adjustment of fees, if necessary, and the establishment of new fees where none exist.

The Commission's current filing and service fees have been in effect since 1998, and are no longer representative of the Commission's actual costs for providing such services. Accordingly, the Commission proposes to revise its fees so as to reflect costs attendant to providing the involved services. Fee increases primarily reflect increases in salary and indirect (overhead) costs. For some services, the increase in processing or review time accounts in part for the increase in the level of proposed fees. For other services, proposed fees are lower than current fees due to overall reduced costs to provide those services.

The Commission is instituting a new user fee for provision of a database report on effective carrier agreements. Also, in promulgating new rules governing the filing of service contracts to implement the Ocean Shipping Reform Act of 1998, Public Law 105–158, 112 Stat. 1902, in Docket No. 99–12, *Termination of Dial-Up Service Contract Filing System,* 64 FR 41041 (July 29, 1999), we inadvertently failed to carry over § 514.7 into part 530. That section was a permission process to correct clerical or administrative errors in the essential terms of a filed service contract, and included an attendant user fee. We are therefore republishing it.

The Commission has reviewed its current fees and developed data on the time and cost involved in providing particular services to arrive at the updated direct labor costs for those services. The direct labor costs include clerical, professional, supervisory, and executive time expended on an activity, plus a check processing cost of $1.70. The indirect costs include Government

overhead costs, which are fringe benefits and other wage-related Government contributions contained in OMB Circular A–76; [1] Commission general and administrative expenses; [2] and office general and administrative overhead expenses.[3] The sum of these indirect cost components gives an indirect cost factor that is added to the direct labor costs of an activity to arrive at the fully distributed cost.

A detailed summary of the data used to arrive at the proposed fees is available from the Secretary of the Commission upon written or e-mail request.

The Commission intends to update its fees biennially in keeping with OMB guidance. In updating its fees, the Commission will incorporate changes in the salaries of its employees into direct labor costs associated with its services, and recalculate its indirect costs (overhead) based on current level of costs.

The Chairman of the Federal Maritime Commission hereby certifies that these proposed fees will not have a significant economic impact on a substantial number of small entities. The Commission recognizes that these proposed revisions may have some impact on the shipping industry. Fees collected from the general public for Commission information recover the cost to the Commission for providing specific services. Commission regulations provide for waiver of fees for those entities that can make the required showing of undue hardship (46 CFR 503.41).

This Rule also makes nomenclature changes in certain CFR units to reflect a change in a relevant Commission bureau name since these CFR units were last revised. Additionally, this Rule makes section reference changes in certain CFR units to reflect numbering changes made in a previous rulemaking.

This Rule does not contain any collection of information requirements as defined by the Paperwork Reduction Act of 1980, as amended. Therefore, OMB review is not required.

[1] These include leave and holidays, retirement, worker's compensation, awards, health and life insurance, and Medicare. These are expressed as a percentage of basic pay.

[2] These costs include all salaries and overhead, such as rent, utilities, supplies, and equipment, allocated to the Offices of the Commissioners, Executive Director (including administrative offices) and General Counsel. The percentage of these costs to the total agency budget is allocated across all Commission programs.

[3] These expenses are limited to the overhead expenses allocated to those bureaus and offices involved in the fee-generating activities, and is derived from dividing allocated overhead expenses by the total funding for these fee-generated offices.

List of Subjects

46 CFR Part 502

Administrative practice and procedure, Claims, Equal access to justice, Investigations, Lawyers, Maritime carriers, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 503

Classified information, Freedom of information, Privacy, Sunshine Act.

46 CFR Part 515

Exports, Freight forwarders, Non-vessel-operating common carriers, Ocean transportation intermediaries, Licensing requirements, Financial responsibility requirements, Reporting and recordkeeping requirements.

46 CFR Part 520

Common carrier, Freight, Intermodal transportation, Maritime carriers, Reporting and recordkeeping requirements.

46 CFR Part 530

Freight, Maritime carriers, Reporting and recordkeeping requirements.

46 CFR Part 535

Administrative practice and procedure, Maritime carriers, Reporting and recordkeeping requirements.

46 CFR Part 540

Insurance, Maritime carriers, Penalties, Reporting and recordkeeping requirements, Surety bonds.

46 CFR Part 550

Administrative practice and procedure, Maritime carriers.

46 CFR Part 551

Administrative practice and procedure, Maritime carriers.

46 CFR Part 555

Administrative practice and procedure, Investigations, Maritime carriers.

46 CFR Part 560

Administrative practice and procedure, Maritime carriers.

For the reasons set forth above, the Federal Maritime Commission proposes to amend 46 CFR parts 502, 503, 515, 520, 530, 535, 540, 550, 551, 555, and 560 as follows:

PART 502—RULES OF PRACTICE AND PROCEDURE

1. The authority citation for part 502 continues to read as follows:

Authority: 5 U.S.C. 504, 551, 552, 553, 556(c), 559, 561–569, 571–596; 5 U.S.C. 571–584; 12 U.S.C. 1141j(a); 18 U.S.C. 207; 26 U.S.C. 501(c)(3); 28 U.S.C. 2112(a); 31 U.S.C. 9701; 46 U.S.C. app. 817d, 817e, 1114(b), 1705, 1707–1711, 1713–1716; E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR, 1964–1965 Comp. P. 306; 21 U.S.C. 853a; Pub. L. 105–258, 112 Stat. 1902.

Subpart D—Rulemaking

2. The fourth sentence of § 502.51(a) is revised to read as follows:

§ 502.51 Initiation of procedure to issue, amend, or repeal a rule.

(a) * * * Petitions shall be accompanied by remittance of a $228 filing fee.* * *

* * * * *

Subpart E—Proceedings; Pleadings; Motions; Replies

3. Section 502.62(g) is revised to read as follows:

§ 502.62 Complaints and fee.

* * * * *

(g) The complaint shall be accompanied by remittance of a $209 filing fee.

* * * * *

4. Section 502.68(a)(3) is revised to read as follows:

§ 502.68 Declaratory orders and fee.

(a) * * *

(3) Petitions shall be accompanied by remittance of a $228 filing fee.

* * * * *

5. Section 502.69(b) is revised to read as follows:

§ 502.69 Petitions—General and fee.

* * * * *

(b) Petitions shall be accompanied by remittance of a $228 filing fee. [Rule 69.]

Subpart K—Shortened Procedure

6. The last sentence of § 502.182 is revised to read as follows:

§ 502.182 Complaint and memorandum of facts and arguments and filing fee.

* * * The complaint shall be accompanied by remittance of a $209 filing fee. [Rule 182.]

Subpart Q—Refund or Waiver of Freight Charges

7. § 502.271(d)(5) is revised to read as follows:

§ 502.271 Special docket application for permission to refund or waive freight charges.

* * * * *

(d) * * *

(5) Applications must be accompanied by remittance of a $81 filing fee.

* * * * *

Subpart S—Informal Procedure for Adjudication of Small Claims

8. The last sentence of § 502.304(b) is revised to read as follows:

§ 502.304 Procedure and filing fee.

* * * * *

(b) * * * Such claims shall be accompanied by remittance of a $63 filing fee.

* * * * *

PART 503—PUBLIC INFORMATION

9. The authority citation for part 503 continues to read as follows:

Authority: 5 U.S.C. 552, 552a, 552b, 553; 31 U.S.C. 9701; E.O. 12958 of April 20, 1995 (60 FR 19825), sections 5.2(a) and (b).

10. In § 503.43, paragraphs (c)(1) (i) and (ii), the first sentence of paragraph (c)(2), paragraph (c)(3)(ii) and (iii), paragraph (c)(4), paragraph (d) and paragraph (e) are revised to read as follows:

§ 503.43 Fees for services.

* * * * *

(c) * * *

(1) * * *

(i) Search will be performed by clerical/administrative personnel at a rate of $20.00 per hour and by professional/executive personnel at a rate of $40.00 per hour.

(ii) Minimum charge for record search is $20.00.

(2) Charges for review of records to determine whether they are exempt from disclosure under § 503.35 shall be assessed to recover full costs at the rate of $75.00 per hour. * * *

(3) * * *

(ii) By Commission personnel, at the rate of five cents per page (one side) plus $20.00 per hour.

(iii) Minimum charge for copying is $5.00.

* * * * *

(4) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at $86.00 for each certification.

(d) To have one's name and address placed on the mailing list of a specific docket as an interested party to receive all issuances pertaining to that docket: $10 per proceeding.

(e) Applications for admission to practice before the Commission for persons not attorneys at law must be accompanied by a fee of $95 pursuant to § 502.27 of this chapter.

Subpart G—Access to Any Record of Identifiable Personal Information

11. In § 503.69, paragraph (b)(2) is revised to read as follows:

§ 503.69 Fees.

* * * * *

(b) * * *

(2) The certification and validation (with Federal Maritime Commission seal) of documents filed with or issued by the Commission will be available at $86 for each certification.

* * * * *

PART 515—LICENSING, FINANCIAL RESPONSIBILITY REQUIREMENTS, AND GENERAL DUTIES FOR OCEAN TRANSPORTATION INTERMEDIARIES

12. The authority citation for part 515 continues to read as follows:

Authority: 5 U.S.C. 553; 31 U.S.C. 9701; 46 U.S.C. app. 1702, 1707, 1709, 1710, 1712, 1714, 1716, and 1718; Pub. L. 105–383, 112 Stat. 3411; 21 U.S.C. 862.

Subpart A—General

13. In § 515.5, paragraphs (a), (b)(1), (b)(2), and (b)(3) are revised to read as follows:

§ 515.5 Forms and Fees.

(a) *Forms.* License form FMC–18 Rev., and financial responsibility forms FMC–48, FMC–67, FMC–68, FMC–69 may be obtained from the Commission's website at *http://www.fmc.gov,* the Director, Bureau of Consumer Complaints and Licensing, Federal Maritime Commission, Washington, D.C. 20573, or from any of the Commission's area representatives.

(b) * * *

(1) Application for license as required by § 515.12(a): $799;

(2) Application for status change or license transfer as required by §§ 515.18(a) and 515.18(b): $506; and

(3) Supplementary investigations required by § 515.25(a): $225.

Subpart D—Duties and Responsibilities of Ocean Transportation Intermediaries; Reports to Commission

14. The second sentence of § 515.34 is revised to read as follows:

§ 515.34 Regulated Persons Index.

* * * The database may be purchased for $103 by contacting the Bureau of Consumer Complaints and Licensing, Federal Maritime Commission, Washington, DC 20573. * * *

§ 515.12, 515.18, 515.22, 515.25, Appendix A to Subpart C, Appendix B to Subpart C, Appendix D to Subpart C [Amended]

15. In addition to the amendments set forth above, in 46 CFR part 515 remove the words ''Bureau of Tariffs, Certification and Licensing'' and add, in their place, the words ''Bureau of Consumer Complaints and Licensing'' in the following places:

a. Section 515.12(a)(1);
b. Section 515.18(a);
c. Section 515.22(e);
d. Section 515.25(a);
e. Appendix A to Subpart C;
f. Appendix B to Subpart C; and
g. Appendix D to Subpart C.

PART 520—CARRIER AUTOMATED TARIFFS

16. The authority citation for part 520 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1701–1702, 1707–1709, 1712, 1716; and sec. 424 of Pub. L. 105–383, 112 Stat. 3411.

Subpart B—Filing Requirements

17. The last sentence of § 520.14(c)(1) is revised to read as follows:

§ 520.14 Special permission.

(c) * * *

(1) * * * Every such application shall be submitted to the Bureau of Consumer Complaints and Licensing and be accompanied by a filing fee of $172.

* * * * *

§ 520.2, 520.3, 520.7 [Amended]

18. In addition to the amendments set forth above, in 46 CFR part 520 remove the words ''Bureau of Tariffs, Certification and Licensing'' and add, in their place, the words ''Bureau of Consumer Complaints and Licensing'' and remove the acronym ''BTCL'' and add, in its place, the acronym ''BCCL'' in the following places:

a. Section 520.2;
b. Section 520.3(d); and
c. Section 520.7(b).

PART 530—SERVICE CONTRACTS

19. The authority citation for part 530 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. App. 1704, 1705, 1707, 1716.

Subpart B—Service Contracts

20. Section 530.10(c), introductory text, is revised to read as follows:

§ 530.10 Amendment, correction, and cancellation.

* * * * *

(c) * * * Requests shall be filed, in duplicate, with the Commission's Office

of the Secretary within forty-five (45) days of the contract's filing with the Commission, accompanied by remittance of a $276 service fee, and shall include:

* * * * *

PART 535—AGREEMENTS BY OCEAN COMMON CARRIERS AND OTHER PERSONS SUBJECT TO THE SHIPPING ACT OF 1984

21. The authority citation for part 535 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1701–1707, 1709–1710, 1712 and 1714–1718; Pub. L. 105–383, 112 Stat. 3411.

Subpart D—Filing of Agreements

22–23. In § 535.401, paragraph (f) is revised and paragraph (g) is added to read as follows:

§ 535.401 General requirements.

* * * * *

(f) *Fees.* The filing fee is $1,834 for new class A/B agreements requiring Commission review and action; $931 for class A/B agreement modifications requiring Commission review and action; $442 for agreements processed under delegated authority (for types of agreements that can be processed under delegated authority, see § 501.26(e) of this chapter); and $145 for carrier and terminal exempt agreements.

(g) The fee for the Commission's agreement database report is $32.

PART 540—PASSENGER VESSEL FINANCIAL RESPONSIBILITY

24. The authority citation for part 540 continues to read as follows:

Authority: 5 U.S.C. 552, 553; 31 U.S.C. 9701; secs. 2 and 3, Pub. L. 89–777, 80 Stat. 1356–1358; 46 U.S.C. app. 817e, 817d; 46 U.S.C. 1716.

Subpart A—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation

25. The last two sentences in § 540.4(b) are revised to read as follows:

§ 540.4 Procedure for establishing financial responsibility.

* * * * *

(b) * * * An application for a Certificate (Performance), excluding an application for the addition or substitution of a vessel to the applicant's fleet, shall be accompanied by a filing fee remittance of $2,549. An application for a Certificate (Performance) for the addition or substitution of a vessel to the applicant's fleet shall be accompanied by a filing fee remittance of $1,276.

* * * * *

Subpart B—Proof of Financial Responsibility, Bonding and Certification of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages

26. The last two sentences in § 540.23(b) are revised to read as follows:

§ 540.23 Procedure for establishing financial responsibility.

* * * * *

(b) * * * An application for a Certificate (Casualty), excluding an application for the addition or substitution of a vessel to the applicant's fleet, shall be accompanied by a filing fee remittance of $1,111. An application for a Certificate (Casualty) for the addition or substitution of a vessel to the applicant's fleet shall be accompanied by a filing fee remittance of $557.

* * * * *

PART 550—REGULATIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES

27. The authority citation for part 550 continues to read as follows:

Authority: 5 U.S.C. 553; sec. 19(a)(2), (e), (f), (g), (h), (i), (j), (k) and (l) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(a)(2), (e), (f), (g), (h), (i), (j), (k) and (l), as amended by Pub. L. 105–258; Reorganization Plan No. 7 of 1961, 75 Stat 840; and sec. 10002 of the Foreign Shipping Practices Act of 1988, 46 U.S.C. app. 1710a.

Subpart B—Production of Information

28. Section 550.203(b) is revised to read as follows:

§ 550.203 Failure to provide information.

* * * * *

(b) The Commission may, when there is a failure to produce any information ordered produced under § 550.201, make appropriate findings of fact and inferences, including the inference that conditions unfavorable to shipping in the foreign trade of the United States do exist.

Subpart D—Petitions for Section 19 Relief

29. Section 550.402 is revised to read as follows:

§ 550.402 Filing of petitions.

All requests for relief from conditions unfavorable to shipping in the foreign trade shall be by written petition. An original and fifteen copies of a petition for relief under the provisions of this part shall be filed with the Secretary, Federal Maritime Commission, Washington, DC 20573. The petition shall be accompanied by remittance of a $228 filing fee.

Subpart F—Corrective Actions

30. Section 550.601(d) is revised to read as follows:

§ 550.601 Actions to correct unfavorable conditions.

* * * * *

(d) Suspend, in whole or in part, an ocean common carrier's right to operate under an agreement, including any agreement authorizing preferential treatment at terminals or preferential terminal leases, whether filed with the Commission or not filed with the Commission pursuant to the exemptions granted in 46 CFR part 535; or any agreement filed with the Commission authorizing space chartering, or pooling of cargo or revenues with other ocean common carriers;

* * * * *

PART 551—ACTION TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE U.S. FOREIGN TRADE

31. The authority citation for part 551 continues to read as follows:

Authority: 46 U.S.C. app. 876(1)(b); 46 U.S.C. app 876 (5) through (12); 46 CFR part 550; Reorganization Plan No. 7 of 1961, 26 FR 7315 (August 12, 1961).

32. Section 551.1 is revised to read as follows:

§ 551.1 Actions to adjust or meet conditions unfavorable to shipping in specific trades.

Whenever the Commission determines that conditions unfavorable to shipping exist in the United States foreign trade with any nation and issues rules to adjust or meet such conditions, pursuant to section 19(1)(b) of the Merchant Marine Act, 1920, 46 U.S.C. app. 876(1)(b) and 46 CFR part 551, such rules shall be published in the **Federal Register** and added to this part.

PART 555—ACTIONS TO ADDRESS ADVERSE CONDITIONS AFFECTING U.S.-FLAG CARRIERS THAT DO NOT EXIST FOR FOREIGN CARRIERS IN THE UNITED STATES

33. The authority citation for part 555 continues to read as follows:

Authority: 5 U.S.C. 553; sec. 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. app. 1710a), as amended by Pub. L. 105–258.

34. In § 555.4, paragraphs (a) and (b)(9) are revised to read as follows:

§ 555.4 Petitions.

(a) A petition for investigation to determine the existence of adverse conditions as described in § 555.3 may be submitted by any person, including any common carrier, shipper, shippers' association, ocean freight forwarder, or marine terminal operator, or any branch, department, agency, or other component of the Government of the United States. Petitions for relief under this part shall be in writing, and filed in the form of an original and fifteen copies with the Secretary, Federal Maritime Commission, Washington, DC 20573. The petition shall be accompanied by remittance of a $228 filing fee.

* * * * *

(b) * * *

(9) A recommended action, including any of those enumerated in § 555.8, the result of which will, in the view of the petitioner, address the conditions complained of.

* * * * *

35. In § 555.5, the first sentence of paragraph (a) and the last sentence of § 555.5(c) are revised to read as follows:

§ 555.5 Investigations.

(a) An investigation to determine the existence of adverse conditions as described in § 555.3 may be initiated by the Commission on its own motion or on the petition of any person pursuant to § 555.4. * * *

* * * * *

(c) * * * Persons who receive information requests from the Commission pursuant to § 555.6 of this part are not precluded from filing additional voluntary submissions in accordance with this paragraph.

* * * * *

36. The first sentence of § 555.6(c) is revised to read as follows:

§ 555.6 Information demands and subpoenas.

* * * * *

(c) The Commission may, in its discretion, determine that any information submitted to it in response to a request (including a subpoena) under this section, or accompanying a petition under § 555.4, or voluntarily submitted by any person pursuant to § 555.5(c), shall not be disclosed to the public. * * *

37. The first sentence of § 555.7 is revised to read as follows:

§ 555.7 Notification to Secretary of State.

Upon publication of a petition in the **Federal Register**, or on its own motion should it determine to initiate an investigation pursuant to § 555.5, the Commission will notify the Secretary of State of same, and may request action to seek resolution of the matter through diplomatic channels. * * *

§ 555.5, 555.8 [Amended]

38. In addition to the amendments set forth above, in 46 CFR part 555 remove the references to the term ''§ 588.3'' and add, in its place, the term ''§ 555.3'' in the following places:

a. Section 555.5 (b);
b. Section 555.8 (a); and
c. Section 555.8 (a) (7).

PART 560—ACTIONS TO ADDRESS CONDITIONS UNDULY IMPAIRING ACCESS OF U.S.-FLAG VESSELS TO OCEAN TRADE BETWEEN FOREIGN PORTS

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

Authority: 5 U.S.C. 553; secs. 13(b)(6), 15 and 17 of the Shipping Act of 1984, 46 U.S.C. app. 1712(b)(6), 1714 and 1716, as amended by Pub. L. 105–258; sec. 10002 of the Foreign Shipping Practices Act of 1988 (46 U.S.C. app. 1710a), as amended by Pub. L. 105–258.

40. Section 560.3(a)(2) is revised to read as follows:

§ 560.3 Petitions for relief.

(a) * * *

(2) An original and fifteen copies of such a petition including any supporting documents shall be filed with the Secretary, Federal Maritime Commission, Washington, DC 20573. The petition shall be accompanied by remittance of a $228 filing fee.

* * * * *

41. In § 560.4, paragraphs (a) and (b)(2) are revised to read as follows:

§ 560.4 Proceeding.

(a) Upon the Commission's own motion or upon the filing of a petition which meets the requirements of § 560.3, when there are indications that conditions unduly impairing the access of a U.S. flag vessel to trade between foreign ports may exist, the Commission will institute a proceeding pursuant to this part.

(b) * * *

(2) Interested or adversely affected persons will be allowed a period of time to reply to the petition by the submission of written data, views or legal arguments pursuant to § 560.5 of this part. Factual submissions shall be in affidavit form.

* * * * *

42. Section 560.7(b)(6) is revised to read as follows:

§ 560.7 Decision; sanctions; effective date.

* * * * *

(b) * * *

(6) A request to the collector of customs at any port or place of destination in the United States to refuse the clearance required by section 4197 of the Revised Statutes, 46 U.S.C. app. 91, to any vessel of a foreign carrier which is or whose government is identified as contributing to the conditions described in § 560.2 of this part;

* * * * *

43. Section 560.8 is revised to read as follows:

§ 560.8 Submission of decision to the President.

Concurrently with the submission of any decision imposing sanctions to the **Federal Register** pursuant to § 560.7(d)(1), the Commission shall transmit that decision to the President of the United States who may, within ten days after receiving the decision, disapprove it if the President finds that disapproval is required for reasons of the national defense or the foreign policy of the United States.

44. Section 560.9(b) is revised to read as follows:

§ 560.9 Postponement, discontinuance, or suspension of action.

* * * * *

(b) The Commission shall postpone, discontinue or suspend any action provided for in its final decision if so directed by the President for reasons of national defense or foreign policy of the United States as provided in § 560.8.

By the Commission*.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 02–6742 Filed 3–20–02; 8:45 am]

BILLING CODE 6730–01–P

* Commissioner John A. Moran is not participating.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AH96

Endangered and Threatened Wildlife and Plants; Reopening of Public Comment Period on Proposed Designation of Critical Habitat for the Northern Great Plains Breeding Population of the Piping Plover

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), provide notice of the reopening of the public comment period for the proposal to designate critical habitat for the northern Great Plains population of the piping plover (*Charadrius melodus*), and the associated draft environmental assessment and economic analysis, to allow all interested parties to comment. Comments previously submitted via regular or express postal mail need not be resubmitted as they have already been incorporated into the public record and will be fully considered in the final rule. Please resubmit comments via regular or express mail that were sent to us by electronic mail since December 2001. We have not received your comments because the Service's internet electronic mail has not been available due to a court order in an unrelated case.

DATES: The comment period is opened and will close on May 20, 2002. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: You may submit written comments and information to Piping Plover Comments, South Dakota Ecological Services Field Office, U.S. Fish and Wildlife Service, 420 South Garfield Avenue, Suite 400, Pierre, SD 57501, or by facsimile to 605–224–9974.

You may hand-deliver written comments to our South Dakota Field Office at the address given above.

Copies of the draft economic analysis, draft environmental assessment, and proposed rule for designation of critical habitat for the northern Great Plains breeding population of the piping plover are available from the above address or on the Internet at *http://mountain-prairie.fws.gov/pipingplover.* Please note that at the time this notice was prepared the Service's web pages and electronic mail were not available because of a court order in an unrelated case. If you are unable to access the above website please contact the South Dakota Field Office by telephone or regular mail at the above address.

You may view comments and materials received, as well as supporting documentation used in the preparation of this proposed rule, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Nell McPhillips, Fish and Wildlife Biologist, at the above address or at 605–224–8693, extension 32.

SUPPLEMENTARY INFORMATION:

Background

We published a proposed rule to designate critical habitat for the northern Great Plains breeding population of the piping plover in the **Federal Register** on June 12, 2001 (66 FR 31760). Section 4(b)(2) of the Endangered Species Act (Act) requires that we designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impacts, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species.

The proposed designation includes 11 areas of prairie alkali wetlands, inland and reservoir lakes in 5 counties in Montana, 18 counties in North Dakota, and 1 county at Lake-of-the-Woods, Minnesota, totaling approximately 196,576.5 acres (79,553.1 hectares). It also includes five areas of portions of four rivers in the States of Montana, North Dakota, South Dakota, and Nebraska, totaling approximately 1,338 miles (2,152.9 kilometers) of river. If this proposal is made final, section 7 of the Act would prohibit destruction or adverse modification of critical habitat by any activity funded, authorized, or carried out by any Federal agency.

We reopened the comment period on the proposed critical habitat and provided a notice of availability for the economic analysis in the **Federal Register** on December 28, 2001 (66 FR 67165). However, prior to that reopening the Service's web sites and electronic mail were disconnected in response to a court order in an unrelated lawsuit. Persons who have submitted electronic comments to the Service on this proposal since December 28, 2001, should resubmit those comments directly to the office listed in the **ADDRESSES** section above via regular or express mail or facsimile.

Public Comments Solicited

We solicit public comment on the proposal to designate critical habitat for the northern Great Plains breeding population of the piping plover, as well as the associated draft environmental assessment and draft economic analysis. We will accept written comments and information during this comment period. Previous written comments and information submitted during the comment period need not be resubmitted; however, comments submitted by electronic mail since December 28, 2001, should be resubmitted by regular or express mail or facsimile (see **ADDRESSES** section).

Comments and materials received, as well as supporting documentation used in preparation of the proposal to designate critical habitat, will be available for public inspection, by appointment, during normal business hours at the South Dakota Field Office (see **ADDRESSES** section). Our practice is to make all comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home addresses from the rulemaking record; we will honor these requests to the extent allowed by law. In some circumstances, we would withhold from the rulemaking record a respondent's identity, allowed by law. If you wish us to withhold your name or address, you must state this prominently at the beginning of your 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.

Author

The primary authors of this notice are the South Dakota Field Office staff (see **ADDRESSES** section).

Authority: The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: March 13, 2002.

Craig Manson,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 02–6802 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 67, No. 55
Thursday, March 21, 2002

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

DEPARTMENT OF AGRICULTURE

Forest Service

Glenn/Colusa County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Glenn/Colusa County Resource Advisory Committee (RAC) will hold its third meeting.

DATES: The meeting will be held on April 11, 2002, and will begin at 3 p.m. until approximately 6 p.m.

ADDRESSES: The meeting will be held at the Monday Afternoon Club, 120 N. Lassen St., Willows, CA.

FOR FURTHER INFORMATION CONTACT: Bobbin Gaddini, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, P.O. Box 164, Elk Creek, CA 95939. (530) 968–5329; e-mail *ggaddini@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Review of By-Laws & Operating Guidelines/ Possible Action, (2) Report from Project Proposal Subcommittee/Possible Action, (3) Vacant Replacement Member Group A, (4) Elect a Vice-Chairperson/ Action, (5) Forest Service details on Project Proposals/Possible Action, (6) Project Evaluation Criteria, (7) Additional Proposals (RAC members & public), (8) Process to Solicit Proposals, (9) Public Comment, (10) Next Agenda. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: March 12, 2002.

James F. Giachino,

Designated Federal Officer.

[FR Doc. 02–6815 Filed 3–20–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: North Central Idaho Resource Advisory Committee, Grangeville, Idaho, Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Nez Perce and Clearwater National Forests' North Central Idaho Resource Advisory Committee will meet Thursday, April 18, 2002 in Grangeville, Idaho for a business meeting. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The business meeting on April 18, begins at 10 a.m., at Oscar's Restaurant, Grangeville, Idaho. Agenda topics will include review of proposed projects and project selections. A public forum will begin at 2:30 p.m. (PST).

FOR FURTHER INFORMATION CONTACT: Ihor Mereszczak, Staff Officer and Designated Federal Officer, at (208) 983–1950.

Dated: March 14, 2002.

Ihor Mereszczak,

Acting Forest Supervisor.

[FR Doc. 02–6864 Filed 3–20–02; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Illinois Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 12 p.m. and adjourn at 5 p.m. on Friday, March 29, 2002, at 55 West Monroe Street, Suite 525, Chicago, IL 60603. The purpose of the meeting is to discuss current events and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Constance M. Davis, Director of the Midwestern Regional Office, 312–353–8311 (TDD 312–353–8362). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 15, 2002.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 02–6857 Filed 3–20–02; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Montana Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Montana Advisory Committee to the Commission will convene at 3:30 p.m. and adjourn at 5:30 p.m. on Monday, April 8, 2002, at the Best Western Heritage Inn, 1700 Fox Farm, Great Falls, Montana 59404. The purpose of the meeting is to hold new member orientation and review an update on statewide and local developments regarding Indian education and civil rights issues in the state.

Persons desiring additional information, or planning a presentation to the Committee, should contact, John Dulles, Director of the Rocky Mountain Regional Office, 303–866–1040 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 15, 2002.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 02–6858 Filed 3–20–02; 8:45 am]

BILLING CODE 6553–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Tennessee Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on April 11, 2002, at the Marriott Chattanooga Convention Center, Two Carter Plaza, Chattanooga, Tennessee 37402. The purpose of the meeting is to plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Bobby D. Doctor, Director of the Southern Regional Office, 404–562–7000 (TDD 404–562–7004). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 15, 2002.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 02–6859 Filed 3–20–02; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Wisconsin Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on Friday, April 11, 2002, at the Pfister Hotel, 424, East Wisconsin Avenue, Milwaukee, Wisconsin 53202. The purpose of the meeting is to discuss current events and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Constance M. Davis, Director of the Midwestern Regional Office, 312–353–8311 (TDD 312–353–8362). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 15, 2002.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 02–6860 Filed 3–20–02; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committees

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix 2, section 10(a)(b), the Bureau of the Census (Census Bureau) is giving notice of a joint meeting followed by separate and concurrently held meetings of the Census Advisory Committees (CACs) on the African American Population, the American Indian and Alaska Native Populations, the Asian Population, the Hispanic Population, and the Native Hawaiian and Other Pacific Islander Populations. The Committees will address issues related to 2010 decennial planning, development, and testing, as well as the American Community Survey and other related decennial programs. The five CACs on Race and Ethnicity will meet separately on April 29 and May 1 and in plenary and concurrent sessions on April 30. Last-minute changes to the schedule are possible, which could prevent us from giving advance notification.

DATES: April 29–May 1, 2002. On April 29, the meeting will begin approximately 9 a.m. and end approximately 4:30 p.m. On April 30, the meeting will begin approximately 8:30 a.m. and end approximately 5:30 p.m. On May 1, the meeting will begin approximately 9 a.m. and end approximately 1 p.m.

ADDRESSES: The meetings will be held in the Francis Amasa Walker Conference Center, at the U.S. Census Bureau, 4700 Silver Hill Road, Federal Office Building 3, Suitland, MD 20746.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 3627, Federal Office Building 3, Washington, DC 20233, telephone 301–457–2075, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The CACs on the African American Population, the American Indian and Alaska Native Populations, the Asian Population, the Hispanic Population, and the Native Hawaiian and Other Pacific Islander Populations are comprised of nine members each. The Committees provide an organized and continuing channel of communication between the representative race and ethnic populations and the Census Bureau. The Committees provide an outside user perspective about how research and design plans for the 2010 decennial census, the American Community Survey, and other related programs realize goals and satisfy needs associated with these communities. They also assist the Census Bureau on ways that census data can best be disseminated to diverse race and ethnic populations and other users.

All meetings are open to the public. A brief period will be set aside on May 1 for public comment and questions. Individuals with extensive questions or statements must submit them in writing to the Committee Liaison Officer, named above, at least three days before the meeting. Seating is available to the public on a first-come, first-served basis.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Committee Liaison Officer.

Dated: March 14, 2002.

William G. Barron, Jr.,

Acting Director, U.S. Census Bureau.

[FR Doc. 02–6830 Filed 3–20–02; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 17–2002]

Foreign-Trade Zone 126, Reno, Nevada Request for Manufacturing Authority (Personal Computers)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Economic Development Authority of Western Nevada, grantee of FTZ 126, requesting, on behalf of Dell Computer Corporation (Dell), authority to manufacture personal computers under zone procedures within Site 5 (725 Waltham Way, McCarran, Nevada) of FTZ 126 (Reno Customs port of entry). The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 14, 2002.

Dell intends to share a 330,000 square-foot facility within FTZ 126 (110 employees projected) for the manufacture of personal computers, including servers and workstations. Dell is already authorized to manufacture such computers under zone procedures within Foreign-Trade Zone 78, Foreign Trade Zone 183, and Subzone 183A. This proposal involves an increase in the overall level of production under FTZ procedures for Dell.

The specific finished products for which Dell seeks authority to produce under FTZ procedures are various types of computers (desktop and notebook computers, workstations, and network servers) and data storage products. All of these products fall into HTSUS classifications which are duty free. The imported components for which Dell is seeking authority for inverted tariff benefits are cables, batteries, and carrying cases (leather only). Duty rates on these specific items range from 2.6% to 4.5% *ad valorem,* and components purchased from foreign sources currently comprise up to 48 percent of the finished product's value.

This application requests authority to allow Dell to conduct its activity under FTZ procedures, which it says would help improve the international competitiveness of Dell's Reno facility. According to Dell's application, the principal tangible benefit is that, on its domestic sales, the company would be able to choose the duty rate that applies to finished computers (duty free) for the foreign components noted above. The company also anticipates ''procedural benefits'' through the use of FTZ procedures.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions *via Express/Package Delivery Services:* Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW., Washington, DC 20005; or

2. Submissions *via the U.S. Postal Service:* Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230.

The closing period for their receipt is May 20, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 4, 2002.

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address Number 1 listed above, and at the U.S. Department of Commerce Export Assistance Center, 1755 East Plumb Lane, Suite 152, Reno, NV 89502.

Dated: March 14, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–6871 Filed 3–20–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Coastal Zone Management: Federal Consistency Appeal by Stora Enso North America (Formerly Known as Consolidated Papers, Inc. and Niagara Paper of Wisconsin) From an Objection by Wisconsin Department of Administration

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Dismissal of appeal.

On May 5, 1997, Stora Enso North America (formerly known as Consolidated Papers, Inc. and Niagara Paper of Wisconsin) (Appellant), appealed the Wisconsin Department of Administration's (State) objection to the federal hydropower license for the Little Quinnesec Falls project. Action on this appeal stayed pending the resolution of judicial proceedings before the Court of Appeals for the 7th Circuit and negotiations between the Parties.

At the Appellant's request, the Assistant General Counsel for Ocean Services granted several stays of the consistency appeal, which were not opposed by the State. The State and the Appellant have reached an agreement on Appellant's proposed project and the State has determined that the activity is now consistent with the State's Coastal Management Program. By letter to Appellant, the State withdrew its objection to the project. Accordingly, the Appellant has requested that the appeal be withdrawn.

NOAA granted this request and the appeal has been dismissed. This is a final agency action for purposes of judicial review.

FOR FURTHER INFORMATION CONTACT: Karl Gleaves, Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910, (301) 713–2967.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: February 12, 2002.

Leila J. Afzal,

Acting General Counsel.

[FR Doc. 02–6798 Filed 3–20–02; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary; Renewal of 19 Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: Under the provisions of Public Law 92–463, the ''Federal Advisory Committee Act,'' notice is hereby given that the following 19 advisory committees have been determined to be in the public interest and were renewed on February 28, 2002:

A. Board of Visitors National Defense University
B. Strategic Advisory Group for the U.S. Strategic Command
C. Advisory Group on Electron Devices
D. Defense Science Board
E. Defense Advisory Committee on Military Personnel Testing
F. DoD Wage Committee
G. National Security Agency Advisory Board
H. Armed Forces Epidemiological Board
I. Army Science Board
J. Army Education Advisory Committee
K. Chief of Engineers Environmental Advisory Board
L. Scientific Advisory Board of the Armed Forces Institute of Pathology
M. Board of Advisors to the President, Naval War College
N. Board of Advisors to the Superintendent, Naval Postgraduate School
O. Chief of Naval Operations Executive Panel Advisory Committee
P. Naval Research Advisory Committee
Q. Air University Board of Visitors
R. Community College of the Air Force Board of Visitors
S. U.S. Air Force Scientific Advisory Board.

These committees provide necessary and valuable advice to the Secretary of Defense and other senior officials in the DoD in their respective areas of expertise. They make important contributions to DoD efforts in research

and development, education, and training, and various technical program areas. Some of them are authorized by statute.

It is a continuing DoD policy to make every effort to achieve a balanced membership on all DoD advisory committees. Each committee is evaluated in terms of the functional disciplines, levels of experience, professional diversity, public and private association, and similar characteristics required to ensure a high degree of balance is obtained.

FOR FURTHER INFORMATION CONTACT: Contact Jennifer Spaeth, DoD Committee Management Officer, 703–695–4281.

Dated: March 15, 2002.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 02–6831 Filed 3–20–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary; Renewal of the Department of Defense Historical Advisory Committee

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense Historical Advisory Committee was renewed, effective January 23, 2002, in consonance with the public interest, and in accordance with the provisions of the ''Federal Advisory Committee Act.''

The DoD Historical Advisory Committee consists of three subcommittees (Historical Records Declassification Advisory Panel, the Department of The Army's Historical Advisory Subcommittee, and the Secretary of the Navy's Subcommittee on Naval History) which advise the Office of the Secretary of Defense and the Secretaries of the Army and Navy regarding the professional standards, historical methodology, program priorities, liaison with professional groups, and adequacy of resources associated with Department of Defense historical programs.

The DoD Historical Advisory Committee will continue to be well balanced in terms of the interest groups represented and functions to be performed. The members include distinguished representatives from academia, current U.S. Government and private sector historians, authors and librarians, and retired general officers of general/flag rank.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Spaeth, DoD Committee Management Officer, 703–695–4281.

Dated: March 15, 2002.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 02–6832 Filed 3–20–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary; Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meeting date changes.

SUMMARY: On Friday, December 14, 2001 (66 FR 64810), the Department of Defense announced closed meetings of the Defense Science Board (DSB) Task Force on Defense Against Terrorists' Use of Biological Weapons. Several of the announced meetings have been rescheduled: from April 29–30, 2002, to May 6–7, 2002; from June 3–4, 2002, to June 6–7, 2002; and from July 22–23, 2002, to July 29–30, 2002. These meetings will be held at Strategic Analysis Inc., 3601 Wilson Boulevard, Suite 600, Arlington, VA.

Dated: March 14, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Office, Department of Defense.

[FR Doc. 02–6833 Filed 3–20–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Epidemiological Board; Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of closed meeting.

SUMMARY: In accordance with section 10(a)(2) of Public Law 92–463, The Federal Advisory Committee Act, this announces the forthcoming working group meeting:

Name of Committee: Armed Forces Epidemiological Board (AFEB).

Dates of Meeting: April 17–18, 2002.

Time: 7:30 a.m.–4:30 p.m. (April 17, 2002); 7:30 a.m.–1 p.m. (April 18, 2002).

The purpose of the meeting is to receive briefings on the health risk of low-level phased array radio frequency energy emissions, specifically risk associated with the PAVE PAWS radar site at Cape Cod Military Reservation.

As part of the deliberations, the working group of the AFEB has requested classified briefings from the Air Force. The meeting location will be at Brooks Air Force Base in San Antionio, Texas. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof and Title 5, U.S.C., appendix 1, subsection 10(d). Any interested person may file statements with the committee to be considered at the time and in the manner permitted by the committee.

FOR FURTHER INFORMATION CONTACT: Lt Col James R. Riddle, Executive Secretary, Armed Forces Epidemiological Board, Skyline Six, 5109 Leesburg Pike, Room 682, Falls Church, Virginia 22041–3258, (703) 681–8012/3.

SUPPLEMENTARY INFORMATION: None.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–6867 Filed 3–20–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 25 & 26 March.

Time of Meeting: 0800–1700, 25 March 2002, 0800–1700, 26 March 2002.

Place: Directed Technologies, 3601 Wilson Boulevard, Suite 650, Arlington, VA 22201.

Agenda: The Army Science Board's (ASB) Study ''Meeting the Future Army Aviation Needs'' will meet for briefings and discussions on the study subject. These meetings will be closed to the public in accordance with Section 552b(c) of title 5, U.S.C., specifically subparagraph (4) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of these meetings. For further information, please

contact (Mr. David Wildes @703–601–1536 or Email: Wildes, David Mr. SAALT/S3)

Wayne Joyner,

Program Support Specialist, Army Science Board.

Agenda

The Army Science Board's Study on ''Meeting the Future Aviation Needs'' 25–26 March 2002

25 March

900–1200 Army Aviation Science and Technology Program. Presented by the Army Aviation and Missile Research, Development and Engineering Center (AMRDEC). (PROPRIETARY)

1300–1400 Defense Advanced Research Projects Agency (DARPA) Unmanned Combat Air Vehicle (UCAV) Program. Presented by DARPA Program Manager (PM). (PROPRIETARY)

1400–1700 DARPA A–160 Hummingbird, Canard Rotary Wing (CRW) and Unmanned Combat Air Vehcile—Navy (UCAV–N) Programs. Presented by DARPA PM. (PROPRIETARY)

26 March

900–1200 Army Aviation Acquisition Program. Presented by the Program Executive Officer Aviation (PEO Avn). (PROPRIETARY)

1300–1700 Army Aviation Study 2002 Review and Planning Session. Study Director. (PROPRIETARY)

[FR Doc. 02–6885 Filed 3–20–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Department of the Army is amending a system of records notice in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

The category of records entry is being amended to better define those individual pieces of data contained in the reports maintained in the system.

DATES: This proposed action will be effective without further notice on April 22, 2002, unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 15, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0380–13 DAMO

SYSTEM NAME:

Local Criminal Intelligence Files (February 22, 1993, 58 FR 10002).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with 'A0190–45a DAMO'.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Any individual suspected or involved in criminal activity directed against or involving the United States Army.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Add to entry 'Information includes subject's name, aliases, addresses, phone number, date of birth, source of investigation, risk analysis, reports, threat assessments, retention control sheets, victims names, names of informants, names of law enforcement officers and investigators, and subject's group affiliations, if any.'

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete second paragraph. Any release of information from this system of records for law enforcement purposes is covered under the DoD ''Blanket Routine Use'' for law enforcement.

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'By individual's name, Social Security Number, and/or date of birth.'

* * * * *

A0190–45a DAMO

SYSTEM NAME:

Local Criminal Intelligence Files.

SYSTEM LOCATION:

At all designated Army commands, installations and activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual suspected or involved in criminal activity directed against or involving the United States Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and supporting documents of criminal activity directed against or involving the U.S. Army. Information includes subject's name, aliases, addresses, phone number, date of birth, source of investigation, risk analysis, reports, threat assessments, retention control sheets, victims names, names of informants, names of law enforcement officers and investigators, and subject's group affiliations, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 380–13, Acquisition and Storage of Information Concerning Non-Affiliated Persons and Organizations; Army Regulation 190–45, Law Enforcement Reporting; Army Regulation 195–2, Criminal Investigation Activities; and E.O. 9397 (SSN).

PURPOSE(S):

To enable designated Army officials, commanders, or civil criminal justice agencies to meet their responsibilities maintaining law and order through investigation and possible judicial action. To identify individuals in an effort to anticipate, prevent or monitor possible criminal activity directed against or involving the U.S. Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the

DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape/disc, and on electronic storage media.

RETRIEVABILITY:

By individual's name, Social Security Number, and/or date of birth.

SAFEGUARDS:

Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Criminal intelligence reports and cross-index cards belonging to the Headquarters, Criminal Investigation Division, are destroyed when no longer needed, except for reports of current operational value. These reports are reviewed yearly for continued retention, not to exceed 20 years, and then destroy. The records maintained at the Regional Headquarters are destroyed after 5 years. Records maintained at District, field office and elements designated by region commanders are destroyed after 3 years or when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, Military Operations, 400 Army Pentagon, Washington, DC 20310–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, Military Operations, 400 Army Pentagon, Washington, DC 20310–0400.

Individual should provide their full name, Social Security Number, date of birth, and address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, Military Operations, 400 Army Pentagon, Washington, DC 20310–0400.

Individual should provide their full name, Social Security Number, date of birth, and address.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and U.S. Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. 02–6834 Filed 3–20–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army Corps of Engineers

Inland Waterways Users Board; Meeting

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

ACTION: Notice of open meeting.

SUMMARY: In Accordance with 10(a)(2) of the Federal Advisory Committee Act, Public Law (92–463), announcement is made of the next committee meeting.

Name of Committee: Inland Waterways Users Board.

Date: April 25, 2002.

Location: Convention and Trade Center, One Carter Plaza, Chattanooga, Tennessee (1–800–841–1674).

Time: 7:30 am to 1 pm.

FOR FURTHER INFORMATION CONTACT: Mr. Norman T. Edwards, Headquarters, US Army Corps of Engineers, CECW–PD, 441 G Street, NW., Washington, DC 20314–1000; Ph: 202–761–4559.

SUPPLEMENTARY INFORMATION: Registration will begin at 7:30 am and the meeting is scheduled to adjourn at 1 pm. The meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–6868 Filed 3–20–02; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Leader, Regulatory Information Management, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507(j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by April 1, 2002.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Karen Lee, Desk Officer: Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or electronically mailed to internet address *Karen_F._Lee@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory

obligations. The Leader, Regulatory Information Management, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on respondents, including through the use of information technology.

Dated: March 15, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of English Language Acquisition

Type of Review: New.

Title: Application for Grants Under English Language Acquisition and Language Enhancement: Native American and Alaska Native Children in School.

Abstract: The Department of Education needs and uses this information to make grants. The respondents are eligible entities required to provide this information in applying for grants.

Additional Information: The purpose of the National Professional Development Program is to provide grants for professional development activities that will improve classroom instruction for limited English proficient (LEP) children and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve LEP students, Section 3131, Public Law 107–110.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 100.

Burden Hours: 8,200.

Requests for copies of the proposed information collection request should be directed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651, *vivian.reese@ed.gov,* or should be electronically mailed to the internet address *OCIO_RIMG@ed.gov,* or should be faxed to 202–708–9346.

Comments regarding burden and/or the collection activity requirements, contact 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. 02–6791 Filed 3–20–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 22, 2002.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10202, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Lauren_Wittenberg@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: March 15, 2002

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Infants and Toddlers with Disabilities Program (Part C) of the Individuals with Disabilities Education Act (IDEA).

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Federal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 168.

Abstract: States are required to submit an application to receive funds. An approved application remains in effect until modifications are needed resulting from a change in policy, procedures, or assurances.

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. 02–6790 Filed 3–20–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity, (National Advisory Committee); Meeting

AGENCY: National Advisory Committee on Institutional Quality and Integrity, Department of Education.

What Is the Purpose of This Notice?

The purpose of this notice is to announce the public meeting of the National Advisory Committee and invite third-party oral presentations before the Committee. This notice also presents the proposed agenda and informs the public of its opportunity to attend this meeting. The notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

When and Where Will the Meeting Take Place?

We will hold the public meeting on June 3, 2002 from 9:30 a.m. until 6:00 p.m., on June 4, 2002 from 8:30 a.m. until 6:00 p.m., and on June 5, 2002 from 8:30 a.m. until 3:00 p.m. at the Wyndham City Center Hotel, 1143 New Hampshire Avenue, NW, Washington, DC 20037. You may call the hotel at (202) 775–0800 or 1–800–526–7495 to inquire about rooms.

What Assistance Will Be Provided to Individuals with Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Who Is the Contact Person for the Meeting?

Please contact Ms. Bonnie LeBold, the Executive Director of the National Advisory Committee on Institutional Quality and Integrity, if you have questions about the meeting. You may contact her at the U.S. Department of Education, room 7007, MS 7592, 1990 K St., NW, Washington, DC 20006, telephone: (202) 219–7009, fax: (202) 219–7008, e-mail: *Bonnie.LeBold@ed.gov.*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339.

What Is the Authority for the National Advisory Committee?

The National Advisory Committee on Institutional Quality and Integrity is established under Section 114 of the Higher Education Act (HEA) as amended, 20 U.S.C. 1011c.

What Are the Functions of the National Advisory Committee?

The Committee advises the Secretary of Education about:

- The establishment and enforcement of the criteria for recognition of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV, HEA.
- The development of standards and criteria for specific categories of vocational training institutions and institutions of higher education for which there are no recognized accrediting agencies, associations, or State agencies in order to establish the interim eligibility of those institutions to participate in Federally funded programs.
- The relationship between: (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory functions relating to accreditation and institutional eligibility that the Secretary may prescribe.

What Items Will be on the Agenda for Discussion at the Meeting?

Agenda topics will include the review of agencies that have submitted petitions for initial recognition or renewal of recognition, requested an expansion of scope, or submitted interim reports.

What Agencies Will the Advisory Committee Review at the Meeting?

The Advisory Committee will review the following agencies during its June 3–5, 2002 meeting.

Nationally Recognized Accrediting Agencies

Petition for Initial Recognition

1. Teacher Education Accreditation Council (Requested scope of recognition: the accreditation of professional education programs in institutions offering baccalaureate and graduate degrees for the preparation of teachers K–12)

Petitions for Renewal of Recognition

1. American Association of Nurse Anesthetists, Council on Accreditation of Nurse Anesthesia Educational Programs (Current scope of recognition: the accreditation of institutions and programs of nurse anesthesia at the certificate, master's, or doctoral degree levels)
2. Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission (Current scope of recognition: the accreditation and preaccreditation (''Correspondent'' and ''Candidate'') of advanced rabbinical and Talmudic schools)
3. American Board of Funeral Service Education, Committee on Accreditation (Current scope of recognition: the accreditation of institutions and programs awarding diplomas, associate degrees and bachelor's degrees in funeral service or mortuary science)
4. Accrediting Commission on Education for Health Services Administration (Current scope of recognition: the accreditation throughout the United States of graduate programs in health services administration)
5. The American Dietetic Association, Commission on Accreditation for Dietetics Education (Current scope of recognition: the accreditation of Coordinated Programs in Dietetics at both the undergraduate and graduate level, postbaccalaureate Dietetic Internships, and Dietetic Technician Programs at the associate degree level) (Requested expansion of scope of recognition: the current scope of recognition to include the accreditation of Didactic Programs in Dietetics at both the undergraduate and graduate level, and its accreditation of programs offered via distance education.)
6. Council on Education for Public Health (Current scope of recognition: the accreditation and preaccreditation (''Preaccreditation Status'') of graduate schools of public health, graduate programs in community health education outside schools of public health, and graduate programs in community health/preventive medicine outside schools of public health)

7. Liaison Committee on Medical Education (Current scope of recognition: the accreditation of medical education programs leading to the M.D. degree)

8. Middle States Association of Colleges and Schools, Commission on Higher Education (Current scope of recognition: the accreditation and preaccreditation (''Candidate Status'') of institutions in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, the U.S. Virgin Islands, the Republic of Panama and a limited number of freestanding American-style institutions abroad that are chartered or licensed by an appropriate agency within the Middle States region)

9. National Association of Nurse Practitioners in Women's Health, Council on Accreditation (Current scope of recognition: the accreditation of women's health nurse practitioner programs located within the United States and its territories)

10. New York Board of Regents (Current scope of recognition: The accreditation (registration) of collegiate degree-granting programs or curricula offered by institutions of higher education in the State of New York and of credit-bearing certificate and diploma programs offered by degree-granting institutions of higher education in the State of New York)

Interim Reports (An interim report is a follow-up report on an accrediting agency's compliance with specific criteria for recognition that was requested by the Secretary when the Secretary granted renewed recognition to the agency.)

1. Accreditation Commission for Acupuncture and Oriental Medicine

2. American Association for Marriage and Family Therapy, Commission on Accreditation for Marriage and Family Therapy Education

3. American Bar Association, Council of the Section of Legal Education and Admissions to the Bar

4. American Osteopathic Association, Bureau of Professional Education

5. American Podiatric Medical Association, Council on Podiatric Medical Education

6. Council on Occupational Education

7. Midwifery Education Accreditation Council

8. National Council for Accreditation of Teacher Education

9. North Central Association of Colleges and Schools, Executive Board of the Commission on Schools

State Agencies Recognized for the Approval of Public Postsecondary Vocational Education

Petition for Renewal of Recognition

1. New York State Board of Regents (Public Postsecondary Vocational Education)

Interim Report

1. Oklahoma State Regents for Higher Education

State Agencies Recognized for the Approval of Nurse Education

Petition for Initial Recognition

1. North Dakota Board of Nursing

Petition for Renewal of Recognition

1. New York State Board of Regents (Nursing Education)

Who Can Make Third-Party Oral Presentations at this Meeting?

We invite you to make a third-party oral presentation before the National Advisory Committee concerning the recognition of any agency published in this notice.

How Do I Request to Make an Oral Presentation?

You must submit a written request to make an oral presentation concerning an agency listed in this notice to the contact person so that the request is received no later than May 10, 2002. Your request (no more than 6 pages maximum) must include:

- The names, addresses, phone numbers, and fax numbers of all persons seeking an appearance,
- The organization they represent, and
- A brief summary of the principal points to be made during the oral presentation.

If you wish, you may attach documents illustrating the main points of your oral testimony. Please keep in mind, however, that *any attachments are included in the 6-page limit.* Please do not send materials directly to Committee members. Only materials submitted by the deadline to the contact person listed in this notice and in accordance with these instructions become part of the official record and are considered by the Committee in its deliberations. Documents received after the May 10, 2002 deadline will not be distributed to the Advisory Committee for their consideration. Individuals making oral presentations may not distribute written materials at the meeting.

If I Cannot Attend the Meeting, Can I Submit Written Comments Regarding an Accrediting Agency in Lieu of Making an Oral Presentation?

This notice requests third-party oral testimony, not written comment. A request for written comments on agencies that are being reviewed during this meeting was published in the **Federal Register** on February 1, 2002. The Advisory Committee will receive and consider only written comments submitted by the deadline specified in that **Federal Register** notice.

How Do I Request to Present Comments Regarding General Issues Rather Than Specific Accrediting Agencies?

At the conclusion of the meeting, the Committee, at its discretion, may invite attendees to address the Committee briefly on issues pertaining to the functions of the Committee, which are listed earlier in this notice. If you are interested in making such comments, you should inform Ms. LeBold before or during the meeting.

How May I Obtain Access to the Records of the Meeting?

We will record the meeting and make a transcript available for public inspection at the U.S. Department of Education, 1990 K St., NW., Washington, DC 20006 between the hours of 9 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. It is preferred that an appointment be made in advance of such inspection.

How May I Obtain 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: *http://www.ed.gov/legislation/FedRegister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 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.gov/nara/index.html.*

Authority: 5 U.S.C. Appendix 2.

Dated: March 14, 2002.

Kenneth W. Tolo,

Acting Deputy Assistant Secretary for Policy, Planning, and Innovation, Office of Postsecondary Education.

[FR Doc. 02–6841 Filed 3–20–02; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Notice of Wetlands Involvement for the Proposed Conveyance of Parcel G, Oak Ridge Reservation, Oak Ridge, Tennessee

AGENCY: Oak Ridge Operations, U.S. Department of Energy.

ACTION: Notice of wetlands involvement.

SUMMARY: The U.S. Department of Energy (DOE), Oak Ridge Operations (ORO) is proposing to convey Parcel G to the City of Oak Ridge. Parcel G and the adjacent DOE property south of Parcel G support a palustrine emergent/scrub-shrub wetland system totaling approximately 1.4 ha (3.4 acres). More detail on these wetlands is provided in the supplementary information. Parcel G is one of three parcels being considered for conveyance from DOE to the City of Oak Ridge. The other two parcels are the American Museum of Science and Energy and Parcel 279.01, neither of which contain wetlands. The purpose of the proposed DOE action is to provide a plan for the long-term financial stability of the AMSE in order to preserve the museum as an asset to the city of Oak Ridge and the surrounding region. The proposed conveyance of the three parcels is also intended to help offset the City of Oak Ridge's long-term cost of operating the museum. The purpose of the proposed action is also to transfer excess DOE–ORO real property for economic development in order to help offset potential economic losses resulting from DOE downsizing, facility closeouts, and work force restructuring.

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations (40 CFR 1500–1508) and the DOE NEPA Implementing Regulations (10 CFR 1021), DOE has prepared a draft Environmental Assessment (EA) to evaluate the proposed action. The EA was issued for public review and comment on January 18, 2002. As a part of the EA (DOE/EA–1415), DOE is including a wetlands assessment to assess the existing wetlands as well as the potential impact of the proposed conveyance. (The wetlands assessment is available by contacting the DOE–ORO representative named below.)

DATES: Comments on the wetlands assessment are due to the address below no later than April 5, 2002.

ADDRESSES: Comments should be addressed to Mr. David R. Allen, U.S. Department of Energy, P.O. Box 2001, MS–SE–30–1, Oak Ridge, TN 37831. Comments may also be faxed to (865) 576–0746.

FOR FURTHER INFORMATION CONTACT: David R. Allen, U.S. Department of Energy, P.O. Box 2001, MS–SE–30–1, Oak Ridge, TN 37831, (865) 576–0411.

For Further Information on General DOE Wetland Environmental Review Requirements, Contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, EH–42, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 200585, (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) has completed a draft EA (DOE/EA–1415) for the Proposed Conveyance of the American Museum of Science and Energy, Parcel G, and Parcel 279.01 to the City of Oak Ridge, Tennessee. The purpose of the proposed DOE action is to provide a plan for the long-term financial stability of the AMSE in order to preserve the museum as an asset to the city of Oak Ridge and the surrounding region. The proposed conveyance of the three parcels is also intended to help offset the City of Oak Ridge's long-term cost of operating the museum. The purpose of the proposed action is also to transfer excess DOE–ORO real property for economic development in order to help offset potential economic losses resulting from DOE downsizing, facility closeouts, and work force restructuring.

Since specific uses of Parcel G would not be known prior to the transfer, DOE has developed reasonably foreseeable scenarios and uses to bound the impact analysis. Scenarios identify potential tenants, utilities and infrastructure, areas to be excluded from development, and a range of emissions, effluents, and wastes that could result from commercial and industrial activities. It is anticipated that the City of Oak Ridge would develop portions of Parcel G for small-scale offices, light industrial use, or retail businesses.

Parcel G contains about 8.1 ha (20.0 acres) and is located southeast of the intersection of Bethel Valley and Scarboro roads. A portion of Parcel G is within the area of the Oak Ridge Institute of Science and Energy Scarboro Operations Site (formerly the South Campus Facility). The Scarboro Operations Site supported research on the biological effects of radionuclides on animals. The portion of Parcel G that is within the boundary of the Scarboro Operations Site was an area where only unexposed animals were housed or grazed. In addition to pasture, the area contained various barns and a three-tiered swine waste treatment pond system. Only one barn structure remains within Parcel G. Nearby land uses include the Y–12 Plant buffer area, Bethel Valley Industrial Park, Commerce Park, and the University of Tennessee Forest Experiment Station and Arboretum. Parcel G is currently zoned by the city of Oak Ridge as F.A.I.R. (Forestry, Agriculture, Industry and Research District).

Parcel G and the adjacent DOE property to the south support a palustrine emergent/scrub-shrub wetland system along Scarboro Creek totaling approximately 1.4 ha (3.4 acres). All wetlands identified at Parcel G exhibited positive field indicators of the wetland criteria: hydrophytic plants, hydric soils, and wetland hydrology. The majority of these wetlands are associated with the floodplain of Scarboro Creek, the Scarboro Creek embayment (part of Melton Hill Reservoir), and two beaver ponds in Scarboro Creek immediately south of Parcel G.

In addition to the Scarboro Creek wetlands, there are three ponds that were created to treat swine waste when Parcel G was actively associated with operation of the Scarboro Operations Site. Agricultural uses of the ponds ceased in the mid-1980's and all three ponds have remained at the site. Two of the ponds remain permanently inundated. The third pond holds water for relatively short periods and supports a wetland plant community. The actual area of wetlands to be transferred with Parcel G is about 0.4 ha (1.0 ac). DOE would retain control over the remaining 1 ha (2.4 acres) of wetlands along Scarboro Creek downstream from Parcel G.

The proposed conveyance of Parcel G would not inherently cause adverse impacts to the survival, quality, natural, and beneficial values of wetlands along Scarboro Creek, because the proposed transfer is an administrative action. Rather, the potential for and degree of adverse impacts would depend upon how the City of Oak Ridge proposes to develop the property. Adverse impacts would include any activity that eliminated or reduced the ability of wetlands to perform their normal biological, chemical, hydrological, and physical functions. Some or all of the wetlands associated with Scarboro Creek could potentially experience

direct impacts by development in the wetlands themselves or indirect impacts from other activities associated with development of adjacent upland areas at Parcel G. Wetlands downstream from Parcel G could also be affected by any construction activities on Parcel G.

A number of administrative controls, including deed restrictions or conservation easements are available for DOE to use in order to prevent adverse impacts to wetlands at Parcel G. Proposals for development of Parcel G that would affect wetlands and other special aquatic resources would also be subject to regulation by the U.S. Army Corps of Engineers (USACE), Tennessee Department of Environment and Conservation (TDEC), and possibly the Tennessee Valley Authority (TVA). Proposed projects would be required to follow normal sequencing during regulatory review to avoid and minimize adverse impacts to wetlands at Parcel G. Compensatory mitigation should be used as a last resort and would be subject to negotiation between the USACE, TDEC, and possibly DOE and TVA.

In accordance with DOE regulations for compliance with wetlands environmental review requirements (10 CFR part 1022), a wetland assessment will be included within the Environmental Assessment for the Proposed Conveyance of the American Museum of Science and Energy, Parcel G, and Parcel 279.01 to the City of Oak Ridge, Tennessee (DOE/EA–1415).

Issued in Oak Ridge, Tennessee, on March 12, 2002.

James L. Elmore,

Alternate NEPA Compliance Officer.

[FR Doc. 02–6818 Filed 3–20–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: Submission for OMB review; comment request.

SUMMARY: The EIA has submitted the energy information collection listed at the end of this notice to the Office of Management and Budget (OMB) for review and a three-year extension with revisions under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq.*).

DATES: Comments must be filed by April 22, 2002. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to Bryon Allen, OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget. To ensure receipt of the comments by the due date, submission by FAX (202–395–7285) or e-mail (BAllen@omb.eop.gov) is recommended. The mailing address is 726 Jackson Place, NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–3087. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: A copy of the materials submitted to OMB is available at *http://www.eia.doe.gov/cneaf/electricity/page/form_417/form_417.html.* Requests for additional information should be directed to Herbert Miller. To ensure timely receipt of any comments sent to EIA, submission by FAX (202–287–1705) or e-mail (herbert.miller@eia.doe.gov) is recommended. Mr. Miller's mailing address is Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mr. Miller may be contacted by telephone at (202) 287–1711.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (i.e., the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (i.e, new, revision, extension, or reinstatement); (5) response obligation (i.e., mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (i.e., the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Form EIA–417, ''Electric Emergency Incident and Disturbance Report''.
2. Security Operations/Office of Emergency Management.
3. OMB Number 1901–0288.
4. Revision and three-year approval requested.
5. Mandatory.
6. Form EIA–417 collects information on electric emergency incidents and disturbances for DOE's use in fulfilling its overall national security and other energy management responsibilities. The information will also be used by DOE for analytical purposes. Control Area Operators or Security Coordinators, as appropriate, file Form EIA–417. In Alaska, Hawaii, Puerto Rico, the U.S. Virgin Islands, and the U.S. Trust Territories, local utilities file the form. The form's instructions explain the filing requirements when a foreign entity is involved.
7. Business or other for-profit; State, local or tribal government.
8. 650 hours (175 respondents × 1.7 responses per year × 2.17 hours per response).

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13)(44 U.S.C. 3501 *et seq.*).

Issued in Washington, DC, March 15, 2002.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 02–6817 Filed 3–20–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL02–70–000]

The United Illuminating Company, Complainant, v. ISO New England Inc., Respondent; Notice of Complaint

March 15, 2002.

Take notice that on March 14, 2002, The United Illuminating Company (UI) filed a Complaint against ISO New England Inc. (ISO–NE) requesting, inter alia, that the Federal Energy Regulatory Commission immediately strike the January 25, 2002 action by ISO–NE and take further action to ensure that the costs of supporting the Hydro Quebec Interconnection are properly reflected in the NEPOOL Open Access Transmission Tariff or any future tariff for a Northeast Regional Transmission Organization.

Copies of the complaint were served via facsimile and courier to representatives of ISO–NE, electronically to NEPOOL Counsel for circulation to NEPOOL Participants, and by overnight delivery to the affected state regulatory agencies.

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 April 3, 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 April 3, 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–6842 Filed 3–20–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL02–69–000]

UtiliCorp United Inc.; Notice of Filing

March 14, 2002.

Take notice that on March 8, 2002, UtiliCorp United Inc. (UtiliCorp) filed a Petition for Declaratory Order under Section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA). UtiliCorp requests that the Commission issue a declaratory order finding that UtiliCorp is not primarily engaged in the generation or sale of electric power within the meaning of Section 201 of PURPA and Section 292.206(a) of the Commission's regulations, and is therefore permitted to acquire up to one hundred percent (100%) of the equity interests in qualifying facilities.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's web site at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance). Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Comment Date: April 8, 2002.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–6788 Filed 3–20–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG02–103.000, et al.]

Hermiston Power Partnership., et al.; Electric Rate and Corporate Regulation Filings

March 14, 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. Hermiston Power Partnership

[Docket No. EG02–103–000]

Take notice that on March 11, 2002, Hermiston Power Partnership (Hermiston) filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Hermiston, an Oregon general partnership, proposes to own and operate a 546 MW natural gas-fired, combined cycle electric generating facility located in Umatilla County, Oregon. Hermiston will sell the output at wholesale to an affiliated power marketer.

Comment date: April 3, 2002.

2. EE South Glens Falls

[Docket No. ER99–1261–003]

Take notice that on March 11, 2002, Energy East South Glens Falls, LLC (EE South Glens Falls) tendered a letter concerning its triennial market power review pursuant to an order issued by the Commission in Docket No. ER99–1261–000 on March 11, 1999 granting EE South Glens Falls market-based rate authorization.

Comment date: April 1, 2002.

3. American Transmission Company LLC, Edison Sault Electric Company, Wisconsin Electric Power Company

[Docket No. ER01–702–003, Docket No. OA01–7–000, and Docket No. OA01–8–000 (Not Consolidated)]

Take notice that on March 7, 2002, American Transmission Company LLC (ATCLLC) tendered for filing a compliance filing with the Federal Energy Regulatory Commission (Commission) as required by the Commission's February 1, 2002 Order on Standards of Conduct in the above captioned proceedings.

Comment date: March 28, 2002.

4. Hardee Power Partners Limited

[Docket No. ER01–3064–002]

Take notice that on March 11, 2002, in compliance with the Federal Energy Regulatory Commission's (Commission) letter order issued January 8, 2002 in the above-referenced proceeding, Hardee Power Partners Limited tendered for filing with the Commission revisions to the tariff sheet designations of its Electric Rate Schedule FERC Nos. 1 and 2. These revisions are consistent with the requirements set forth in Order No. 614. Designation of Electric Rate Schedules, 90 FERC 61,352 (2000).

Comment date: April 1, 2002.

5. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–947–001]

Take notice that on March 11, 2002, the Midwest Independent Transmission System Operator, Inc. (the Midwest ISO) tendered for filing revisions to its Open Access Transmission Tariff (OATT), FERC Electric Tariff, Original Volume No. 1, which amend the Midwest ISO's February 1, 2002 filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's Regulations, 18 CFR 35 et seq. (2001).

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.midwestiso.org* under the heading ''Filings to FERC'' for other interested parties in this matter.

Comment date: April 1, 2002.

6. Central Maine Power Company

[Docket No. ER02–1301–000]

Take notice that on March 11, 2002, Central Maine Power Company (CMP) tendered for filing a service agreement for Non-firm Local Point-to-Point Transmission Service entered into with Gardner Brook Hydro. Service will be provided pursuant to CMP's Open Access Transmission Tariff, designated rate schedule CMP—FERC Electric Tariff, Original Volume No. 3, Fifth Revision, Service Agreement No. 156.

Comment date: April 1, 2002.

7. Alliant Energy Corporate Services, Inc.

[Docket No. ER02–1291–000]

Take notice that on March 6, 2002, Alliant Energy Corporate Services, Inc. tendered for filing with the Federal Energy Regulatory Commission (Commission) an amendment to include one page that was omitted from its executed Service Agreement with EnXco, Inc. for Non-Firm Point-to-Point Transmission.

Alliant Energy Corporate Services, Inc. renews its request for an effective date of November 27, 2001, and accordingly, seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Illinois Commerce Commission, the Minnesota Public Utilities Commission, the Iowa Department of Commerce, and the Public Service Commission of Wisconsin.

Comment date: March 27, 2002.

8. Xcel Energy Services, Inc.

[Docket No. ER02–1292–000]

Take notice that on March 11, 2002, Xcel Energy Services, Inc. (XES), on behalf of Public Service Company of Colorado (Public Service), submitted for filing a Master Power Purchase and Sale Agreement between Public Service and Williams Gas Processing Company. (Williams Gas), which is in accordance with Public Service's Rate Schedule for Market-Based Power Sales (Public Service FERC Electric Tariff, First Revised Volume No. 6).

XES requests that this agreement become effective on December 11, 2001.

Comment date: April 1, 2002.

9. Puget Sound Energy, Inc.

[Docket No. ER02–1297–000]

Take notice that on March 11, 2002, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a service agreement for Firm Point-To-Point Transmission Service and a service agreement for Non-Firm Point-To-Point Transmission Service with NorthPoint Energy Solutions Inc. (NorthPoint), as Transmission Customer. A copy of the filing was served upon NorthPoint.

Comment date: April 1, 2002.

10. Wolverine Power Supply Cooperative, Inc.

[Docket No. ER02–1298–000]

Take notice that on March 11, 2002, Wolverine Power Supply Cooperative, Inc. tendered for filing an executed Term Sheet between Wolverine Power Supply Cooperative, Inc., and Wolverine Power Marketing Cooperative, Inc., which term sheet expressly incorporated the terms and conditions of the Wholesale Power Sales Enabling Agreement between Wolverine Power Supply Cooperative, Inc. and Wolverine Power Marketing Cooperative, Inc. previously approved by this Commission. The Term Sheet concerns the sale of power from Wolverine Power to Wolverine Marketing with ultimate service to end-use retail customer CEMEX Wolverine requests an effective date of February 11, 2002 for this filing.

Wolverine states that a copy of this filing has been served upon Wolverine Power Marketing Cooperative, Inc. and the Michigan Public Service Commission.

Comment date: April 1, 2002.

11. Entergy Services, Inc.

[Docket No. ER02–1299–000]

Take notice that on March 11, 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 Coral Power, L.L.C.

Comment date: April 1, 2002.

12. Southwest Power Pool, Inc.

[Docket No. ER02–1300–000]

Take notice that on March 11, 2002, Southwest Power Pool, Inc. (SPP) submitted for filing an executed service agreement for Firm Point-to-Point Transmission Service with Higginsville Municipal Utilities (Transmission Customer). SPP seeks an effective date of March 1, 2002 for this service agreement.

The Transmission Customer was served with a copy of this filing.

Comment date: April 1, 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–6786 Filed 3–20–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11870–000, New Hampshire]

Goodrich Falls Hydro Electric Company; Notice of Availability of Environmental Assessment

March 15, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for exemption from licensing of the Goodrich Falls Project, located on the Ellis River, in Carroll County, New Hampshire, and has prepared an Environmental Assessment (EA) for the

project. There are no Federal lands, including Indian reservations, occupied by project works or located within the project boundary.

The EA contains the staff's analysis of the potential environmental impacts of the proposed exemption and concludes that issuance of an exemption from licensing for the Goodrich Falls Hydroelectric Project would not constitute a major Federal action that would significantly affect the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA 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).

For further information, contact John Ramer at (202) 219–2833.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–6789 Filed 3–20–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–74–000]

Reef International, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Eagle Pass International Pipeline Project and Request for Comments on Environmental Issues

March 15, 2002.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Eagle Pass International Pipeline Project involving the construction and operation of facilities by Reef International, L.L.C. (Reef) in Maverick County, Texas, and that cross the international border between the United States and Mexico.[1] The EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice Reef provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (*www.ferc.fed.us*).

Summary of the Proposed Project

Reef is proposing the Eagle Pass International Pipeline Project to provide firm transportation to Compania National de Gas, S.A. (Conagas). This project would allow Reef to deliver up to 15 million cubic feet per day. The purpose of the project is to provide the Piedras Negras region of Coahuila, Mexico, with needed, additional supplies of gas.

Reef proposes to construct, operate, and maintain about 4 miles of 12-inch-diameter pipeline and appurtenant facilities from an interconnection with Southern Transmission Company (Southern) in Maverick County, Texas, crossing under the Rio Grande, the midpoint of which is the International Boundary between the United States and Mexico, to a point just across the river in Coahuila, Mexico. Reef is seeking a Presidential Permit from the Commission for the 400-foot-long border crossing in Maverick County, Texas which is the U.S. portion of the directional drill across the Rio Grande. The entire directional drill would be 800 feet in length, half of which would be in Mexico. A meter station would be constructed in Maverick County about 2,035 feet downstream from the interconnection with Southern. About 1000 feet of pipeline and a meter station would be constructed in Mexico and would be owned and operated by Conagas. Also, a 6-inch-diameter propane/butane pipeline would also be constructed parallel to the natural gas pipeline for about 3 miles of the route within the U.S. and also cross into Mexico.

Land Requirements for Construction

Construction of Reef's proposed facilities would require about 25.3 acres of land, including construction right-of-way for the new pipeline and extra work areas needed for the directional drill. The pipeline would be constructed adjacent to existing sanitary sewer and utility easements for 72 percent of the route. For the construction of the pipeline, Reef would use a 50-foot-wide construction right-of-way. Reef indicates that it would maintain a 30-foot-wide permanent right-of-way totaling 14.55 acres. The meter station and access road would be located within a 5.53 acre location adjacent to an industrial area. About 5 acres would be needed for a pipe and contractor yard, although this location has not yet been determined.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[2] to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources and wetlands
- Vegetation and wildlife
- Threatened and endangered species
- Cultural resources
- Land use
- Reliability and safety

We will evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on

[1] Reef's application was filed with the Commission on January 22, 2002, under Section 3 of the Natural Gas Act.

[2] ''We'', ''us'', and ''our'', refer to the environmental staff of the Office of Energy Projects (OEP).

the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Reef. This preliminary list of issues may be changed based on your comments and our analysis.

—A directionally drilled crossing of the Rio Grande.

—Potential impact on the jaguarundi, ocelot, and mountain plover which are Federally listed threatened and endangered species.

—Loss of several acres of pecan orchard.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations or routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission 888 First St., NE., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of Gas 1, PJ–11.1;
- Reference Docket No. CP02–74–000; and
- Mail your comments so that they will be received in Washington, DC on or before April 15, 2002.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.gov* under the ''e-Filing'' link and link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on ''Login to File'' and then ''New User Account''.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 1).[3] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

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).

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–6787 Filed 3–20–02; 8:45 am]

BILLING CODE 6717–01–P

[3] The appendix referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

March 15, 2002.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. Copies of this filing are on file with the Commission and are available for public inspection. The documents may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance).

Exempt

Docket No.	Date filed	Presenter or requester
1. Project Nos. 2061–000, 2777–000 and 1975–000	03–12–02	Bill Baker.
2. CP01–409–000	03–12–02	Alice Weekley.
3. Project Nos. 1975–000, 2061–000, 2777–000 2778–000 and 2065–000	03–12–02	Stan McDonald.
4. Project Nos. 10461–002 and 10462–002	03–12–02	Tom Skutnik and Jerry Sabatis.
5. Project No. 2778–000	03–12–02	Bill Baker.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–6843 Filed 3–20–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7161–1]

Agency Information Collection Activities: Proposed Collection; Comment Request; Up for Renewal: EPA Worker Protection Standard for Hazardous Waste Operations and Emergency Response, EPA ICR #1426.06, OMB Control #2050–0105, Expiration 7/31/2002

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): EPA Worker Protection Standard for Hazardous Waste Operations and Emergency Response, EPA ICR #1426.06, OMB Control #2050–0105, Expiration 7/31/2002. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before May 15, 2002.

ADDRESSES: Office of Solid Waste and Emergency Response (5305G), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

Remit comments to Sella M. Burchette, US EPA/ERTC, 2890 Woodbridge Avenue, Building 18, MS101, Edison, NJ 08837–3679.

To obtain a copy at no charge, please contact Sella Burchette at (732) 321–6726/FAX: (732) 321–6724/or electronically at *burchette.sella@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Sella M. Burchette, (732) 321–6726/FAX: (732) 321–6724/or electronically at *burchette.sella@epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those State and local employees engaged in hazardous waste operations and emergency response in the 27 States that do not have Occupational Safety and Health Administration (OSHA) approved State plans.

Title: EPA Worker Protection Standard for Hazardous Waste Operation and Emergency Response, OMB Control #2050–0105, EPA ICR #1426.06, Expiration 7/31/02. This is a request for renewal of a currently approved collection.

Abstract: Section 126(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) requires EPA to set worker protection standards for State and local employees engaged in hazardous waste operations and emergency response in the 27 States that do not have Occupational Safety and Health Administration approved State plans. The EPA coverage, required to identical to the OSHA standards, extends to three categories of employees: those engaged in clean-ups at uncontrolled hazardous waste sites, including corrective actions at Treatment, Storage and Disposal (TSD) facilities regulated under the Resource Conservation and recovery Act (RCRA); employees working at routine hazardous waste operations at RCRA TSD facilities, and employees involved in emergency response operations without regard to location. This ICR renews to existing mandatory record keeping collection of ongoing activities including monitoring of any potential employee exposure at uncontrolled hazardous waste site, maintaining records of employee training, refresher training, medical exams and reviewing emergency response plans. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The annual recordkeeping burden for this collection is estimated to average 10.46 hours per site or event. The estimated number of respondents is approximated at 100 RCRA TSD facilities or uncontrolled hazardous waste sites: 23,900 State and local police departments, fire departments or hazardous materials teams. The estimated total burden hours on respondents: 255,427. The frequency of collection: continuous maintenance of records. Burden means to total time, effort, and financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing

and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Remit comments regarding these matters, or any other aspect of the information collection, including suggestions for reducing the burden, to the address listed above.

Dated: March 5, 2002.

Elaine F. Davies,

Acting Office Director, Office of Emergency and Remedial Response.

[FR Doc. 02–6849 Filed 3–20–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OW–FRL–7161–5]

Beaches Environmental Assessment and Coastal Health Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of grants for development of coastal recreation water monitoring and public notification under the Beaches Environmental Assessment and Coastal Health Act.

SUMMARY: The Beaches Environmental Assessment and Coastal Health Act (BEACH Act) signed into law on October 10, 2000, amends the Clean Water Act (CWA) to reduce the risk of disease to users of the Nation's recreational waters. The BEACH Act authorizes the U.S. Environmental Protection Agency (EPA) to award program development and implementation grants to eligible States, Territories, Tribes, and local governments to support microbiological testing and monitoring of coastal recreation waters, including the Great Lakes, that are adjacent to beaches or similar points of access used by the public. BEACH Act grants also provide support for development and implementation of programs to notify the public of the potential exposure to disease-causing microorganisms in coastal recreation waters. EPA encourages coastal States and Territories to apply for BEACH Act Grants for Program Development (referred to as Development Grants) to develop effective and comprehensive coastal recreation water monitoring and public notification programs.

DATES: Submit your application on or before May 20, 2002.

ADDRESSES: You must send your application to the appropriate Regional Grant Coordinator listed in this document under **SUPPLEMENTARY INFORMATION,** section VII.

FOR FURTHER INFORMATION CONTACT: Charles Kovatch, 202–260–3754.

SUPPLEMENTARY INFORMATION:

I. Grant Program

What Is the Statutory Authority for the Development Grants?

The statutory authority for BEACH grants is section 406(b) of the CWA as amended by the BEACH Act, Public Law 106–284, 114 Stat. 970 (2000). It provides in part: ''The Administrator may make grants to States and local governments to develop and implement programs for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public.''

What Activities Are Eligible for Funding Under the Development Grants in Fiscal Year 2002?

In Fiscal Year 2002, EPA intends to award grants authorized under the BEACH Act to support the continued development of coastal recreation water monitoring and public notification programs to meet program elements under the BEACH Act. EPA encourages grantees to use these funds to test various approaches for meeting BEACH Act program requirements. As required by the BEACH Act, EPA expects to publish performance criteria for implementation of coastal recreation water monitoring and public notification programs by April 2002. In fiscal year 2003 and beyond, if funds are appropriated to support these programs, EPA expects to make grants to also support implementation of monitoring and notification programs that are consistent with the statutory requirements for implementation grants, which include consistency with EPA's performance criteria.

II. Funding and Eligibility

*Who Is Eligible To Apply for Development Grants Under this **Federal Register** Document?*

Coastal and Great Lake States are eligible for development grants in FY 2002 to develop monitoring and notification programs. The term ''State'' is defined in section 502 of the CWA to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. However, the Trust Territory of the Pacific Islands no longer exists. The Marshall Islands, the Federated States of Micronesia, and Palau, which were previously entities within the Trust Territory of the Pacific Islands, have entered into Compacts of Free Association with the Government of the United States. As a result, each is now a sovereign, self-governing entity and, as such, is no longer eligible to receive grants as a Territory or possession of the United States.

Are Local Governments Eligible for Funding?

The BEACH Act authorizes EPA to make a grant to a local government for implementation of a monitoring and notification program only if, after the one-year period beginning on the date of publication of performance criteria, EPA determines that the State is not implementing a program that meets the requirements of section 406 of the Act. EPA expects to publish performance criteria in April 2002, and therefore expects April 2003 as the earliest date for local governments to be eligible for beach grants.

Are Tribal Governments Eligible for Funding?

Section 518(e) of the CWA authorizes EPA to treat eligible Indian Tribes in the same manner as States for the purpose of receiving CWA section 406 grant funding. In order to receive BEACH Act grant funds a Tribe must have coastal recreation waters for which water quality standards have been established under the CWA. There are currently no Tribes that have met this requirement. In addition, a Tribe must meet the ''treatment in the same manner as a State'' criteria under CWA section 518(e) to receive grant funds under section 406 of the CWA.

How Much Funding Is Available?

For Fiscal Year 2002, EPA expects to award approximately $10 million in Development Grants to eligible States and Territories.

How Will the Funding Be Allocated?

For this second year of the Development Grants, EPA expects to award grants to all eligible States and Territories who apply for funding based on an allocation formula. In developing this formula EPA consulted with various States, the Coastal States Organization, and Association of State and Interstate Water Pollution Control Administrators (ASIWPCA). This formula uses three factors that are readily available and verifiable: (1)

Length of beach season, (2) miles of beach and (3) number of people that use the beaches.

(1) Beach Season Length

Beach season length was selected as a factor since it determines the part of the year that a government would conduct its monitoring program. The longer the beach season, the more resources that a government would need to conduct monitoring. EPA's information on the length of a beach season was obtained from the National Health Protection Survey of Beaches for the States or Territories that reported information. The beach season for American Samoa, Oregon, Puerto Rico, and Northern Mariana Islands was estimated based on season reported by nearby States and Territories. The beach season for Alaska was estimated based on air and water temperature, available information on recreation activities, and data from the 1993 National Water Based Recreation Survey. EPA grouped the States and U.S. Territories into four categories of beach season lengths:

For beaches in—	The beach season category is—
Alaska	< 3 months.
Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, Wisconsin.	3—4 months.
Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina	5—6 months.
American Samoa, California, Florida, Guam, Hawaii, Northern Mariana, Puerto Rico, Texas, U.S. Virgin Islands	9—12 months.

(2) Beach Miles

Miles of beach was selected as a factor because it determines the geographical extent over which a government would conduct monitoring. The longer the miles of beaches, the more resources a government would need to conduct monitoring. For this second year of Development Grants, EPA is using shoreline miles as a surrogate rather than beach miles because beach miles are not available for all beaches in the 35 eligible States and Territories. EPA discussed the drawbacks of using this surrogate factor with States on a conference call on December 11, 2001 BEACH Act grantees, however, must identify their beaches as a condition of their grants; therefore in future years, EPA will be able to measure and thus use beach miles rather than shoreline. Because the BEACH Act grants for 2001 were awarded only recently, States have yet to identify lists of coastal recreation waters in the State. Thus, as a practical matter, EPA could not use beach miles in the allocation formula for FY 2002 grants. Instead, for FY 2002 grants, EPA used the NOAA publication The Coastline of the United States to quantify the shoreline miles.

(3) Beach Use

Beach use was selected as a factor because it reflects the importance of beach-related tourism to the local economy. The greater use a beach receives, the more likely a government would need to conduct increased monitoring because of the larger number of people potentially exposed to pathogens. For this second year of Development Grants, EPA is using the coastal population of counties that are wholly or partially within the State's or Territory's legally defined coastal zone as a surrogate, rather than beach usage because information on beach visitors is not available for all beaches in the 35 eligible States and Territories. EPA also discussed the drawbacks of using this surrogate factor with States on a conference call on December 11, 2001. Participants on the call were doubtful that EPA could develop a consistent, verifiable approach for estimating beach use for all beaches, but could not suggest a better way to quantify this factor at present. EPA is committed to work with the States and Territories with BEACH Act grants to develop a better way to quantify this factor. EPA used the 1990 Census data to quantify coastal population because the 2000 data are not yet available for American Samoa, Guam, Northern Mariana Islands, and the U.S. Virgin Islands. EPA will update this factor when the 2000 census data are available for all eligible States and Territories.

The grants allocation formula consists of the sum of three parts. The first part provides a base amount for all States and Territories that varies with the length of the beach season. The second part distributes 50% of the total remaining funds ($10 million in FY 2002 less that used for the beach season length) based on the ratio of shoreline miles in a State or Territory to the total length of shoreline miles. For example, if a State has 4% of the total coastal and Great Lakes shoreline, that State would receive 2% (4% of 50%) of the total funds remaining after the funds for the beach season length are distributed. The third part distributes 50% of the total remaining funds ($10 million in FY 2002 less that used for the beach season length) based on the ratio of coastal population in a State or Territory to the total coastal population. For example, if a State has 2% of the total coastal and Great Lakes population, that State would receive 1% (2% of 50%) of the total funds remaining after the funds for the beach season length are distributed. The following table summarizes the allocation formula:

For the factor—	The part of the allocation is—
Beach season length	< 3 months: $150,000 (States and Territories with a season <3 months receive season-based funding only.) 3–4 months: $200,000 5–6 months: $250,000 >6 months: $300,000
Shoreline miles	50% of funds remaining after allocation of season-based funding.
Coastal population	50% of funds remaining after allocation of season-based funding.

Based on this allocation formula, the amount of the each State or Territory's development grant award in FY 2002 is expected to be from $150,000 to $530,893 if all 35 eligible States and Territories apply. EPA anticipates that all 35 eligible governments will apply. If fewer than 35 States and Territories apply for the allocated amount, then EPA will re-allocate these grant funds to those States and Territories that applied for the grants using the same formula. If all 35 eligible States and Territories apply, the distribution of the $10 million in funds for year 2002 will be:

For the State or Territory of—	The year 2002 allocation is—
Alabama	$263,142
Alaska	150,000
American Samoa	302,288
California	535,643
Connecticut	226,389
Delaware	211,339
Florida	530,893
Georgia	288,490
Guam	302,775
Hawaii	325,149
Illinois	248,615
Indiana	206,670
Louisiana	383,287
Maine	259,742
Maryland	276,068
Massachusetts	260,691
Michigan	287,556
Minnesota	204,631
Mississippi	258,028
New Hampshire	204,918
New Jersey	285,719
New York	366,030
North Carolina	306,721
Northern Mariana	303,462
Ohio	227,879
Oregon	230,342
Pennsylvania	226,953
Puerto Rico	335,862
Rhode Island	214,225
South Carolina	300,253
Texas	387,957
U.S. Virgin Islands	303,488
Virginia	282,355
Washington	274,034
Wisconsin	228,396

What is the Expected Duration of the Funding and Project Periods?

The expected funding and project period for Development Grants awarded in FY2002 is one year.

Are Matching Funds Required?

Recipients are not required to provide matching funds for Development Grants awarded under authority of the BEACH Act at this time.

What if a State Cannot Use All of Its Allocation?

If a State or Territory cannot use all of its allocation, the Regional Administrator may award the unused funds to any eligible coastal or Great Lake grant recipient(s) in the Region for the development of their coastal recreation water monitoring and notification program. If after this re-allocation, there are still unused funds within the Region, EPA-Headquarters will award these funds to any eligible coastal or Great Lake grant recipient(s).

III. Grant Condition

Section 406(c) of the BEACH Act requires that as a condition of receipt of any BEACH Act grant, recipients identify the program elements listed below. Therefore, EPA will require recipients to address each of the following elements in their grant application and include the status of their efforts on each element in an annual performance report, as required under 40 CFR 31.40:

(1) Lists of coastal recreation waters in the State, including coastal recreation waters adjacent to beaches or similar points of access that are used by the public;

(2) In the case of a State program for monitoring and notification, the process by which the State may delegate to local governments responsibility for implementing the monitoring and notification program;

(3) The frequency and location of monitoring and assessment of coastal recreation waters based on: (A) the periods of recreational use of the waters; (B) the nature and extent of use during certain periods; (C) the proximity of the waters to known point sources and nonpoint sources of pollution; and (D) any effect of storm events on the waters;

(4)(A) the methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and (B) the assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);

(5) Measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to EPA and a designated official of the local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified; EPA has determined that this information may be submitted to the Agency in any form so long as it includes the required information;

(6) Measures for the posting of signs at beaches or similar points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and

(7) Measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.

IV. Additional Eligible Activities

Recipients may use funds for activities in support of developing a beach monitoring and notification program, including:

(1) Activities to comply with the grant conditions specified in section III above;

(2) Quality assurance and quality control (QA/QC) procedures consistent with the requirements under 40 CFR 31.45; to develop and implement QA/QC practices for environmentally related measurements or data generation sufficient to produce data of quality adequate to meet project objectives and to minimize loss of data due to out-of-control conditions or malfunctions; and

(3) Data quality objectives (DQOs), quality assurance project plan (QAPP) and standard operating procedures (SOPs) that clarify study objectives, define the appropriate type of data, and specify tolerable levels of potential decision errors that will be used as the basis for establishing the quality and quantity of data needed to support decisions.

V. Selection Process

What Criteria Will Be Used to Evaluate Applications and Award Development Grants?

Development Grants will be awarded through a non-competitive process by the EPA Regional offices. EPA expects to award grants to all eligible State and Territory applicants that meet requirements of the BEACH Act as described in this document.

Who Has The Authority to Award Development Grants?

The Administrator has delegated the authority to award Development Grants to the Regional Administrators.

VI. Application Procedure

What Is the Catalog of Federal Domestic Assistance (CFDA) Number for the BEACH Program Development Grant?

The number assigned to the Development Grants is 66.472, Program Code CU.

Can BEACH Act Grant Funds Be Included in a Performance Partnership Grant?

For Fiscal Year 2002, Development Grants cannot be included in a Performance Partnership Grant.

What Are The Components of the Application Package?

The application package should contain completed EPA SF–424 Application for Federal Assistance and be submitted to the appropriate EPA Regional Office by May 20, 2002. Please contact the appropriate EPA Regional Office for a complete application package. See Section VII for a list of EPA Regional Grant Coordinators or visit the EPA Beach Watch Website at *www.epa.gov/ost/beaches* on the Internet.

Will Quality Assurance and Quality Control (QA/QC) and Other Procedures Be Required for Application?

No. A QA/QC plan is not required for the application, however under 40 CFR 31.45 a QA/QC plan is required for any environmentally related measurements or data generation (*e.g.* monitoring) performed under the grant. (*See* section IV of this document).

Will There Be Reporting Requirements?

Recipients must submit annual performance reports and financial reports as required in §§ 31.40 and 31.41.

What Regulations and OMB Cost Circular Will Apply to the Award and Administration of These Grants?

The regulations at 40 CFR part 31 will govern the award and administration of grants to States and Territories under section 406 of the BEACH Act. Allowable costs will be determined in accordance with the cost principles in OMB Cost Circular A–87.

VII. Grant Coordinators

Headquarters—Washington, DC

Charles Kovatch USEPA, 1200 Pennsylvania Ave. NW—4305, Washington DC 20460; T:202–260–3754; F: 202–260–9830; *kovatch.charles@epa.gov.*

Region I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island

Matt Liebman USEPA Region I, One Congress St. Ste. 1100—CWQ, Boston, MA 02114–2023; T:617–918–1626; F: 617–918–1505; *liebman.matt@epa.gov.*

Region II—New Jersey, New York, Puerto Rico, U.S. Virgin Islands

Helen Grebe USEPA Region II, 2890 Woodbridge Ave. MS220, Edison, NJ 08837–3679; T: 732–321–6797; F: 732–321–6616; *grebe.helen@epa.gov.*

Region III—Delaware, Maryland, Pennsylvania, Virginia

Nancy Grundahl USEPA Region III, 1650 Arch Street 3ES10, Philadelphia, PA 19103–2029; T: 215–814–2729; F:215–814–2782; *grundahl.nancy@epa.gov.*

Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina

Joel Hansel USEPA Region IV, 61 Forsyth St. 15th Floor, Atlanta, GA 30303–3415; T: 404–562–9274; F: 404–562–9224; *hansel.joel@epa.gov.*

Region V—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Holly Wirick USEPA Region V, 77 West Jackson Blvd. WT–16J, Chicago, IL 60604–3507; T: 312–353–6704; F: 312–886–0168; *wirick.holiday@epa.gov.*

Region VI—Louisiana, Texas

Mike Schaub USEPA Region VI, 1445 Ross Ave. 6WQ–EW, Dallas, TX 75202–2733; T: 214–665–7314; F: 214–665–6689; *schaub.mike@epa.gov.*

Region IX—American Soma, Commonwealth of the Northern Mariana Islands, California, Guam, Hawaii

Terry Fleming USEPA Region IX, 75 Hawthorne St. WTR–2, San Francisco, CA 94105; T: 415–744–1939; F: 415–744–1078; *fleming.terrence@epa.gov.*

Region X—Alaska, Oregon, Washington

Rob Pedersen USEPA Region X, 120 Sixth Ave. OW–134, Seattle, WA 98101; T: 206–553–1646; F: 206–553–0165; *pedersen.rob@epa.gov.*

Dated: February 25, 2002.

Diane C. Regas,

Acting Assistant Administrator, Office of Water.

[FR Doc. 02–6850 Filed 3–20–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34237B; FRL–6828–2]

Atrazine; Revised Pesticide Risk Assessment; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will hold a public meeting to present the revised risk assessment for atrazine to interested stakeholders. This public meeting, called a ''technical briefing,'' will provide an opportunity for stakeholders to learn about the data, information, and methodologies that the Agency used in revising its risk assessment for atrazine.

DATES: The technical briefing will be held on, April 16, 2002, from 9 a.m. to 5 p.m.

ADDRESSES: The technical briefing will be held at the National Rural Electric Cooperative Association (NRECA), 4301 Wilson Blvd., Arlington, VA, telephone number (703) 907–5933. Metro accessibility—Ballston Metro Stop.

FOR FURTHER INFORMATION CONTACT: By mail: Kimberly Nesci Lowe, Special Review and Registration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8059; e-mail address: lowe.kimberly@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to specifically describe all the entities potentially affected by this action. The Agency believes that a wide range of stakeholders will be interested in the technical briefing on atrazine pesticides, including environmental, human health, and agricultural advocates, the chemical industry, pesticide users, and members of the public interested in the use of pesticides on food. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

To access information about organophosphate pesticides, you can also go directly to the Home Page for the Office of Pesticide Programs (OPP) at http://www.epa.gov/pesticides. In addition, a brief summary of the atrazine revised risk assessment is now available at http://www.epa.gov/pesticides, as well as in paper as part of the public version of the official record as described in Unit I.B.2.

2. *In person*. The Agency has established an official record under docket control number OPP–34237B. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. What Action is the Agency Taking?

This document announces the Agency's intention to hold a technical briefing for atrazine. The Agency is presenting the revised risk assessment for atrazine to interested stakeholders. This technical briefing is designed to provide stakeholders with an opportunity to become even more informed about the risk assessment. EPA will describe in detail the revised risk assessment: Including the major points (e.g., contributors to risk estimates); how public comment on the preliminary risk assessment affected the revised risk assessment; and the pesticide use information/data that was used in developing the revised risk assessment. Stakeholders will have an opportunity to ask clarifying questions.

The technical briefing is part of the pilot public participation process that EPA and the United States Department of Agriculture (USDA) are now using for involving the public in the reassessment of pesticide tolerances under the Food Quality Protection Act (FQPA), and the reregistration of individual pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The pilot public participation process was developed as part of the EPA-USDA Tolerance Reassessment Advisory Committee (TRAC), which was established in April 1998, as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. A goal of the pilot public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development of pesticide risk assessment and risk management decisions. EPA and USDA began implementing this pilot process in August 1998, in response to Vice President Gore's directive to increase transparency and opportunities for stakeholder consultation.

On the day of the technical briefing, in addition to making copies available at the meeting site, the Agency will also release for public viewing the atrazine revised risk assessment and related documents to the Public Information and Records Integrity Branch and the OPP Internet web site that are described in Unit I.B.1. In addition, the Agency will issue a **Federal Register** notice to provide an opportunity for a 60-day public participation period during which the public may submit risk management and mitigation ideas and recommendations and proposals for transition.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: March 13, 2002.

Betty Shackleford,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 02–6853 Filed 3–20–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7161–3]

Clean Water Act Section 303(d): Final Agency Action on 27 Total Maximum Daily Loads (TMDLs) and Final Agency Action on 6 Determinations That TMDLs Are Not Needed

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces final agency action on 27 TMDLs prepared by EPA Region 6 for waters listed in Louisiana's Mermentau and Vermilion/Teche river basins, under section 303(d) of the Clean Water Act (CWA). This notice also announces final agency action removing 6 waterbody/pollutant combinations from the Louisiana 303(d) list because TMDLs are not needed. EPA evaluated these waters and prepared the 27 TMDLs needed in response to a partial consent decree entered in the lawsuit *Sierra Club, et al.* v. *Clifford et al.*, No. 96–0527, (E.D. La.). Documents from the administrative record files for the 6 determinations that TMDLs are not needed and for 27 TMDLs, including TMDL calculations and responses to comments may be viewed at *www.epa.gov/region6/water/tmdl.htm.* The administrative record files may be obtained by calling or writing Ms. Caldwell at the above address. Please contact Ms. Caldwell to schedule an inspection.

FOR FURTHER INFORMATION CONTACT: Ellen Caldwell at (214) 665–7513.

SUPPLEMENTARY INFORMATION: In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (plaintiffs), filed a lawsuit in Federal Court against the United States Environmental Protection Agency (EPA), styled *Sierra Club, et al.* v. *Clifford et al.*, No. 96–0527, (E.D. La.). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner.

EPA Takes Final Agency Action on 27 TMDLs

By this notice EPA is taking final agency action on the following 27 TMDLs for waters located within the Mermentau and Vermilion/Teche basins:

Subsegment	Waterbody name	Pollutant
050101	Bayou Des Cannes—Headwaters to Mermentau River	Pesticides (carbofuran & fipronil).
050701	Grand Lake	Pesticides (carbofuran).
050702	Intracoastal Waterway	Pesticides (carbofuran).

Subsegment	Waterbody name	Pollutant
050901	Bays and Gulf Waters to State 3-mile Limit	Pesticides (carbofuran).
060205	Bayou Teche—Headwaters at Bayou Courtableau to I–10	Pesticides (carbofuran).
060207	Bayou des Glaises Diversion Canal	Pesticides (carbofuran).
060301	Bayou Teche—I–10 to Keystone Locks and Dam	Pesticides (carbofuran).
060401	Bayou Teche—Keystone Locks and Dam to Charenton Canal	Pesticides (carbofuran).
060701	Tete Bayou	Pesticides (carbofuran).
060801	Vermilion River—Headwaters at Bayou Fusilier-Bourbeaux Junction to New Flanders (Ambassador Caffery Bridge at Hwy 3073).	Pesticides (carbofuran).
060802	Vermilion River—From New Flanders (Ambassador Caffery Bridge) at Hwy 3073 to Intracoastal Waterway.	Pesticides (carbofuran).
060803	Vermilion River Cutoff	Pesticides (carbofuran).
060901	Bayou Petite Anse	Pesticides (carbofuran).
060902	Bayou Carlin (Delcambre Canal)—Lake Peigneur to Bayou Petite Anse (Estuarine).	Pesticides (carbofuran).
060903	Bayou Tigre	Pesticides (carbofuran).
060904	Vermilion River B890 Basin New Iberia Southern Drainage Canal	Pesticides (carbofuran).
060906	Intracoastal Waterway	Pesticides (carbofuran).
060907	Franklin Canal	Pesticides (carbofuran).
060910	Boston Canal and Associated Canals (Estuarine)	Pesticides (carbofuran).
060911	Vermilion-Teche River Basin	Pesticides (carbofuran).
061101	Bayou Petite Anse	Pesticides (carbofuran).
061102	Intracoastal Waterway	Pesticides (carbofuran).
050201	Bayou Plaquemine Brule—headwaters to Bayou Des Cannes	Pesticides (fipronil).
050401	Mermentau River—origin to Lake Arthur	Pesticides (fipronil).
050501	Bayou Queue de Tortue—headwaters to Mermentau River	Pesticides (fipronil).
050603	Bayou Chene—includes Bayou Grand Marais	Pesticides (fipronil).

EPA requested the public to provide EPA with any significant data or information that may impact the 27 TMDLs in 66 FR 47673 (September 13, 2001). The comments received and EPA's response to comments may be found at *www.epa.gov/region6/water/tmdl.htm.*

Final Agency Action Removing 6 Waterbody/Pollutant Combinations for waters located within the Mermentau and Vermilion/Teche basins from the Louisiana 303(d) List Because TMDLs are not Needed:

Subsegment	Waterbody name	Pollutant
050102	Bayou Joe Marcel	Ammonia, nutrients, and organic enrichment/low DO.
060906	Intracoastal Waterway	Nutrients.
061101	Bayou Petite Anse	Nutrients.
060204	Bayou Courtableau—origin to	Oil and grease.

EPA requested the public to provide to EPA any significant data or information that may impact the determinations that 6 TMDLs are not needed in 66 FR 52403 (October 15, 2001). No comments were received.

Dated: March 13, 2002

Sam Becker,

Acting Director, Water Quality Protection Division, Region 6.

[FR Doc. 02–6845 Filed 3–20–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7161–7]

Public Water System Supervision Program Revision for the State of Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Florida is revising its approved Public Water System Supervision Program. Florida has adopted drinking water regulations for Lead and Copper and the definition of a Public Water System. EPA has determined that these sets of revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA intends on approving this State program revision.

All interested parties may request a public hearing. A request for a public hearing must be submitted by April 22, 2002 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by April 22, 2002, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on April 22, 2002.

Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; (3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road,

Tallahassee, Florida 32399–2400, or at the Environmental Protection Agency, Region 4, Drinking Water Section, 61 Forsyth Street Southwest, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Franklin Baker, EPA Region 4, Drinking Water Section at the Atlanta address given above or at telephone (404) 562–9442.

Authority: (Section 1420 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations).

Dated: February 14, 2002.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 02–6851 Filed 3–20–02; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 50]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Notice and request for comments.

SUMMARY: The Export-Import Bank as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before May 20, 2002 to be assured of consideration.

ADDRESSES: Direct all comments and requests for additional information to Carlista Robinson, Export-Import Bank of the U.S., 811 Vermont Avenue, NW., Washington, DC 20571, (202) 565–3351.

SUPPLEMENTARY INFORMATION:

Titles and Form Numbers

1. Application for Quotation—Export Credit Insurance, EIB 92–34.
2. Beneficiary Certificate and Agreement, EIB 92–37.
3. Application for a Financial Institution Buyer Credit Policy, EIB 92–41.
4. Application for Export Credit Insurance Financing or Operating Lease Coverage EIB 92–45.
5. Application for Medium Term Export Credit Insurance Quotation EIB 92–48.
6. Short-Term Multi-Buyer Export Credit Insurance Policy Application, EIB 92–50.
7. Exporter's Application for Short-Term Single-Buyer Policy, EIB 92–64.
8. Application for Export Credit Insurance Umbrella Policy, EIB 92–72.
9. Broker Registration Form EIB 92–79.

OMB Number: 3048–0009.

Type of Review: Revision and extension of expiration date.

Need and Use: The information requested enables the applicant to provide Ex-Im Bank with the information necessary to obtain legislatively required assurance of repayment and fulfills other statutory requirements. The forms encompass a variety of export credit insurance policies.

Affected Public: They affect all entities involved in the export of U.S. goods and services including exporters, banks, insurance brokers and non-profit or state and local governments. acting as facilitators.

Estimated Annual Respondents: 2,262.

Estimated Time per Respondent: 1 hour.

Estimated Annual Burden: 2,262.

Frequency of Reporting or Use: Applications submitted one time, renewals annually.

Dated: March 14, 2002.

Carlista D. Robinson,

Agency Clearance Officer.

BILLING CODE 6690–01–M

OMB#3048-0009
Expiry Date 5/31/02

EXPORT-IMPORT BANK OF THE UNITED STATES
APPLICATION FOR QUOTATION-EXPORT CREDIT INSURANCE
COMMERCIAL BANK INSUREDS
LETTER OF CREDIT (ELC), BANK DEDUCTIBLE (EBD) or
FINANCIAL INSTITUTION SUPPLIER CREDIT (EBS, EBM) POLICIES

THIS DOCUMENT WILL BE A MATERIAL BASIS OF THE INSURANCE IF QUOTATION IS MADE AND ACCEPTED.

1. Applicant Bank:_____ Contact:_____

   Address, include 9 digit Zip Code:_____

   E-Mail_____ Fax_____ Phone_____

   Tax ID #: _____ DUNS #: _____ Congressional District:_____

2. If you wish us to consider adding subsidiaries, branches or affiliates as Additional Named Insureds under your policy, provide full legal name and address below and answer questions 5. A. (2) or B. (2) for each Additional Named Insured.

Name	Address

3. Name of Brokerage (if any, if none insert *"none"*):_____

   Name of Contact:_____ Broker #:_____

   E-Mail_____ Fax_____ Phone_____

4. Please provide the following information unless you have submitted this information within the past 6 months for Policy No_____:

   A. (I)Rating:_____ Agency:_____ Date:_____, **or**

   (2) a. Annual report, including audited financial statements, on your bank for the past two fiscal years.
   b. The most recent available 10K and 10Q reports on your bank.
   c. Recent (within six months) credit agency report on your bank (otherwise, please attach a check for $35.00).

   B. If you are a foreign bank registered to do business in the U.S., in which state(s) are you licensed to conduct business? How are your operations in this country best described? Does your bank operate as a branch or subsidiary? To what extent are credit decisions made by your bank autonomous of headquarters?

   C. Has your bank or have the individual(s) who will be administering or placing business under this policy ever dealt with Ex-Im Bank before? ☐ Yes ☐ No If yes, describe the programs the bank or the individual(s) are familiar with, and the time period during which these contacts took place._____

   D. Is there any other information that will be of assistance in evaluating your request for a bank policy? ☐ Attached

5. A. **For Letter of Credit Policies** (add pages if necessary):

   (1) a. How are the international banking activities in your bank organized functionally? _____

   (2) a. Who are the key individuals involved? _____

   b. Have the individuals involved attended an Ex-Im Bank orientation seminar or an Ex-Im Bank training session? ☐ Yes ☐ No
   c. Please provide their resumes. (See resume form attached)
   You must provide notification within 10 days if the individual(s) responsible for administering the policy change.

   (3) a. How long have you been confirming international letters of credit?_____

   b. From what countries?_____

   (4) Does your bank have any special expertise in particular types of transactions, regions of the world or any other areas?
   _____

   (5) Maximum value of insured letters of credit expected to be outstanding during the policy period: $_____.

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B. **For Financial Institution Supplier Credit** or **Bank Deductible Policies** (add pages if necessary):

(1) Describe how you develop customers for domestic or export receivable financing or factoring.

_____

(2) a. Please identify the individual(s) and administrative area which will be responsible for administering your policy.

_____

b. Have the individuals involved attended an Ex-Im Bank orientation seminar or an Ex-Im Bank training session? ☐ Yes ☐ No

c. What experience do the individual(s) identified in 5.B.(2)a.. have with Ex-Im Bank insurance _____ or private sector export credit insurance? _____

d. Please provide their resumes. (See resume form attached)
You must provide notification within 10 days if the individual(s) responsible for administering the policy change.

(3) How many years, and to what dollar amount, have you financed or factored receivables?

	# of years	most recent calendar year amount
Domestic Receivables:	_____	$_____
Foreign Receivables:	_____	$_____

(4) Describe the credit procedures used in deciding to finance an exporter's receivables.

Exporter Analysis: _____

Buyer Analysis: _____

(5) a. Maximum value of financed receivables expected to be outstanding during the policy period: $_____

b. For **Financial Institution Suppler Credit Policies** Do you desire (check one) a Documentary Policy ☐
a Non-Documentary Policy ☐
or both ☐

c. After what number of days would you stop financing the exporter's receivables from an overdue buyer? _____

d. How often are financed export receivables monitored? _____

e. Please provide a specimen copy of your lending agreement with exporters for receivable financing or factoring. ☐ Attached

6. The Applicant (it) **CERTIFIES and ACKNOWLEDGES to the Ex-Im Bank** (the Bank) that:

A. 1) it is a financial institution doing business in the United States, or a jurisdiction thereunder, in accordance with applicable Federal or State banking laws and regulations **OR**
2) it has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make this certification.

B. it undertakes to carry on its business with due care in financing exports hereunder, and in regard to the conditions of the contract and the trustworthiness of the exporter and buyer.

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C. (1) neither it nor its principals have been within the past 3 years:
(a) debarred, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or
(b) formally proposed for debarment, with a final determination still pending;
(c) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.
(2) It certifies that it is **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**
(3) It has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications (1) (a) through (c) and (2).
It further certifies that it has not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to (1) (a), (b) or (c) above.

D. it will complete and submit **Form-LLL**, Disclosure Form to Report Lobbying if, to the best of its knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:
(1) an officer or employee of any U.S. Government agency, or
(2) a Member of Congress or a Member's employee, or
(3) an officer or employee of Congress. *This does not apply to commissions paid by the Bank to insurance brokers.*

E. it has not, and will not, engage in any activity in connection with this Policy that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of its knowledge, the performance by the parties of their respective obligations covered or to be covered under this Policy does not and will not violate any applicable law.

F. (1) the information being requested is done so under authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.);
(2) providing the information is mandatory. **Failure to do so** may result in the Bank being unable to determine eligibility for the Policy. The information provided will be reviewed to determine the participants' ability to perform and pay under the Policy.
(3) the Bank may not require the information and applicants are not required to respond unless a currently valid OMB control number is displayed on this form (see upper right of each page);
(4) the information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws;
(5) transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).
(6) the **public burden** reporting for this collection of information is estimated to average 1 hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send **comments** regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

G. the representations made and the facts stated by it in these certifications and its attachments **are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts**. It further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

_____	_____	____/____/____
Signature	Print Name and Title	Month/Day/Year

Send, or ask your insurance broker or city/state participant to review and send, this application to Ex-Im Bank, 811 Vermont Avenue, NW, Washington, D.C. 20571 or an Ex-Im Regional Office.
The Ex-Im Bank website is <http://www.exim.gov>

Please complete: The applicant was informed about Ex-Im by:
☐ An Ex-Im City/State Partner:_____
☐ A Broker:_____
☐ A Local Development Authority:_____
☐ An Ex-Im Regional Office:_____
☐ A U.S. Export Assistance Center:_____
☐ A Bank:_____
☐ Other (specify):_____

END

OMB#3048-0009
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Attachment to Bank Policy Application
To be filled out for each individual named.
RESUME FORM

Name:_____

Title or Position:_____

Number of years with your organization:_____

Full description of job functions including administering the policy:

_____

_____

_____

_____

Administrative experience:_____

_____

_____

_____

_____

Export-related experience including any previous experience with Ex-Im Bank:_____

_____

_____

_____

Educational background:_____

_____

_____

EXPORT-IMPORT BANK OF THE UNITED STATES

BENEFICIARY CERTIFICATE AND AGREEMENT
For Use With
Bank Letter of Credit Export Credit Insurance Policy or
Financial Institution Buyer Credit Export Credit Insurance Policy or
Medium Term Export Credit Insurance Policy

NOTE: This form is to be used only if the beneficiary of the letter of credit, the recipient of a funding under a direct buyer credit loan or the recipient of payment under a reimbursement loan or a payment under a supplier credit is not also the U.S. Exporter. In that situation the exporter must complete those parts of the Exporter Certificate EIB94-07 required in its instructions and the beneficiary must complete this entire certificate.

Name and Address of Policyholder: Name and Address of Beneficiary:

_____ _____

_____ _____

Policy No._____ _____

(to be completed by the policyholder, also see No.4.e) Beneficiary's Dun & Bradstreet Number _____

Taxpayer ID No.:_____ Congressional District:_____

Indicate (not required)if owned by a☐ woman, or an☐ ethnic minority, describe____

The information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws; transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).

Upon representation that the Export-Import Bank of the United States ("Ex-Im Bank") has issued to the policyholder identified above an export credit insurance policy, and in consideration of either (check one):

☐ a) the payment, acceptance or negotiation of an irrevocable letter of credit in our favor; or,

☐ b) the financing of an export,

We, the Beneficiary, hereby certify to the policyholder and to Ex-Im Bank as follows:

1. The policyholder has either (check one):

☐ a) informed us of an irrevocable letter of credit with Identification No._____ and we have presented, or shall present, documents which are in compliance with the terms and conditions of such irrevocable letter of credit; or,

☐ b) to our belief, established an obligation of the foreign buyer named below to make repayment of funds on a specified term in support of an export, for which we have received payment.

2. The above referenced irrevocable letter of credit **or** the buyer's obligation to pay the policyholder is in support of an export transaction described as follows:

a) Name and address of buyer_____

b) Description and quantity of product(s)/service(s)_____

c) The product(s) are: ☐ New, ☐ Used. If used, attach Used Equipment Questionnaire form EBD-M-25.

d) Place of Shipment_____ e) Date of Shipment_____

f) Contract Price to Buyer:

(i) Products/Service	$_____
ii) Less discounts or similar allowances	$_____
iii) Plus total insurance, freight or other delivery charges included in the transaction	$_____
Subtotal:	$_____
iv) Less cash payment (minimum 15% required for MT)	$_____
(v) Total final net delivered financed portion	$_____

3. To the best of our knowledge and belief, the products described above were **shipped from the United States**, in accordance with paragraph 2 above.

4. With respect to products
   a) which could be used for **military** purposes,
   b) which could be components of a product or equipment which could be used for military purposes,
   c) which could be used to manufacture products or equipment which could be used for military purposes,
   d) listed on the United States **Munitions List** (part 121 of Title 22 of the Code of Federal Regulations), or
   e) purchased by or for use by security, military or defense organizations, ☐ we ____ have or ☐ the policyholder ____
   Initial Initial

has received the written approval of the Ex-Im Bank for such sale prior to shipment of the products **and attached it** to this certificate. Submit a Defense Product Questionnaire EIB92-61 in order to obtain such approval.

5. The products do not consist of technology, fuel, equipment, materials or goods and services to be used in the construction, alteration, operation or maintenance of **nuclear** power, enrichment, reprocessing, research or heavy water production facilities.

6. To the best of our knowledge and belief the products are **for use only in countries** in accordance with Ex-Im Bank's Country Limitation Schedule in effect on the date of shipment. See Ex-Im Bank's Internet Website <www.exim.gov> Country and Fee Information.

7. a) neither we nor our principals have been within the past 3 years:
   (1) **debarred**, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or
   (2) formally proposed for debarment, with a final determination still pending;
   (3) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.
   b) We certify that we are **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**
   c) We has received a **written** statement of exception from Ex-Im Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications (a) (1) through (3) and (b).

We further certify that we have not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to (a) (1), (2) or (3) above.

8. We will complete and submit **Form-LLL**, Disclosure Form to Report Lobbying if, to the best of our knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:
   a) an officer or employee of any U.S. Government agency, or
   c) a Member of Congress or a Member's employee, or
   d) an officer or employee of Congress. *This does not apply to commissions paid by the Bank to insurance brokers.*

9. we have not, and will not, engage in any activity in connection with this transaction that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of our knowledge, the performance by the parties of their respective obligations covered or to be covered under this transaction does not and will not violate any applicable law.

10. The representations made and the facts stated by us in these certifications and its attachments **are true, to the best of our knowledge and belief, and we have not misrepresented or omitted any material facts**. We further understand that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

By:_____ Signature:_____
Print Name (Authorized Representative of the Beneficiary)

Title:_____ Date:_____

If the beneficiary can not make any or all of the required certifications as they are presented here, Ex-Im Bank must be contacted to request written permission to delete or alter the certification, without which the insurance policy may not be valid.

OMB # 3048-0009
Expiry Date 5/31/02

EXPORT-IMPORT BANK OF THE UNITED STATES
APPLICATION for a FINANCIAL INSTITUTION BUYER CREDIT POLICY

(Please Print or Type) APP. NO._____(Ex-Im Bank Use Only)

INSURANCE BROKER: If none, insert "*none*." Broker #:

Name of Brokerage: Phone #:

Contact Person: Fax #: E-Mail:

1. APPLICANT: (Ex-Im use only: Insured #:_____)

Applicant Name: Phone #:

Contact person: Fax #:

Position Title: E-Mail:

Street Address:

City: State: Zip Code:

Please attach the following information unless you submitted this information within the past 6 months for Policy No._____.

a. Taxpayer ID #:_____ Duns #:_____ Congressional District:_____ **AND**

b. Market Rating:_____ Rating Agency:_____ Date:_____, **OR**

c. (1) ☐ Your most recent published annual report, or audited financial statements.
(2) ☐ Your most recent available 10K and 10Q reports.
(3) ☐ A credit agency report dated within 6 months. If unavailable, attach check for $35.00 to cover Ex-Im Bank's cost in ordering report.
(4) How long have you been lending internationally?_____
(5) To what countries do you actively lend?_____.
(6) How is your foreign loan portfolio broken down between government _____% and private _____% sector buyers?
(7) How often do you visit your overseas buyers?_____
(8) ☐ Attach the names, titles, and the international lending backgrounds of the individuals responsible for administering Ex-Im policies.

2. TRANSACTION:

a. This insurance application is for, check one, a credit extended by you based on:
your relationship with the Buyer or Guarantor , a☐ Buyer Credit, **or**, your relationship with the exporter, a☐ Supplier Credit.

b. This application is for ☐ Comprehensive (Commercial and Political Cover) or☐ Political Only Cover.

c. This application is for a ☐ Single Financing or a☐ Revolving Line.

d. Credit limit requested $_____

e. Payment terms requested_____.

f. Ex-Im Bank requires a written debt obligation, i.e., promissory note or draft. If none, check here☐ and provide a full description of documentation which constitutes the buyer's debt obligation._____.

g. Indicate whether☐ negotiating or☐ financing mandate received.

h. For buyer credits, provide a brief description of the products (for supplier credits see 5.c.)_____.

3. BUYER: The "buyer" is the entity which agrees to repay the credit (loan). Refer to Ex-Im Bank's Short Term Credit Standards (EIB99-09) for Buyers to determine the likelihood of approval:

a. This buyer is ☐ Sovereign, ☐ Non-Sovereign Public Sector, or☐ Private Sector. (Ex-Im use only: File #:_____)

Buyer Name: Duns #:

Contact person: Phone #: Fax #:

Position Title: E-Mail:

Street Address: City:

State/Province: Postal Code: Country:

The following information on the buyer is necessary unless the credit is based on a guarantor, if so check here☐ and complete for the guarantor

b. For **all applications** provide in an attachment:
(1) ☐ A summary of credit facilities (insured and uninsured) extended by the☐ applicant or the ☐ exporter (for Supplier Credits) to this buyer/guarantor specifying the high credit, whether secured or unsecured, and tenor(s) with details on past dues (if applicable), or☐ None.

(2) For ☐ **non-sovereign public** or ☐ **private** buyers/guarantors on which comprehensive cover is requested, provide the following:
(a) Market Rating:_____ Rating Agency:_____ Date:_____, **OR**
(b) ☐ A bank reference not older than 6 months from date of application **and**
(i) ☐ 2 Ex-Im Bank Trade Reference forms (EIB99-14) dated within 6 months of the application **and**
(ii) ☐ For a credit limit up to $1 million, the last 2 fiscal year end audited or signed unaudited financial statements with notes.
☐ For a credit limit over $1 million, provide 3 fiscal year end audited statements with notes and the most recent interim statements with notes if the last fiscal year end is more than 9 months prior to application.

(3) ☐ The applicant's credit memorandum on the buyer/guarantor.

(4) Have you visited the buyer/guarantor? ☐ No ☐ Yes, if yes give date: _____ and attach a copy of your call report.

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4. GUARANTOR: The "guarantor" is the entity which agrees to repay the credit if the borrower does not. Complete the information below and provide the information in 3.b. if the credit is based on the guarantor. (Ex-Im use only: File #: _____)

This guarantor is ☐ Sovereign, ☐ Non-Sovereign Public Sector, or ☐ Private Sector.

Guarantor Name: _____ Duns #: _____
Contact person: _____ Phone #: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State/Province: _____ Postal Code: _____ Country: _____

5. For **SUPPLIER CREDITS** only:

NOTE: You are **not** required to fill out this section for **Buyer Credits** but, if any information is known, please complete in a, b and c.

a. EXPORTER:

The "exporter" is the entity which contracts with the buyer for the sale of the U.S. items and services. (Ex-Im use only: File #: _____)

Exporter Name: _____ Phone #: _____
Contact person: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State: _____ Zip Code: _____
Taxpayer ID #: _____ Duns #: _____ Congressional District: _____
Fiscal year ended (mo. & yr.): _____ Gross sales revenue in last fiscal year: $ _____ # of employees: _____
Standard Industrial Code of business: _____ Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____

If "Documentary" cover is desired, check here ☐ and attach the following unless the exporter submitted it within the past 6 months for Policy No._____. Refer to Ex-Im Bank's Short Term Credit Standards (EIB99-09) Exporter Standards for an Enhanced Assignment to determine the likelihood of approval of documentary cover if the exporter, using the US Small Business Administration guidelines, is a small business.

(1) ☐ A bank reference on the exporter dated within 6 months of the application **and**
(2) ☐ 2 trade references on the exporter dated within 6 months of the application **and**
(3) The last 2 fiscal year financial statements of the exporter as follows:

Claim Payment Limit (Credit Limit x %of cover)	Minimum Requirement
☐ $500,000 or less	signed by an authorized officer of the exporter
☐ $500,001 - $999,999	reviewed by a CPA with notes attached
☐ $1,000,000 or more	audited by a CPA with opinion and notes attached

NOTE: The net worth, including subordinated shareholder debt, of the exporter must be at least 20% of the Claim Payment Limit.

b. SUPPLIER: The "supplier" is the U.S. entity which produces the items and/or performs the services to be exported.

Check if the supplier is also the ☐ exporter or complete the following: (Ex-Im use only: File #: _____)

Supplier Name: _____ Phone #: _____
Contact person: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State: _____ Zip Code: _____
Taxpayer ID #: _____ Duns #: _____ Congressional District: _____
Fiscal year ended (mo. & yr.): _____ Gross sales revenue in last fiscal year: $ _____ # of employees: _____
Standard Industrial Code of business: _____ Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____

c. PRODUCTS: All applicants should note that there are specific United States content requirements for all transactions and that exporters are required to complete an Exporter's Certificate form EIB-94-07 for "Documentary" cover.

(1) Products: ☐ New ☐ Used (If used, complete and attach Used Equipment Questionnaire, EIB-92-63)
(2) Description of products*: _____
(3) Are products listed on the United States Munitions List (part 121 of Title 22 of the Code of Federal Regulations)? ☐ Yes ☐ No
(4) Is each product produced or manufactured in the United States? ☐ Yes ☐ No
(5) Is at least one half of the value, exclusive of price mark-up, exclusively of US origin? ☐ Yes ☐ No
(6) Will any value be added to the products after export from the United States? ☐ Yes ☐ No
If yes please attach an explanation; the transaction may not be eligible for coverage.

* The Borrower, Guarantor, Buyer and End User must be foreign entities in countries for which Ex-Im is able to provide support, see Ex-Im's Country Limitation Schedule (CLS) at www.exim,.gov . There may not be trade measures against them under Section 201 of the Trade Act of 1974, see http://dockets.usitc.gov/eol/public/ click on 201. There may not be trade sanctions in force against them. For a list of products and countries with Anti-Dumping or Countervailing Duty sanctions see http://205.197.120.60/oinv/sunset.nsf/AllDocID/96DAF5A6C0C5290985256A0A004DEE7D.

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6. **PARTICIPANTS:** Describe any direct or indirect ownership or family relationship between any of the participants in this transaction. If none, insert *"none"*._____.

☐ the applicant **and** for supplier credits: ☐ the exporter, or
for buyer credits: ☐ the buyer and ☐ the guarantor (if any).

7. **The Applicant** (it) **CERTIFIES and ACKNOWLEDGES to the Ex-Im Bank** (the Bank) that:

A. 1) it is a financial institution doing business in the United States, or a jurisdiction thereunder, in accordance with applicable Federal or State banking laws and regulations **OR**

2) it has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make this certification.

B. it undertakes to carry on its business with due care in financing exports hereunder, and in regard to the conditions of the contract and the trustworthiness of the exporter and buyer.

C. (1) neither it nor its principals have been within the past 3 years:

(a) debarred, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or

(b) formally proposed for debarment, with a final determination still pending;

(c) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.

(2) It certifies that it is **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**

(3) It has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications (1) (a) through (c) and (2).

It further certifies that it has not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to (1) (a), (b) or (c) above.

D. it will complete and submit **Form-LLL,** Disclosure Form to Report Lobbying if, to the best of its knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:

(1) an officer or employee of any U.S. Government agency, or

(2) a Member of Congress or a Member's employee, or

(3) an officer or employee of Congress. *This does not apply to commissions paid by the Bank to insurance brokers.*

E. it has not, and will not, engage in any activity in connection with this Policy that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of its knowledge, the performance by the parties of their respective obligations covered or to be covered under this Policy does not and will not violate any applicable law.

F. (1) the information being requested is done so under authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.);

(2) providing the information is mandatory. **Failure to do so** may result in the Bank being unable to determine eligibility for the Policy. The information provided will be reviewed to determine the participants' ability to perform and pay under the Policy.

(3) the Bank may not require the information and applicants are not required to respond unless a currently valid OMB control number is displayed on this form (see upper right of each page);

(4) the information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws;

(5) transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).

(6) the **public burden** reporting for this collection of information is estimated to average 1 hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send **comments** regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

G. the representations made and the facts stated by it in these certifications and its attachments **are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts.** It further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

_____	_____	____/____/____
Signature	Print Name and Title	Date

Note: Please respond to all items and sign application. Applications not completely filled out or not submitted with required financial and credit information will be withdrawn.

Send, or ask your insurance broker or city/state participant to review and send, this application to:
Ex-Im Bank, 811 Vermont Avenue, NW, Washington, D.C. 20571 or an Ex-Im Regional Office.
The Ex-Im Bank website is <http://www.exim.gov>

Please complete: The applicant was informed about Ex-Im by:

☐ An Ex-Im Regional Office:_____

☐ An Ex-Im City/State Partner:_____

☐ A U.S. Export Assistance Center:_____

☐ A Broker:_____

☐ A Bank:_____

☐ A Local Development Authority:_____

☐ Other (specify):_____

END

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APPLICATION FOR MEDIUM TERM EXPORT CREDIT INSURANCE QUOTATION INSTRUCTIONS

INTRODUCTION

The Export-Import Bank of the United States (Ex-Im) is an independent federal agency which provides financing support for the export of U.S. goods and services. Several programs are available, including Direct **Loans** to foreign buyers, Financial **Guarantees** of payment for lenders to foreign buyers, **Working Capital Loan Guarantees** of payment by a U.S. exporter to its lender, and **Export Credit Insurance**. Ex-Im issues **Letters of Interest** indicating the eligibility of transactions for these programs, see "Information" below to obtain an application.

These instructions are for an application for export credit insurance by either a lender or exporter on a transaction involving sales of capital goods and services with a medium repayment term to a single buyer. For leases see EIB92-20 Fact Sheet on Lease Policies and EIB92-45 Instructions and Application for Lease Policies.

INFORMATION about Ex-Im programs; the fact sheets and **forms mentioned in these instructions** and the application; information on Private Export Financing Corporation (PEFCO) export financing; names of: credit reporting and rating agencies, banks interested in export financing, insurance brokers and Ex-Im City/State Participants **may be obtained:**

- from Ex-Im's **website** <http://www.exim.gov> , see Programs, then Publications, then Export Credit Insurance or
- by calling an Ex-Im **Regional Office**: Northeast: New York (212) 916-0320,MidAtlantic: Washington, D.C. (202) 565-3902, Midwest: Chicago (312) 353-8081, Southeast: Miami (305) 526-7425, Southwest: Houston (281) 721-0465, West: Los Angeles (562) 980-4580, Orange County (949) 660-1688ext150,San Francisco (415) 705-2285, or
- by calling the Ex-Im Business Development Division **1-800-565-EXIM** (3946), or
- at 811 Vermont Avenue, NW, Washington, D.C. 20571.

REQUIREMENTS TO APPLY for a medium term export credit insurance policy:

There is **NO Application Fee**.
A **non binding insurance premium rate** can be determined using the Ex-Im website **Exposure Fee Calculator** or you may call Ex-Im, see above.

1. The **REASON** Ex-Im's support is requested must demonstrate that the transaction will not go forward without support. See the application form question no. 5.

2. Use of a registered Ex-Im insurance **BROKER** or an Ex-Im **CITY/STATE PROGRAM PARTICIPANT** is recommended but not required. Use of a broker or participant does not affect the Ex-Im premium rate. Regional Offices will provide guidance on applications as well as lists of brokers, city/state program participants, and lenders interested in providing export financing. All information provided in an application will be held **confidential**, subject to the Freedom of Information Act, 5 USC 552, the Privacy Act of 1974, 5 USC552a, and the Right of Financial Privacy Act of 1978, 12 USC 3401 except as required to be disclosed under applicable laws.

3. The **APPLICANT** must be either an exporter or a financial institution with an insurable interest in the transaction. A Taxpayer ID number is requested to report on claim payments. The Standard Industrial Code (SIC) or NAICS Code, gross sales and number of employees are requested to determine eligibility for small business benefits. Gender and ethnic minority ownership interest information are requested but not required. Also, see the **applicant certifications** on the **application** and Part 3 of the application, the **Credit Information Checklist**, which is required to demonstrate the ability of the applicant and exporter or supplier to perform the export.

4. The payment obligation must be in U.S. dollars, must be **unconditional** and must be evidenced by a **PROMISSORY NOTE** (single disbursement or grid forms EIB-92-58A or B, special notes for Mexico and Venezuela) or conforming to the requirements listed in the insurance policy which allow use of a note form other than Ex-Im's.

5. The **EXPORT** must involve shipment of capital goods from the U.S. Services must normally be provided by U.S. based personnel and may be provided in the U.S. or at the foreign site. Used equipment may be supported, see Used Equipment Questionnaire EBD-M-25 for details. Breeding cattle or livestock may be supported, see Livestock Questionnaire EIB92-62. Allowance is made for goods and services that are not 100% U.S. origin as follows:

- The Exporter's Supply Contract may include U.S. and "eligible" foreign content.
- Up to 15% of the Exporter's Supply Contract may be eligible foreign content.
- If more than 15% of the Exporter's Supply Contract is eligible foreign content, Ex-Im may provide support for the U.S. content only. There is no minimum U.S. content requirement.

"Eligible Foreign Content" includes goods imported from a foreign country and shipped from the U.S. with the export.

"Ineligible Foreign Content" includes goods shipped from any other country, or services provided in a foreign country, other than the buyer's.

"Goods assembled outside the U.S." by foreign personnel are **normally ineligible** for insurance cover.

"Local costs" are foreign goods and services originating in the country of the buyer and may only be included in the insured amount if approved by Ex-Im Bank.

See **Insurance Program Foreign Content Requirements** EIB99-21 and **Local Cost Policy** EBD-M-05 for details.

Military goods and services and sales to or for use by military/police/security force entities are **normally ineligible**, see Defense Product Questionnaire EIB-92-61. However, goods on the US Munitions List are not necessarily excluded.

Fees for bank, legal, or other technical services, may be financed, see Financing of Fees for **Ancillary Services** EBD-M-13

Ex-Im has cooperative agreements with some foreign export credit agencies like itself. Ex-Im may be able to provide full support for goods and services which do not meet the domestic content requirements **if** the foreign content is from one of those nations **and** there is no other U.S. competition. Ex-Im's Reinsurance Questionnaire Attachment H to EIB95-10 will be required. See Cooperative Insurance Agreements with Foreign Export Credit Agencies (ECAs) EIB99-11.

Capital equipment used to manufacture/produce **exportable goods**, including agricultural commodities, from the country of importation will require a detailed description including changes in the level of production.

6. The **PAYMENT TERMS** to be insured are a maximum of 5 years and will be determined by the details of the transaction or credit including price, buyer, borrower, guarantor, goods, services and use. Sales to dealers, distributors or others for **resale** are limited to 2 years. Some exceptions, such as, sales of certain aircraft or to match confirmed foreign government supported competition, may be eligible for up to 7 years. "Grace" periods and "balloon" payments are **not** allowed. Further details may be found in Ex-Im Bank Standard Repayment Terms EBD-M-26.

EXPORTER'S SUPPLY CONTRACT	MAXIMUM TERM
less than $80,000	2 years
$80,000 - less than $175,000	3 years
$175,000 - less than $350,000	4 years
$350,000 or more	**5 years**

The **NET CONTRACT PRICE** is the amount to be shown in the exporter's invoice related to the goods and services to be exported and services to be performed by U.S. based personnel. If there is more than one exporter or supplier under a transaction, the Net Contract Price is the sum of the Net Contract Price specified in each of the exporter's or supplier's Exporter's Certificates EBD-M-56. The Net Contract Price **includes** eligible foreign content but **excludes** local costs. Shipping and insurance charges may be included in the Net Contract Price but, if from a foreign source, are considered part of eligible foreign content. Ancillary service fees may be included in the Net Contract Price if approved by Ex-Im Bank. The term "Net Contract Price" as used in the Exporter's Certificate, has the same meaning as the term "contract price" as used in medium term policies.

The **FINANCED/INSURED PORTION** of the contract price is the amount left after a **required minimum 15% cash payment** due **prior** to delivery or, for bank policyholders, funding. The cash payment may be financed separately, but is not included in the financed/insured portion.

The **FINANCED/INSURED PORTION** may not be more than **the lesser of**:

- **$10 million**, excluding interest and the premium; or
- **85% of the Net Contract Price**; or
- the **U.S. content** of the Exporter's Supply Contract.

The premium may be included in the insured financed amount without paying "premium on premium." This will increase the premium rate (see the Ex-Im website Exposure Fee Calculator).

The **STARTING POINT** of the payment obligation and corresponding first installment are determined by the shipment date(s), installation period (if any), consolidation of notes, and frequency of payments. See Guidelines for Starting Points EIB99-16. For semi-annual payments after a single shipment without installation, the starting point is the shipment date and the first installment is due within 6 months.

7. The **BORROWER, GUARANTOR, BUYER** and **END-USER** must be foreign entities in **COUNTRIES** for which Ex-Im is able to provide support, see Ex-Im's **Country Limitation Schedule** (CLS) at www.exim,.gov . There may not be trade sanctions in force against them. For a list of products and countries with Anti-Dumping or Countervailing Duty sanctions see http://205.197.120.60/oinv/sunset.nsf/AllDocID/96DAF5A6C0C5290985256A0A004DEE7D. There may not be trade measures against them under Section 201 of the Trade Act of 1974, see http://dockets.usitc.gov/eol/public/ click on 201. You may call Ex-Im Bank's Policy and Planning Division at 202-565-3770 for details. Also, see Part 3 of the application and EBD-M-39 for **credit information** required.

A **GUARANTOR** may be required when the borrower is not creditworthy or under certain other circumstances. See EBD-M-39. For example: guarantors **are required** for the **primary source of repayment** (PSR),which may be **either** the borrower **or** guarantor, under the following circumstances:

- if the PSR is a "start-up" company;
- if the ability of the PSR to pay the debt depends on cash flow from an expansion or new line of business (see EBD-M-39, Part II for exceptions to this requirement on transaction of $1 million or more);
- if more than 25% of PSR sales are **to** or **from** a related/commonly owned company, its guarantee is required;
- if the PSR is a private, non-financial institution with sales revenue of less than U.S. $50 million, the insurance requires the personal guarantee of:
    - an owner holding at least 50%, **or**
    - if no individual has a majority position, of any owner(s) holding 20% or more. This requirement is not applicable when no individual holds at least 20%, however a guarantor may still be required.

8. Ex-Im has published **MEDIUM TERM CREDIT STANDARDS,** EBD-M-39, in order to expedite service. Transactions meeting all of the standards have a high probability of being favorably considered, absent any unusual circumstances.
   PART I, transactions of up to and including $1 million - describes the standards and what can be done if they are not met.
   PART II, transactions of greater than $1 million, up to and including $5 million - describes the standards and what can be done if they are not met.
   PART III, transactions of greater than $5 million - describes the standards and under what circumstances **required supplemental financial information** in **Attachment C** of EBD-M-39 must be provided.

Applicants are **encouraged to review the standards.** Applicants should determine if transactions of up to and including $5 million conform to standards and submit calculations showing the standards are met or provide the additional information described therein when standards are not met. This will **significantly reduce the time** to process the application.

INSURANCE COVER offered:

1. Sales must be to a single or to "joint and several" borrower(s). There are **no medium term "multi-buyer"** policies, except those issued on bank-to-bank lines. Applicants may request cover for:
   Single sale, single shipment transactions with or without installation by the exporter;
   Single sale, multiple shipments transactions, with or without installation by the exporter;
   Repetitive sales under a line of credit extended by a financial institution or exporter to a buyer, or sales by multiple exporters to multiple buyers under a medium term line of credit from one bank to another.

   Applicants will receive a time sensitive binding Commitment from Ex-Im to issue single shipment insurance if approved. Multiple shipment and repetitive sales policies are automatically issued if approved and have a final shipment date.

   Applicants, their brokers or city/state participants are typically advised by a facsimile letter of decisions to approve, deny or require additional information on applications.

2. **COVERAGE**: Applicants may request:
   COMPREHENSIVE cover against all the commercial (including devaluation) and political (excluding devaluation, including transfer/inconvertibility) risks specified in the policy which may cause default, **or**
   POLITICAL risks cover only.

   Transactions with **sovereign** buyers or guarantors (those offering the full faith and credit of the country of importation) receive comprehensive cover. Applicants related to the borrower will receive political risks cover only.

3. **PRE-SHIPMENT**: Applicants may also request pre-shipment cover against certain commercial and political events which may cause the transaction to fail prior to shipment. However, this does not include cover against contract cancellation. Pre-shipment insurance cover may not be combined with an Ex-Im Direct Loan. A minimum 5% cash payment is required at contract signing or before the effective date of pre-shipment cover. If the CLS requires that a letter of credit be used for the payment, the letter of credit must be issued in order for pre-shipment cover to be in effect. Applicants may also request cover for **progress payments** if such payments are for goods and services to be delivered, see Ex-Im Bank Fact Sheet EIB01-04.

4. **PERCENTAGE OF COVER**: The cover is on **100%** of the principal and interest of the insured loan. Post default interest is covered at 100% of the original rate of interest and only if it is specified in the note. Interest is covered until the date of claim payment or 270 days after default, whichever is earlier. There is a 180 day waiting period to file claims due to commercial risk defaults other than insolvency. There is no waiting period for claims resulting from insolvency or political risk defaults.

5. **CONDITIONALITY**: Insurance is a conditional risk protection product which requires the insured to provide evidence of conformance to the insurance contract (policy) by submission of documents at the time a claim is filed. Insureds are required to report borrowers who are 60 days past due. Single sale, single shipment policies require **PAYMENT OF PREMIUM** prior to shipment. Multiple shipment and repetitive sales policies require insured exporters to pay premium by the 15th day after the end of the month in which shipment takes place. Insured bank premiums are due by the 30th day after the end of the month in which financing takes place. Claims must be filed **within 240 days** after a default.

6. **ASSIGNMENTS**: The insurance policy may be assigned by an insured exporter to a financial institution. Financial institutions receive a "documentary" assignment which provides significant protection against both a foreign debtor's default and the risk of non-conformance to the policy by the insured exporter. Insured financial institutions will receive a documentary policy providing the same type of cover as the assignment. Financial institutions may sell insured promissory notes but may not assign the proceeds of the policy.

7. **EXCLUSIONS**: Applicants and potential assignees should read the policy text, declarations, endorsements and special conditions carefully. Exclusions for policies issued to exporters, in addition to those already mentioned, typically include: loss due to the fault of the insured; product disputes unless settled in favor of the exporter; and losses insurable under American Institute of Marine Underwriter's War Risks and Strikes, Riots and Civil Commotion Clauses insurance. The documentary assignment and policy eliminate such exclusions for a financial institution.

END.

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OMB No. 3048-0009
Expires 3/31/02

APPLICATION FOR MEDIUM TERM EXPORT CREDIT INSURANCE QUOTATION APPLICATION FORM

Please type the requested information. Add pages if necessary. Processing of your application may be delayed or the ***application may be withdrawn if the requested information is not provided.***

Also see "INSTRUCTIONS" Part 1

1. **Quotation TYPE requested.** Check applicable boxes in **both** "a" and "b."

   a) ☐ SINGLE SALE, single shipment ☐ SINGLE SALE, multiple shipments ☐ REPETITIVE SALES

   b) ☐ COMPREHENSIVE, i.e., commercial and political risks cover ☐ POLITICAL risk cover only

2. Have you applied for an Ex-Im Bank **Letter of Interest, Guarantee or Loan** for this transaction?

   ☐ No ☐ Yes, if yes, give: LI#_____ or PC#_____.

3. **STATUS of export contract.** ☐ Contract awarded to exporter ☐ Contract under negotiation ☐ Responding to bid

4. **PRE-SHIPMENT Coverage Requested.** (Complete **only** if requesting Pre-shipment Coverage)

   ☐ Yes, we want pre-shipment coverage.

   a) Reason pre-shipment coverage is requested: _____.

   b) Date contract executed or anticipated date of signing: _____.

   c) Estimated period between date of contract and final shipment date of items: _____.

   d) Attach a schedule of any progress payments made or to be made by the borrower during the pre-shipment period. ☐ Attached ☐ None

5. **REASON for seeking Ex-Im support.** You **must** check the box below which describe the rationale for support.

   ☐ Confirmed Foreign competition. The exporter is aware that foreign domiciled companies is (are) competing, or is (are) expected to compete for the sale. Provide company name, country and (if known/applicable) the supporting Export Credit Agency:

   _____.

   ☐ Presumed Foreign Competition. The exporter is aware that foreign domiciled companies manufacture comparable goods and services that are sold in the buyer's market with Export Credit Agency support available. Provide company name, country and (if known/applicable the supporting Export Credit Agency: _____.

   ☐ Private financing unavailable without Ex-Im Bank credit risk protection. There is limited availability of private financing (from either external or domestic sources). Indicate how financing is constrained by checking the appropriate box:

   ☐ No availability of economically viable interest rates on terms of over one to two years, or

   ☐ Financial institution lending capacity limits reached for either borrower and/or country, or see Other below.

   ☐ Other _____.

6. **PARTICIPANTS:**

   a) **Insurance BROKER.** If none, insert "*none*." Broker #: _____

   Name of Brokerage: _____ Phone #: _____

   Contact Person: _____ Fax #: _____ E-Mail: _____

   b) **APPLICANT.** _____

   Applicant Name: _____ Phone #: _____

   Contact person: _____ Fax #: _____

   Position Title: _____ E-Mail: _____

   Street Address: _____ City: _____

   State/Province: _____ Zip/Postal Code: _____ Country: _____

   _____ Taxpayer ID #: _____ Duns #: _____ Congressional District: _____

   non-banks Fiscal year ended (mo. & yr.): _____ Gross sales revenue in last fiscal year: $ _____ # of employees: _____

   _____ Standard Industrial Code of business: _____ Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____

   ☐ Attach the **CREDIT INFORMATION Checklist, Part 3,** with required credit information on the applicant.

   Financial institution (bank) applicants check one: this application is a ☐ supplier credit or a ☐ buyer credit.

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c) **LENDER.** The "lender" is the entity which extends the credit (loan) to the borrower or takes assignment of the policy proceeds.
Check if the lender is also the ☐ applicant or ☐ not yet known or complete the following:

Lender Name: _____ Phone #: _____
Contact person: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State/Province: _____ Zip/Postal Code: _____ Country: _____
Taxpayer ID #: _____ Duns #: _____ Congressional District: _____

☐ Check here if the lender wishes to be published by Ex-Im as a potential source of financing for exports.

NOTE: Assignees and lenders who are not the exporter **must** obtain an Exporter's Certificate form EBD-M-56 to submit with claims.

d) **EXPORTER.** The "exporter" is the entity which contracts with the buyer for the sale of the goods and services.
Check if the exporter is also the ☐ applicant or complete the following:

Exporter Name: _____ Phone #: _____
Contact person: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State: _____ Zip Code: _____
Taxpayer ID #: _____ Duns #: _____ Congressional District: _____
Fiscal year ended (mo. & yr.): _____ Gross sales revenue in last fiscal year: $ _____ # of employees: _____
Standard Industrial Code of business: _____ Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____

☐ Attach the **CREDIT INFORMATION Checklist, Attachment 1,** with required credit information on the exporter.

e) **SUPPLIER(S).** The "supplier(s)" is (are) the entity(ies) which produces the goods and/or performs the services to be exported.
Check if the supplier(s) is also the ☐ applicant or ☐ exporter or complete the following for each supplier:

Supplier Name: _____ Phone #: _____
Contact person: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State: _____ Zip Code: _____
Taxpayer ID #: _____ Duns #: _____ Congressional District: _____
Fiscal year ended (mo. & yr.): _____ Gross sales revenue in last fiscal year: $ _____ # of employees: _____
Standard Industrial Code of business: _____ Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____

☐ Attach the **CREDIT INFORMATION Checklist, Attachment 1,** with required credit information on the supplier.

f) **BORROWER.** The "borrower" is the entity which agrees to repay the credit (loan).

Borrower Name: _____ Duns #: _____
Contact person: _____ Phone #: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State/Province: _____ Postal Code: _____ Country: _____

☐ Attach the **CREDIT INFORMATION Checklist, Attachment 1,** with required credit information on the borrower.

g) **GUARANTOR.** The "guarantor" is the entity which agrees to repay the credit if the borrower does not. Complete the information below if a guarantor is proposed or required.

Guarantor Name: _____ Duns #: _____
Contact person: _____ Phone #: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State/Province: _____ Postal Code: _____ Country: _____

☐ Attach the **CREDIT INFORMATION Checklist, Attachment 1,** with required credit information on the guarantor.

h) **BUYER.** The "buyer" is the entity which contracts with the exporter for the purchase of the U.S. goods and services.
Check if the buyer is also the ☐ borrower or ☐ guarantor or complete the following:

Buyer Name: _____ Duns #: _____
Contact person: _____ Phone #: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State/Province: _____ Postal Code: _____ Country: _____

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i) **END-USER.** The "end-user" is the foreign entity which uses the U.S. goods and services.
Check if end-user is also the ☐ borrower or ☐ guarantor or ☐ buyer or complete the following, or insert "various" for resales and attach a description of the buyers and their location:

End-User Name: _____ Duns #: _____
Contact person: _____ Phone #: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State/Province: _____ Postal Code: _____ Country: _____

j) **RELATED PARTICIPANTS.** Attach a description of any direct or indirect ownership interest, management participation, or family relationship among any of the participants identified in a) Broker through i) End-User above, **if none insert "*none*"**:_____ , or ☐ attached.

k) **OTHER U.S., foreign or multilateral agencies.** ☐ Check if an application for support of this export transaction or related project, if any, has been filed with other U.S., foreign or multilateral agencies and explain:_____ .

7. **REQUESTED AMOUNTS AND FINANCING STRUCTURE:**

a) AMOUNTS:

(1)Exporter(s) Supply Contract(s)

US Content	$_____		
Eligible Foreign Content		$_____	
Shipping and Insurance	U.S. $_____	Foreign $_____	include as US or Eligible Foreign in (2)
Ancillary Services if any	U.S. $_____	Foreign $_____	see EBD-M-13 include as US in (2) if approved
Local Costs if any		$_____	see EBD-M-05
U.S. and Foreign Subtotals	**U.S. $_____**	**Foreign $_____**	
Total Exporter(s) Supply Contract		**$**	
		==========	

(2) Financed/Insured Amount Requested

(a) US Content	$_____	
(b) Eligible Foreign Content	$_____	
(c) Net Contract Price (a plus b):	$_____	* ☐ FOB ☐ FAS ☐ CIF
(d) Less Cash Payment minimum 15% of Net Contract Price	($_____)	
(e) Subtotal **Financed/Insured Amount** (c minus d)	$_____	**
(f) Local Costs if Ex-Im Bank permits them to be included	$_____	***
(g)Total Financed/Insured Amount Requested excluding Premium:	$	
	==========	

* this must correspond to the aggregate of the Net Contract Price(s) of all Exporter's Certificate(s) Part A. 1. E. related to the transaction.
** Maximum: the **lesser of** 85% of Net Contract Price **or** $10 million **or** US Content. Also, if greater than **$ 5 million,** see Part 3 no. 6. For repetitive sales type policies this item is know as the **Credit Limit**.
*** not to exceed 15% of the Net Contract Price in 7. A. (2) (c) above.

b) **PREMIUM.** Check **only** one box. Including the premium in the financing increases the rate. See the website Fee Calculator

☐ Premium to be included in the financing and to be paid as the shipments/disbursements occur.
☐ Premium to be included in the financing and will be paid up front.
☐ Premium not to be included in the financing; to be paid as the shipments/disbursements occur.
☐ Premium not to be included in the financing; to be paid up front.

c) **PAYMENT TERMS:** Unless otherwise requested, repayment of principal and interest is on a semiannual basis beginning 6 months after the starting point (maximum: 6 months for semi-annual, 3 months for quarterly, etc.).

(1) **Frequency.** At least ☐ semi-annually in_____ equal principal installments, plus interest on the declining balance.
If requesting more frequent installments, specify and explain why necessary:_____ .

(2) **Starting point.** The starting point is generally the event that marks the fulfillment of the Exporter's contractual responsibility.
☐ Shipment (single shipment) ☐ Installation ☐ Other (multiple shipments) refer to Guidelines for Starting Points EIB99-16.

Specify: _____.
(e.g., a weighted mean shipment date, last shipment date)

(3) **Shipment Period or Date.** Estimated **date of shipment**, or dates for multiple shipments, or start and end dates for repetitive sales, or completion of installation and training ***excluding*** any acceptance, retention, or warranty period:_____ .

(4) **Interest rate** to be charged: _____.

8. PURPOSE OF THE TRANSACTION.

☐ **Production.** Check if the goods and services will be used to create or expand production capacity for an **exportable product**, including agricultural commodities, and describe the product, the market for it, the current and anticipated sales level:_____
_____.

☐ **Other** (Replacement, Production for Domestic Market, etc.)_____.

9. TRANSACTION DESCRIPTION:

a) **Description of export** goods and services, including for each export good the name, make, model, manufacturer/supplier, SIC or NAICS Code (if known), number of units, unit price and use:_____
_____, **or**

☐ Check if providing the **Content Report** EBD-M-58. Ex-Im Bank endeavors to obtain the report at the time of application on medium term transactions for information and reporting purposes. Processing of, and the decision on, the application will not be delayed or affected by the submission or absence of the report. A **Cause Report** EBD-M-55 is requested at the end of each calendar year to describe the nature and reason for the inclusion of any goods and services with 50% or more foreign content in the good or service.
NOTE: Ex-Im Bank may not provide support for products, countries or buyers with trade sanctions imposed against them.For a list of products and countries with Anti-Dumping or Countervailing Duty sanctions see http://205.197.120.60/oinv/sunset.nsf/AllDocID/96DAF5A6C0C5290985256A0A004DEE7D. There may not be trade measures against them under Section 201 of the Trade Act of 1974, see http://dockets.usitc.gov/eol/public/ click on 201.

b) **Origin.** ☐ Check if the goods and services are **not** being shipped from the U.S. and explain_____.

☐ Check if the services are **not** being provided by U.S. personnel and explain_____.

☐ Check if assembly is **not** being provided by U.S. personnel and explain_____.

Identify the source and briefly describe any Eligible Foreign Content (see EIB99-21) including shipping and insurance if **not** providing the Content Report:_____ or

c) ☐ check if requesting foreign co- or re-insurance, see EIB99-11. Complete **and attach** the Reinsurance Questionnaire "Attachment H".

d) **Military/Security/Police**. Check, complete and attach Ex-Im's Defense Product Questionnaire EIB92-61 if :
- ☐ the borrower, guarantor, buyer or end-user ***is a*** military, security or police force, or
- ☐ the borrower, guarantor, buyer or end-user ***is associated in any*** way with a military, security or police force, or
- ☐ if ***any*** goods and services are to be ***used by*** a military, security or police force, or
- ☐ if ***any*** goods and services are ***intended for use by*** a military, security or police force, or
- ☐ if ***any*** goods and services ***are*** military, security or police articles, or
- ☐ if ***any*** goods and services have a military, security or police ***application***, or
- ☐ if ***any*** goods and services ***are listed on*** the U.S. Munitions List, Title 22, Code of Federal Regulations, Part 121.

e) ☐ **Nuclear.** Check if ***any*** goods and services are to be used in the construction, alteration, operation, or maintenance of nuclear power, enrichment, reprocessing, research, or heavy water production facilities.

f) ☐ **Used equipment.** Check if ***any*** goods are used. If so, complete and attach Ex-Im's Used Equipment Questionnaire EBD-M-25

g) ☐ **Livestock.** Check if the export is breeding livestock. If so, complete and attach Ex-Im's Livestock Questionnaire EIB92-62.

h) **Environmental** (see EBD-E-01). Check if the goods and services are:
- ☐ environmentally beneficial or,
- ☐ used in abatement, control or prevention of pollution, or
- ☐ used in handling toxic substances; or
- ☐ used in power generation, or
- ☐ related to a renewable energy source (check one):☐ wind ☐ hydro ☐ geothermal ☐ solar ☐ biomass, or
- ☐ if they in other ways affect the environment. Explain:_____.

10. APPLICANT CERTIFICATIONS The Applicant (it) **CERTIFIES and ACKNOWLEDGES to the Ex-Im Bank** (the Bank) that:

a) it is (**check one**):

(1) ☐ a corporation organized and **existing under the laws of the United States**, or a jurisdiction thereunder, or
(2) ☐ an individual or partnership **resident in** the United States; **or**
(3) ☐ a foreign corporation, partnership or individual **registered to do business in** the United States, **OR**
(4) ☐ it has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications 1, 2 or 3.

b) it undertakes to carry on its business with due care in financing exports hereunder, and in regard to the conditions of the contract and the trustworthiness of the exporter and buyer.

c) (1) neither it nor its principals have been within the past 3 years:

(a) debarred, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or
(b) formally proposed for debarment, with a final determination still pending;
(c) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.

(2) It certifies that it is **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**

(3) It has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications (1) (a) through (c) and (2).

It further certifies that it has not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to (1) (a), (b) or (c) above.

d) it will complete and submit **Form-LLL**, Disclosure Form to Report Lobbying if, to the best of its knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:

(1) an officer or employee of any U.S. Government agency, or
(2) a Member of Congress or a Member's employee, or
(3) an officer or employee of Congress. *This does not apply to commissions paid by the Bank to insurance brokers.*

e) it has not, and will not, engage in any activity in connection with this Policy that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of its knowledge, the performance by the parties of their respective obligations covered or to be covered under this Policy does not and will not violate any applicable law.

f) (1) the information being requested is done so under authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.);

(2) providing the information is mandatory. **Failure to do so** may result in the Bank being unable to determine eligibility for the Policy. The information provided will be reviewed to determine the participants' ability to perform and pay under the Policy.
(3) the Bank may not require the information and applicants are not required to respond unless a currently valid OMB control number is displayed on this form (see upper right of each page);
(4) the information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws;
(5) transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).
(6) the **public burden** reporting for this collection of information is estimated to average 1 hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send **comments** regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

g) the representations made and the facts stated by it in these certifications and its attachments **are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts**. It further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

_____	_____	____/____/____
Signature	Print Name and Title	Month/Day/Year

Send, or ask your insurance broker or city/state participant to review and send, this application to Ex-Im Bank, 811 Vermont Avenue, NW, Washington, D.C. 20571 or an Ex-Im Regional Office. See EIB form 92-48 Part 1, "Instructions" for whom to contact with questions.

Please complete: The applicant was informed about Ex-Im by:

☐ An Ex-Im Regional Office:_____
☐ An Ex-Im City/State Partner:_____
☐ A U.S. Export Assistance Center:_____
☐ A Broker:_____
☐ A Bank:_____
☐ A Local Development Authority:_____
☐ Other (specify):_____

EIB form 92-48
Revised 10/01

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Expires 3/31/02

APPLICATION FOR MEDIUM TERM EXPORT CREDIT INSURANCE QUOTATION
ATTACHMENT 1. CREDIT INFORMATION CHECKLIST

Information must be complete and current
ALL appropriate blocks must be checked.

1. **APPLICANT:**

☐ Check if not applicable because the applicant is a financial institution (bank), or
☐ Current information as described below, is on file at Ex-Im under Guarantee or Policy #_____ , or provide at a minimum a & b below:
a) ☐ Credit agency report, not older than **6 months** from date of application, **or**
☐ a check made out to "Ex-Im Bank" for $35 to acquire a report;
b) ☐ **If** Financial Statements are **not** included in the Credit Report **or**
☐ **if** the contract price is 35% or more of applicant's (exporter's, supplier's) last fiscal year total sales, attach financial statements that are not older than **1 year** from date of application;

2. **EXPORTER,** if different from the applicant:

☐ Not applicable, or
☐ Current information (described in 1. above) is on file at Ex-Im under Guarantee or Policy #_____ , or
a) ☐, and/or b) ☐ as above.

3. **SUPPLIER**, if different from the applicant or exporter:

☐ Not applicable, or
☐ Current information (described in 1. above) is on file at Ex-Im under Guarantee or Policy #_____ , or
a) ☐, and/or b) ☐ as above.

4. **BORROWER:**

If application is for ☐ **political only or sovereign risks** provide "4.a" only, or
If credit is based on ☐ **a guarantor** provide only "4.a" on the borrower and answer 5, or
☐ Current information as described below is on file at Ex-Im under Guarantee or Policy #_____ , or provide at a minimum a, b and c below:
a) ☐ A credit agency report not older than **6 months** from date of application, **or**
☐ Check if a credit agency report is not applicable because the borrower is a financial institution (bank) or a foreign government agency.
b) ☐ Bank reports or references from borrower's (including banks and non-sovereign government agencies) principal commercial banks, not older than **6 months** from date of application, **including** bank names, addresses, personal contacts, length of relationships, experience, amount and terms of secured and unsecured credit.
c) Financial statements as follows in 1 **or** 2:

1) ☐ For **financed amounts of up to and including $1 million**: Financial statements with notes (preferably audited with opinions and in English; financial institution, i.e., bank, statements **must** be audited) for the previous **3 fiscal year ends** plus interim statements if the latest fiscal year end statements are dated more than **9 months** from date of application. If financial statements are unaudited, they **must** be accompanied by a summary of significant accounting policies used in their preparation.

2) ☐ For **financed amounts of greater than $1 million**: Audited financial statements with notes and opinions in English for the previous **3 fiscal year ends** plus interim statements if the latest fiscal year end statements are dated more then **9 months** from date of application.

d) ☐ Market indications, if available (not required), as follows: ☐ not available

Name of rating agency: _____ Rating: _____ Date: _____

e) ☐ Spread of financial statements including ratios and cash flow (not required for transactions under $1 million).

f) Ex-Im's Medium Term Credit Standards, computed according to EBD-M-39, Attachment A, Parts I and II, transactions up to and including U.S. $5 million (not required but recommended):
1) ☐ not computed
2) ☐ are **met** and ☐ computations are attached.
3) ☐ are **not met**, but ☐ supplemental information described in EBD-M-39 is attached.
4) ☐ are not met, but ☐ a **guarantor** is provided.

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Revised 10/01

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5. **GUARANTOR(S):**

☐ Not applicable [e.g., political only, sovereign, guarantor is not the primary source of repayment (PSR)], or
☐ Current information as described below is on file at Ex-Im under Guarantee or Policy #:_____ , or provide at a minimum a, b and c below.

a) ☐ A credit agency report the same as in 4.a above, **or**
☐ Check if credit agency report is not applicable because the guarantor is a financial institution (bank) or a foreign government agency.

b) ☐ Bank reports or references the same as in 4.b above

c) Financial statements as follows in a **or** b:
1) ☐ For **financed amounts of up to and including $1 million** the same as in 4.c.1 above.
2) ☐ For **financed amounts of greater than $1 million** the same as in 4.c.2 above.

d) ☐ Market indications, if available (not required), as follows: ☐ not available

Name of rating agency:_____ Rating:_____ Date:_____

e) ☐ Spread of financial statements including ratios and cash flow (not required for transactions under $1 million).

f) Ex-Im's Medium Term Credit Standards, computed according to EBD-M-39, Attachment A, Parts I and II, transactions up to and including U.S. $5 million (not required but recommended):
1) ☐ not computed
2) ☐ are **met** and ☐ computations are attached.
3) ☐ are **not met**, but ☐ supplemental information as described in EBD-M-39 is attached.

6. ☐ **EBD-M-39 ATTACHMENT C** is required for transactions (i.e., financed amount excluding interest and Ex-Im premium) of greater than U.S. $5 million with non-financial institution buyers who **do not have** market indications.
☐ Not applicable. It is **not required** for transactions: of U.S.$5million or less, with financial institutions, with buyers or guarantors who have market indications, with sovereign buyers or guarantors, for political risk cover only, or with buyers or guarantors pre-approved by Ex-Im.

7. **MISCELLANEOUS items** which may be attached by the applicant (if any):

☐ Calculation of Ex-Im Medium Term Credit Standards (see 4f & 5f above)
☐ Description of end-users and countries after resale (see application 6i)
☐ Defense Product Questionnaire EIB92-61 (see application 9d)
☐ Livestock Questionnaire EIB92-62(see application 9h)
☐ Form LLL (see application 10d)
☐ Pro-forma invoice ☐ Letter of Credit
☐ Buyer/Guarantor/Government - Request for Bid, Mandate, or Contract
☐ Description of manufacture/production (see application 8)
☐ EBD-M-39 Attachment C (see 6 above)
☐ Description of related participants (see application 6j)
☐ Used Equipment QuestionnaireEBD-M-25(see application 9g)
☐ Content Report Form EBD-M-58 (see application 9a,c)
☐ Cause Report EBD-M-55
☐ Exporter or supplier product brochure
☐ Reinsurance Questionnaire "Attachment H"
☐ Other (specify):_____ .

END

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Expires 05/31/02

EXPORT IMPORT BANK OF THE UNITED STATES
SHORT-TERM MULTI-BUYER EXPORT CREDIT INSURANCE POLICY APPLICATION

Applicant: _____ dba: _____
Contact: _____ Title: _____ Website: _____
Address: _____
Phone: _____ Fax: _____ E-Mail: _____
Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____
Bank credit line (if any) with: _____ Broker: _____

1. How did you learn about Ex-Im Bank? ☐ Ex-Im Bank regional office ☐ Broker ☐ Bank ☐ US Export Assistance Center ☐ Ex-Im Bank City/State Partner _____ ☐ Other_____

2. Have you ever applied for a U.S. Small Business Administration or Ex-Im Bank program? ☐Yes or ☐ No
If so, please name the agency, program, outcome and status: _____

If you wish to insure sales made by your affiliates, please see Question 17 (Additional Named Insureds) prior to continuing.

3. Primary reason for application: ☐ risk mitigation ☐ financing ☐ extend more competitive terms

4. Policy Aggregate Limit Requested: $_____ (maximum export credit receivables outstanding at any one time)

5. Product and/or services to be exported: _____

6. Are the products* to be covered under the policy:
   - Manufactured in the U.S. with a minimum of 51% U.S. content (excluding mark-up)? ☐ Yes or ☐ No
   - Manufactured by the applicant? (If no, provide a list of suppliers with addresses.) ☐ Yes or ☐ No
   - Shipped from the United States to your buyers? ☐ Yes or ☐ No
   - Listed on the U.S. Munitions List (part 121 of title 22 of the Code of Federal Reg.)? ☐ No or ☐ Yes
   - Used? (If yes, please attach Used Equipment Questionnaire EBD-M-25) ☐ No or ☐ Yes

* The Borrower, Guarantor, Buyer and End User must be foreign entities in countries for which Ex-Im is able to provide support, see Ex-Im's Country Limitation Schedule (CLS) at www.exim,.gov . There may not be trade measures against them under Section 201 of the Trade Act of 1974, see http://dockets.usitc.gov/eol/public/ click on 201. There may not be trade sanctions in force against them. For a list of products and countries with Anti-Dumping or Countervailing Duty sanctions see http://205.197.120.60/oinv/sunset.nsf/AllDocID/96DAF5A6C0C5290985256A0A004DEE7D.

7. # of years exporting: _____ # of years exporting on terms other than cash in advance (CIA) or confirmed L/C (CILC):_____

8. Total export sales for the prior 2 years: Year: _____ $ _____ Year: _____ $ _____
Total export *credit* sales (exclude CIA, CILC) for the prior 2 years: $ _____ $ _____

9. Buyer Types: ____% Manufacturers ____% Wholesalers/ Distributors ____% Retailers ____% End-users

10. Export Credit Portfolio - attach additional pages if necessary.

	Previous Year			Projections For Next Year		
Country	**# of Buyers**	**Sales**	**Payment Terms**	**# of Buyers**	**Sales**	**Payment Terms**
EXAMPLE: Mexico	10	$2,500,000	50% CILC 50% 60 day OA	12	$3,000,000	100% 60 day OA

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11. Please list your 5 largest export buyers:

Buyer Name	City/Country	Last 12 Months Sales	Payment Terms	Credit Limit Needed
		$		$
		$		$
		$		$
		$		$
		$		$

12. Name(s) of export credit decision maker(s): Title(s): Years of Credit Experience Years of Foreign Credit Exp.

_____ _____ _____ _____

_____ _____ _____ _____

13. At what point do you stop shipping to a past due account? _____ days past due

14. Total export receivables outstanding: $_____ at ____/____/____ (date should be within 60 days of the application)

$_____	$_____	$_____	$_____	$_____
Current	1-60 days past due	61-90 days past due	91-180 days past due	181+ days past due

For each buyer over 60 days past due, attach an explanation including: name of buyer, country, amount past due, due date, and collection efforts made.

15. Export credit losses per year or rescheduled debts during each of last three years - attach additional pages if necessary.

YEAR	AMOUNT (US$)	EXPLANATION OF LOSS OR RESCHEDULING (SPECIFY REASON, COUNTRY, AND BUYER)
	$	
	$	
	$	

16. **Please submit the following as Attachments:**
- Credit Report on your company dated within 6 months of the application or attach a check for $35 payable to Ex-Im Bank.
- Your financial statements for the two most recent completed fiscal years (with notes if available).
- Resume(s) on each credit decision maker identified in question 12.
- Descriptive product brochures (if available).

17. **Special Coverages Required:** If "none" check ☐ N/A

☐ **Add Additional Named Insureds (ANI's).** Credit decisions of each affiliate listed must be centralized with the Applicant and each affiliate must invoice export credit sales in their own name (or tradestyle); if either is not applicable, please attach an explanation. Questions 3-15 should include export sales of prospective ANI's.

Affiliate Company / Trade style	City / State / Country	Relationship to Applicant

☐ **Services (Please attach a copy of your sample services contract)** Services must be: performed by U.S. based personnel or those temporarily domiciled overseas, and billed (invoiced) separately from any product sales.

☐ **Enhanced Assignment** of small business insurance policy proceeds. This is exporter performance risk protection that may be offered to lenders willing to finance Ex-Im Bank insured receivables. **Applicant Please Attach:**
- Written bank reference describing your relationship to date and size of existing credit line.
- 2 written trade references from principal commercial suppliers.
- For applications with policy limits over $500,000, financial statements must be audited or CPA reviewed with notes.

☐ **Other** (please specify):_____

_____

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The Applicant (it) CERTIFIES and ACKNOWLEDGES to the Export-Import Bank of the United States (the Bank) that:

a) it is either organized, or registered to do **business, in the United States**.

b) it and each additional named insured applicant **has not entered into any contract of insurance** or indemnity in respect of any case of loss covered by the Export Credit Insurance Policy or Loss chargeable to a deductible under such Policy, and the applicant will not enter into any such contract of insurance or indemnity without the Bank's consent in writing.

c) neither it nor any of its principals is currently, nor has been within the preceding three years:
- debarred, suspended or declared ineligible from participating in any Covered Transaction or
- formally proposed for debarment, with a final determination still pending;
- voluntarily excluded from participation in a Covered Transaction; or
- indicted, convicted or had a civil judgment rendered against it

for any of the offenses listed in the Regulations governing Debarment and Suspension as defined in the Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule 53 Fed. Reg. 19204 (1988). It further certifies that it has not nor will it knowingly enter into any agreement in connection with this Policy with any individual or entity that has been subject to any of the above.

d) it is not delinquent on any amount due and owing to the U.S. Government, its agencies, or instrumentalities as of the date of this application.

e) it shall complete and submit standard form-LLL, "Disclosure Form to Report Lobbying" to the Bank (31 USC 1352), if any funds have been paid or will be paid to any person for influencing or attempting to influence i) an officer or employee of any agency, ii) a Member of Congress or a Member's employee, or iii) an officer or employee of Congress in connection with this Policy. This does not apply to insurance broker commissions paid by the Bank.

f) it has not, and will not, engage in any activity in connection with this Policy that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of its knowledge, the performance by the parties of their respective obligations covered or to be covered under this Policy does not and will not violate any applicable law.

g) transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).

h) the information is being requested under the authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.); disclosure of this information is mandatory **and failure to provide the requested information may** result in the Bank being unable to determine eligibility for the Policy. The information collected will be analyzed to determine the ability of the participants to perform and pay under the Policy. The Bank may not require the information, and applicants are not required to respond, unless a currently valid OMB control number is displayed on this form. The information collected will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed pursuant to applicable law. The **public burden** reporting for this collection of information is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send **comments** regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

i) the representations made and the facts stated in the application for said Policy are true, to the best of it's knowledge and belief, and it has not misrepresented or omitted any material facts relevant to said representations. It agrees that this application shall form a part of the Policy, if issued, and the truth of the representations and facts, and performance of every undertaking in this application shall be a condition precedent to any coverage under such Policy. It further understands that this certification is subject to the penalties for fraud against The U.S. Government (18 USC 1001).

(Signature) (Print Name and Title) (Date)

SMALL BUSINESS POLICIES APPLICANT CERTIFICATION

"We are an entity which **together with our affiliates** had **average annual export credit sales** during our preceding two fiscal years not exceeding **$5,000,000**, excluding sales made on terms of confirmed irrevocable letters of credit (CILC) or cash in advance (CIA)."

(Signature)

Send, or ask your insurance broker or city/state participant to review and send this application to the Ex-Im Bank Regional Office nearest you. Please refer to Ex-Im Bank's website at http://www.exim.gov for Regional Office addresses.

Ex-Im Bank reserves the right to request additional information upon review of the application. Please refer to Ex-Im Bank's Short Term Credit Standards (EIB 99-09) to determine the likelihood of approval of a policy.

OMB #3048-0009
Expiry Date 5/31/02

EXPORT-IMPORT BANK OF THE UNITED STATES
EXPORTER'S APPLICATION FOR SHORT-TERM SINGLE-BUYER POLICY App No.:_____
(Please Print or Type) (Ex-Im Bank Use Only)

1. Applicant	2. Broker (If none, state "None")
Name: Address: Attn.: Tel No.: Fax No.: E-Mail:	Brokerage: Broker Number: Attn.: Tel No.: Fax No.: E-Mail:

3. Qualification for Coverage. Will the applicant: a) Have title to the products at the time they are shipped? ☐ Yes ☐ No
b) Be directly invoicing the Buyer? ☐ Yes ☐ No
(If you answered no to either you may not be eligible for coverage. Consult your broker, City/State Program participant or Ex-Im)

4. Buyer Name and (full) Address (no Post Office Box nos.) File No.:_____
(Issuing Bank for Letter of Credit transactions) (Ex-Im Bank Use Only)

5. Guarantor Name and Address (If none, state "None") File No.:_____
(Ex-Im Bank Use Only)

PART I - INFORMATION ABOUT THE APPLICANT Refer to Ex-Im Bank's Short Term Credit Standards (EIB99-09)Exporter for New Policyholder to determine the likelihood of approval.

6. If you have submitted this information within the past twelve months provide the policy no._____; otherwise attach the following:
   a) Your SIC Code (if known)_____ b) Total Employees_____ c) Total Sales_____
   d) Tax ID #: _____ e) DUNS #: _____ f) Congressional District:_____
   g) Indicate (Not Required) if owned by a☐ Woman, or an ☐ Ethnic Minority, describe_____
   h) ☐ Credit agency report dated within 6 months of the application. If unavailable, please attach check for $35.00 to assist in covering Ex-Im Bank's cost in ordering a report.
   Year ____ ____
   i) Total export sales $_____ $_____
   j) Total export sales (excluding cash in advance and confirmed irrevocable letter of credit transactions) during your last 2 fiscal years: $_____ $_____
   k) Years exporting on credit terms:_____
   l) ☐ Attach the collection procedures your company follows in the event your foreign customers become past due.
7. What is your primary reason for applying for this policy?☐ Risk mitigation ☐ To obtain financing ☐ Other attach explanation.
8. Have you applied for, or received the benefit of, a U.S. Small Business Administration or Ex-Im Bank program such as a Working Capital Loan Guarantee or Insurance Policy approval? (Enhanced Assignments are not available to exporters benefitting from an Ex-Im Bank or US Small Business Administration Working Capital Loan Guarantee) ☐ No ☐ Yes (describe agency, program outcome and status):_____.
9. If requesting an "Enhanced Assignment" check here☐ and attach the following (refer to Ex-Im Bank's Short Term Credit Standards EIB99-09 Exporters for Enhanced Assignments to determine the likelihood of approval):
   ☐ A bank reference dated within 6 months of the application.
   ☐ 2 trade references dated within 6 months of the application.
   ☐ Financial statements as follows:

Limit of Liability	Minimum Requirement
$500,000 or less	signed by an authorized officer for the applicant
$500,001 - $999,999	reviewed by a CPA with notes attached
$1,000,000 or more	audited by a CPA with opinion and notes attached.

PART II - INFORMATION ABOUT THE TRANSACTION

10. Check one: ☐ Firm Order ☐ Negotiating Sale ☐ Responding to Invitation to Bid
11. a) Products ☐ New ☐ Used (If used, attach Used Equipment Questionnaire)
    b) Name and Description of Products*:_____.
    c) Is each product produced or manufactured in the United States? ☐ Yes ☐ No If no explain:_____.
    d) Has at least one-half of the value, exclusive of price mark-up, been added by labor or material exclusively of United States origin? ☐ Yes ☐ No If no, explain: _____.
    e) Will any value be added to the product after export from the U.S.?☐ No ☐ Yes If yes, explain: _____.

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f) Are products listed on the United States Munitions List? (Part 121, Title 22, Code of Federal Regulations) ☐ Yes ☐ No
g) Has this transaction been considered by any other export credit insurer? ☐ No ☐ Yes If yes, attach an explanation.

* Note: The Borrower, Guarantor, Buyer and End User must be foreign entities in countries for which Ex-Im is able to provide support, see Ex-Im's Country Limitation Schedule (CLS) atwww.exim,.gov . There may not be trade measures against them under Section 201 of the Trade Act of 1974, see http://dockets.usitc.gov/eol/public/ click on 201. There may not be trade sanctions in force against them. For a list of products and countries with Anti-Dumping or Countervailing Duty sanctions see http://205.197.120.60/oinv/sunset.nsf/AllDocID/96DAF5A6C0C5290985256A0A004DEE7D.

12. **SUPPLIER.** The "supplier" is the U.S. entity which produces the items and/or performs the services to be exported.
Check if the supplier is also the ☐ exporter or complete the following: (Ex-Im use only: File #: _____)
Supplier Name: _____ Phone #: _____
Contact person: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State: _____ Zip Code: _____
Taxpayer ID #: _____ Duns #: _____ Congressional District: _____
Fiscal year ended (mo. & yr.): _____ Gross sales revenue in last fiscal year: $ _____ # of employees: _____
Standard Industrial Code of business: _____ Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____

13. a) **Payment terms** requested _____
b) Debt instrument (if any) _____
c) Expected frequency of shipments: ☐ Single shipment ☐ Multiple shipments under one sales contract.
d) If single shipment, the expected date of shipment _____, or
if multiple shipments, the period required to make shipments from _____ to _____
e) Total shipment volume to be insured $ _____
f) If multiple shipments, the expected highest amount outstanding during shipment period $ _____
g) Other security/guarantees available. If none, state "None". _____.
14. Coverage type required: ☐ Commercial/Political ☐ Political Only
15. Pre-shipment Coverage (complete only if coverage is requested) **NOTE:** Additional premium will be charged for this cover.
a) Has contract of sale been executed? ☐ Yes ☐ No Date or estimated date: _____
b) Estimated period between date of contract and final shipment date of products: _____
c) ☐ Attach schedule of any progress payments made or to be made by buyer during pre-shipment period or ☐ None.
d) What risk is of primary concern to you during the pre-shipment period? _____

PART III - INFORMATION ABOUT THE BUYER Refer to Ex-Im Bank's Short Term Credit Standards (EIB99-09) Buyers: for Financial Institutions, letter of credit transactions, for Financial Institutions non-letter of credit transactions, and for Non-Financial Institution Buyers to determine the likelihood of approval. Attach the following information:

16. a) Market Rating: _____ Rating Agency: _____ Date: _____ **OR**
b) ☐ A credit report on the buyer, and guarantor (if any) not older than 6 months from date of application **and**
☐ 2 (1 if the credit limit is $100,000 or less) Trade Reference forms (EIB99-14) dated within 6 mos of the application **and**
☐ If the credit limit is $300,001 or more, audited or unaudited signed financial statements with notes on the buyer, and guarantor (if any) for the last: 2 fiscal years if the credit limit is $300,001 to $1million, or
3 **audited** fiscal years if the credit limit is $1,000,001 or more.
(Credit and financial information should be on the issuing bank if terms are letter of credit)
17. When did you last visit the buyer? _____
18. a) Summary of credit experience (insured and uninsured) with this buyer during current year and past 2 years:

Total Sales Each Year	$_____	$_____	$_____
Highest Amount Outstanding During Period	$_____	$_____	$_____
Payment Terms	_____	_____	_____

b) Describe buyer's payment history (check one)
☐ No prior experience ☐ Prompt/Discount ☐ 1-30days slow ☐ 31-60days slow ☐ More than 60 days slow
c) Amount now owing $ _____ as of _____ (Date).
d) Amount now past due (indicate maturity dates and explanation). _____
e) If past dues are due to foreign exchange problems, does applicant have evidence of local currency deposits on all payments due? ☐ Yes ☐ No ☐ Not applicable.
19. Describe any direct or indirect ownership interest or family relationship which exists between the applicant

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and the buyer or guarantor. If none, state "None."_____.

21. **PART IV The Applicant** (it) **CERTIFIES and ACKNOWLEDGES to the Ex-Im Bank** (the Bank) that:

a) it is (**check one**): (1) ☐ a corporation organized and **existing under the laws of the United States**, or a jurisdiction thereunder, or
(2) ☐ an individual or partnership **resident in** the United States; **or**
(3) ☐ a foreign corporation, partnership or individual **registered to do business in** the United States, **OR**
(4) ☐ it has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications 1, 2 or 3.

b) to the best of its knowledge and belief, the products and services to be exported in the transaction described in this application are principally **for use as indicated below**. When a sale is made to entities such as distributors primarily for resale, the principal user is considered to be the original purchaser (the distributor), and item (1) should be checked. If, however, it has knowledge or reason to believe that the products will be re-exported from the original buyer's country, please complete item (2): (1) ☐ By the buyer in the country specified above. (2) ☐ If not, name the country (ies) **where** products will be principally used: _____ **by whom**: _____.

c) it undertakes to carry on its business with due care in financing exports hereunder, and in regard to the conditions of the contract and the trustworthiness of the exporter and buyer.

d) (1) neither it nor its principals has been within the past 3 years:
(a) debarred, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or
(b) formally proposed for debarment, with a final determination still pending;
(c) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.
(d) It certifies that it is **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**
(2) It has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications a through d..
It further certifies that it has not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to a, b or c above.

e) it will complete and submit **Form-LLL**, Disclosure Form to Report Lobbying if, to the best of its knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:
(1) an officer or employee of any U.S. Government agency, or
(2) a Member of Congress or a Member's employee, or
(3) an officer or employee of Congress. *This does not apply to commissions paid by the Bank to insurance brokers.*

f) it has not, and will not, engage in any activity in connection with this Policy that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of its knowledge, the performance by the parties of their respective obligations covered or to be covered under this Policy does not and will not violate any applicable law.

g) (1) the information being requested is done so under authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.);
(2) providing the information is mandatory. **Failure to do so** may result in the Bank being unable to determine eligibility for the Policy. The information provided will be reviewed to determine if the participants' ability to perform and pay under the Policy.
(3) the Bank may not require the information and applicants are not required to respond unless a currently valid OMB control number is displayed on this form (see upper right of each page);
(4) the information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws;
(5) transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).
(6) the **public burden** reporting for this collection of information is estimated to average 1 hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send **comments** regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

h) the representations made and the facts stated by it in these certifications and its attachments **are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts**. The applicant agrees that such representations and facts shall form the basis of and be incorporated in the Policy, if issued, and that the truth of such representations and facts and the due performance of each and every undertaking contained herein above shall be condition precedent to any liability of Ex-Im Bank thereunder. It further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

_____ _____ _____
(Signature) (Print Name and Title) Date

Send, or ask your insurance broker or city/state participant to review and send, this application to Ex-Im Bank, 811 Vermont Avenue, NW, Washington, D.C. 20571 or an Ex-Im Regional Office.
The Ex-Im Bank website is <http://www.exim.gov>

Please complete: The applicant was informed about Ex-Im by: ☐ An Ex-Im Regional Office:_____
☐ An Ex-Im City/State Partner:_____ ☐ A U.S. Export Assistance Center:_____
☐ A Broker:_____ ☐ A Bank:_____
☐ A Local Development Authority:_____ ☐ Other (specify):_____

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EXPORT-IMPORT BANK OF THE UNITED STATES
APPLICATION FOR
EXPORT CREDIT INSURANCE UMBRELLA POLICY

(Please Print or Type)

Date:_____
App.No.:_____
(Ex-Im Bank use only)

1. Applicant Name & Address	2. Broker Name & Number
Attn.: Tel No.: Fax No.: E-Mail:	(If none, state "None") Brokerage: Broker Number: Attn.: Tel No.: Fax No.: E-Mail:

3. a. Please specify business activities:

- ☐ Bank
- ☐ EMC/ETC
- ☐ Insurance Broker
- ☐ Accounting Firm
- ☐ State Government Organization
- ☐ Trade Organization
- ☐ Freight Forwarder
- ☐ Other_____

b. Legally formed as a _____ (Type) on _____ (Date) in _____ (State)

c. Total number of permanent employees:_____

d. Number of years your organization has been involved in export related activities:_____

e. Tax ID #:_____ f. DUNS #:_____ g. Congressional District:_____

4. a. In your organization, name the individuals who will be responsible for administering the Export Credit Insurance Umbrella Policy.

Name:_____ Name:_____

Title:_____ Title:_____

5. Has your organization ever held an Export-Import Bank of the United States (Ex-Im Bank) policy or acted as a business finder, consultant, buyer or seller representative for any transaction insured under an Ex-Im Bank policy? ☐ Yes ☐ No
If yes, please give the names of the 4 most recent policyholders and the policy numbers:

Holder:_____ Number:_____

Holder:_____ Number:_____

Holder:_____ Number:_____

Holder:_____ Number:_____

6. Please list any individual/institution owning 20% or more of your organization:

7. If your organization has subsidiaries or affiliates involved in export activities, please list their names and addresses: Name Address

8. List two bank references and two business references, including officer to contact, and telephone

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number:

Organization	Contact	Phone Number
1) _____	_____	_____
2) _____	_____	_____
1) _____	_____	_____
2) _____	_____	_____

9. Please list the name of each exporter you anticipate will be an insured under this policy. If none are known at this time, indicate "None".

_____

_____

10. Does your organization currently have a fidelity bond and an errors and omissions insurance policy? (Check the appropriate box(es) if yes.)

☐ Fidelity Bond - Issuer:_____

Limits of Liability:_____

☐ Errors and Omissions Policy - Issuer:_____

Limits of Liability:_____

Issuance of an Export Credit Insurance Umbrella Policy will be contingent upon both being in force for the life of the policy

11. Please attach the following information:
   a. Financial statements for the last three years, audited if available; if not audited, signed by an officer
   b. Recent (within 6 months) credit agency report on your organization. If unavailable, please attach a check for $35.00 payable to Ex-Im Bank.
   c. Descriptive brochures or advertising materials.
   d. Resumes on individuals named in question number 4 (see Resume Form attached).
   e. Any other information that you would like to have considered when evaluating this application.
   f. Any completed Insured Exporter Applications for companies mentioned in question number 9.

12. AGREEMENTS OF THE ADMINISTRATOR

The Applicant (it) **CERTIFIES and ACKNOWLEDGES to the Ex-Im Bank** (the Bank) that:

a. it is (**check one**):
   1) ☐ a corporation organized and **existing under the laws of the United States**, or a jurisdiction thereunder, or
   2) ☐ an individual or partnership **resident in** the United States; **or**
   3) ☐ a foreign corporation, partnership or individual **registered to do business in** the United States, **OR**
   4) ☐ it has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications 1, 2 or 3.

b. it will undertake to carry on its business with due care and in full compliance with the laws of the United States and with the state and local laws and regulations governing the area in which the applicant is resident;

c. It will conduct its business from the address listed in question number 1 of this application, and will provide notification within 10 days of any change of its business address;

d. It will provide notification within 10 days if the person responsible for administration of its Export Credit Insurance Trade Association policy and listed in question number 4a of this application change;

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e. It will obtain and maintain errors and omissions insurance covering the performance of its duties and responsibilities under its Export Credit Insurance Trade Association Policy.

f. 1) neither it nor its principals has been within the past 3 years:
a) debarred, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or
b) formally proposed for debarment, with a final determination still pending;
c) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.
d) It certifies that it is **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**
2) It has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despitean inability to make certifications a through d..
It further certifies that it has not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to a, b or c above.

g. it will complete and submit **Form-LLL**, Disclosure Form to Report Lobbying if, to the best of its knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:
1) an officer or employee of any U.S. Government agency, or
2) a Member of Congress or a Member's employee, or
3) an officer or employee of Congress. *This does not apply to commissions paid by the Bank to insurance brokers.*

h. it has not, and will not, engage in any activity in connection with this Policy that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of its knowledge, the performance by the parties of their respective obligations covered or to be covered under this Policy does not and will not violate any applicable law.

i 1) the information being requested is done so under authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.);
2) providing the information is mandatory. **Failure to do so** may result in the Bank being unable to determine eligibility for the Policy. The information provided will be reviewed to determine if the participants' ability to perform and pay under the Policy.
3) the Bank may not require the information and applicants are not required to respond unless a currently valid OMB control number is displayed on this form (see upper right of each page);
4) the information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws;
5) transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).
6) the **public burden** reporting for this collection of information is estimated to average 1 hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send **comments** regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

j. the representations made and the facts stated by it in these certifications and its attachments **are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts.** The applicant agrees that such representations and facts shall form the basis of and be incorporated in the Policy, if issued, and that the truth of such representations and facts and the due performance of each and every undertaking contained herein above shall be condition precedent to any liability of Ex-Im Bank thereunder. It further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

This document will be a material basis for the approval of any entity or person as an Administrator of the Export Credit Insurance Umbrella Policy. Any misrepresentation herein is grounds for immediate disqualification of an approved Administrator. Other information, including, but not limited to, interviews and visits to your offices, may be requested.

As an Administrator you will be administering export credit insurance coverage for various insureds and dealing directly with Ex-Im Bank on the insureds' behalf. Many states regulate, through licensing or otherwise, the persons, firms, associations and corporations which handle insurance matters for others. You may wish to review your status as an Administrator under applicable state law(s) before submitting this application for an Export Credit Insurance Umbrella Policy. If your application is approved, it will be for a one-year period only. Renewals may require additional information.

_____ _____
By (Signature) Print Name and Title

Send, or ask your insurance broker or city/state participant to review and send, this application to Ex-Im Bank, 811 Vermont Avenue, NW, Washington, D.C. 20571 or an Ex-Im Regional Office.
The Ex-Im Bank website is <http://www.exim.gov>

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EXPORT-IMPORT BANK OF THE UNITED STATES
Attachment to Umbrella Policy Application
To be filled out for each individual named in Question 4a.
RESUME FORM

Name:_____ _____

Title or Position:_____

Number of years with your organization:_____

Full description of job functions including administering the policy:

_____

_____

_____

_____

Administrative experience:_____

_____

_____

_____

_____

Export-related experience including any previous experience with Ex-Im Bank:_____

_____

_____

_____

Educational background:_____

_____

_____

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EXPORT-IMPORT BANK OF THE UNITED STATES (EX-IM BANK)
BROKER REGISTRATION FORM

Insurance brokers and agents are eligible for commission payments under Ex-Im Bank export credit insurance policies if the broker or agent is registered with Ex-Im Bank and is appointed as broker-of-record by the policyholder either by designation on an insurance policy application or by separate letter.

Name of Brokerage:_____

Contact:_____ Title:_____

Address:_____ PO BOX:_____

City:_____ State:_____ Zip:_____

Phone: (____)_____ Fax: (____)_____ E-mail:_____

Tax ID #:_____ DUNS #:_____ No. of Employees:_____

Indicate (Not Required) if owned by a ☐ woman or ☐ an ethnic minority, describe_____.

Other lines of brokered insurance:_____.

Do you have other offices you wish to register (to be eligible for commissions)? ☐ No ☐ Yes
If "Yes", please list firm's name, address, telephone number, fax number and contact person on a separate sheet.

A list of registered insurance brokers is available on the Ex-Im Bank Internet Website and unbrokered applicants are referred to the list. Please indicate here if you **DO NOT** wish your name released. ☐

1. A Registration Fee of **$85.00** is required, for which you will also receive a copy and updates of the "Ex-Im Bank Users' Guide."
2. You are required to review, understand and **sign** the attached "Standards of Service".
3. Attach a copy of a current, valid insurance brokerage **license** indicating issuance and/or expiry date(s).
4. Forward the attached "Authorization for Automated Deposits" form.

The Broker (it) **CERTIFIES and ACKNOWLEDGES to the Ex-Im Bank** (the Bank) that:

1. a) neither it nor its principals has been within the past 3 years:
   1) debarred, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or
   2) formally proposed for debarment, with a final determination still pending;
   3) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.
   4) It certifies that it is **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**

   b) It has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications 1 through 4.

   It further certifies that it has not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to 1, 2 or 3 above.

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2. it will complete and submit **Form-LLL**, Disclosure Form to Report Lobbying if, to the best of its knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:
   a) an officer or employee of any U.S. Government agency, or
   b) a Member of Congress or a Member's employee, or
   c) an officer or employee of Congress.

3. corrupt payments made in connection with Bank supported transactions may be a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC 78dd-1, et. seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business.

4. a) the information being requested is done so under authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.);
   b) providing the information is mandatory. **Failure to do so** may result in the Bank being unable to determine eligibility for the Insurance Program. The information provided will be reviewed to determine if the broker meets the Bank's legislative requirements under the program
   c) the Bank may not require the information and applicants are not required to respond unless a currently valid OMB control number is displayed on this form (see upper right of each page);
   d) the information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws;
   e) the Bank shall have a right to transfer to another U.S. Government authority any financial records included in this certification or other correspondence as necessary to process, service, foreclose or collect on an insured debt. No other transfer of records to private parties or another U.S. Government authority will be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).
   f) the **public burden** reporting for this collection of information is estimated to average ½ hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send **comments** regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

5. the representations made and the facts stated by it in these certifications and its attachments **are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts**. It further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

Signature:_____ Print Name:_____

Title: _____ Date: _____

Send this application to Attn: Assistant Director for Broker Relations, Insurance Division, Ex-Im Bank, 811 Vermont Avenue, NW, Washington, D.C. 20571 or an Ex-Im Regional Office.
The Ex-Im Bank website is <http://www.exim.gov>

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INSURANCE BROKERS STANDARDS OF SERVICE

1. To act in a professional, reasonable, prudent and forthright manner in all dealings with your client and Ex-Im Bank.

2. To stay knowledgeable about not only Ex-Im Bank export credit insurance but alternatives, including other Ex-Im Bank programs, other U.S. government programs, and private sector products as well, in order to provide the best options to your clients.

3. To educate your clients about Ex-Im Bank's Insurance Program and policies, its' benefits and proper usage.

4. To serve as your clients' primary contact for any questions concerning the policies and the servicing of a policy.

5. To review all applications and issuances of policies, actions under policies, renewals of policies and credit limits, and claims, for timeliness, completeness, accuracy and reasonableness.

6. To review correspondence from Ex-Im Bank with your clients, including quotes and credit limits, to assist them in understanding the coverage and their responsibilities.

7. To assist your clients to comply with the Agreements of the Insured including shipment reports, premium payment and reports of overdue accounts, and to advise Ex-Im Bank of any potential claims.

8. To report policy cancellations and submit a premium reconciliation to Ex-Im Bank.

9. To provide as much assistance to the policyholder as is possible in order to maximize the benefits of the policy.

I have read the above standards, agree that they are reasonable, and will comply with these standards.

I understand and agree that substantial failure by me to comply with these standards could result in withdrawal from the list of registered insurance brokers published by Ex-Im Bank and cancellation of eligibility for commission payments under Ex-Im Bank export credit insurance policies.

_____	_____	_____
Name of Brokerage	Signature of Broker	Date

_____
Print Name

OMB #3048-0009 Expiry Date 5/31/02

EXPORT-IMPORT BANK OF THE UNITED STATES

AUTHORIZATION FOR AUTOMATED DEPOSITS (ACH CREDITS)

I hereby authorize the Export-Import Bank of the United States hereinafter called Ex-Im Bank, to initiate credit entries to my [ ] **CHECKING** [ ] **SAVINGS account** ☑ ***(check one)*** indicated below and the depository named below, hereinafter called DEPOSITORY, to credit the same to such account.

DEPOSITORY NAME _____

BRANCH _____

CITY _____ STATE ___ ZIP_____

TRANSIT/ABA NUMBER: [ ][ ][ ][ ] - [ ][ ][ ][ ] - [ ]

ACCOUNT NUMBER: _____

This authority is to remain in full force and effect until Ex-Im Bank has received written notification from me of its termination in such time and in such manner as to afford Ex-Im Bank a reasonable opportunity to act on it.

BROKER NAME _____
(please print)

BROKER NO. _____ TAX ID NUMBER _____

SIGNATURE _____ DATE _____

PLEASE ATTACH A VOIDED CHECK FOR THE ACCOUNT NAMED ABOVE

FOR EX-IM BANK USE ONLY

DATE RECEIVED _____

PROCESSED BY _____

Return to: Export-Import Bank of the United States
Director - Broker Relations
811 Vermont Avenue, N.W.
Washington, DC 20571

OMB #3048-0009 Expiry Date 5/31/02

EXPORT-IMPORT BANK OF THE UNITED STATES (EX-IM BANK)
BROKER COMMISSION SCHEDULE
FOR EXPORT CREDIT INSURANCE POLICIES

Effective: October 1, 1994

BROKER ELIGIBILITY

Insurance brokers and agents are eligible for commission payments under Ex-Im Bank export credit insurance policies if the broker or agent is **registered** with Ex-Im Bank and is **appointed** as broker-of-record by the policyholder. The policyholder reserves the right to appoint, delete or change the broker of record at any time. Brokers of record are entitled to any commissions due on premiums paid prior to a change in the broker of record.

COMMISSION RATES

Commission rates paid by Ex-Im Bank are based on the type of policyholder to which the policy is issued, as shown in the chart below:

Type of Policyholder	Commission Rate (percentage of premium)
Financial Institutions	**8%**
Exporters	
Small Business	**30%***
Multi-Buyer Policyholders	**12%**
Single-Buyer Policyholders	**10%**
Administrators	
Umbrella Policy	**30%***
Trade Association Policy	**10%**
Lessors	
(whether a financial institution or an exporter)	
Operating Lease Policy	**20%**
Financing Lease Policy	**10%**

*At Ex-Im Bank's discretion, this percentage will increase to 40% for those brokers who meet certain criteria regarding support of small business.

COMMISSION PAYMENTS

- The full amount of all premiums are due at the appropriate lockbox on or before the date specified in the policy. Insurance brokers should not remit premiums "net" of commission.
- Commission payments will be made monthly.
- No commission payments will be made on advance premium.

BROKER CHANGES ON EXISTING POLICIES

Ex-Im Bank policyholders may appoint or change their insurance broker at any time. Insurance brokers appointed after a policy is issued will be recognized on the first day of the next month after the receipt of the policyholder's written notice appointing an insurance broker of record.

Acknowledgment by Ex-Im Bank of a policyholder's appointed insurance broker is made by means of a policy endorsement. Insurance brokers acknowledged by Ex-Im Bank are eligible for commissions with respect to transactions occurring after the effective date of the endorsement.

WHO TO CONTACT: For additional information, please contact a Regional Office or:

EXPORT-IMPORT BANK OF THE U.S., INSURANCE DIVISION
811 VERMONT AVENUE, N.W., WASHINGTON, D.C. 20571
TEL NO (202) 565-3630 or 1-800-565-EXIM FAX NO. (202) 565-3675 INTERNET http://www.exim.gov
Regional Offices: MID ATLANTIC (202) 565-3940 MIDWEST (312) 353-8041
NORTHEAST (202) 466-2950 SOUTHEAST (305) 526-7425
SOUTHWEST (281) 721-0465 WEST: Long Beach (562) 980-4580, San Jose (415) 705-2285

EIB-92-79 (7/01) Page 5 of 5

[FR Doc. 02–6708 Filed 3–20–02; 8:45 am]
BILLING CODE 6690–01–C

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 96–45; DA 02–602]

Petition To Redefine the Service Area of Century Tel of the Southwest, Inc. in the State of New Mexico

AGENCY: Federal Communications Commission.

ACTION: Notice; solicitation of comments.

SUMMARY: In this document, the Common Carrier Bureau sought comment on Smith Bagley's petition requesting the Commission's consent to the New Mexico Public Regulation Commission's proposed ''service area'' definition for areas served by the Century Tel of the Southwest, Inc. (Century Tel) within New Mexico.

DATES: Comments are due on or before April 4, 2002. Reply comments are due on or before April 15, 2002.

ADDRESSES: See Supplementary Information section for where and how to file comments.

FOR FURTHER INFORMATION CONTACT: Richard D. Smith (202) 418–7400, TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: On March 1, 2002, Smith Bagley filed with the Commission a petition, pursuant to section 54.207 of the Commission's rules, requesting the Commission's consent to the New Mexico Public Regulation Commission's (New Mexico Commission) proposed ''service area'' definition for areas served by Century Tel of the Southwest, Inc. (Century Tel) within New Mexico. The New Mexico Commission proposes to define Smith Bagley's service area as an area different from the study area of Century Tel for the purpose of determining federal universal service obligations and support mechanisms. Specifically, the New Mexico Commission proposes to modify Smith Bagley's service area to include the Zuni, Ramah, and Fence Lake wire centers and Smith Bagley's existing service contour within the Pine Hill, Vanderwagn, Gallup, and Grants wire centers. The New Mexico Commission recommended that Century Tel's noncontiguous Pecos exchange be delineated as its own service area and that the exchanges served by Smith Bagley be grouped together as a second separate service area.

If the Commission does not act on the petition within 90 days of the release of this Public Notice, the definition proposed by the New Mexico Commission will be deemed approved by the Commission and shall take effect in accordance with state procedures.

The Petition: On February 19, 2002, the New Mexico Commission issued an order designating Smith Bagley as an eligible telecommunications carrier (ETC), under section 214(e) of the Communications Act of 1934, as amended (the Act), to receive federal universal service support for service provided in areas of New Mexico. In so doing, the New Mexico Commission concluded that it was in the public interest to designate Smith Bagley as an ETC in the study area of Century Tel, a rural telephone company.

The New Mexico Commission conditioned Smith Bagley's ETC designation upon confirmation of its proposed service area designation by this Commission. In compliance with the request of the New Mexico Commission, Smith Bagley has filed a petition with the Commission seeking approval of the proposed modified service area definition.

Commission Rules: For areas served by a rural telephone company, section 214(e)(5) provides that the company's service area will be its study area ''unless and until the Commission and the States, after taking into account the recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.'' Section 54.207 of the Commission's rules and the *Universal Service Order,* 62 FR 32962, June 17, 1997, set forth the procedures for consideration of petitions seeking to designate service areas for rural telephone companies that are different from such companies' study areas.

Section 54.207(c)(3) of the Commission's rules provides that the Commission may initiate a proceeding to consider a petition to redefine the service area of a rural telephone company within ninety days of the release date of a Public Notice. If the Commission initiates a proceeding to consider the petition, the proposed definition shall not take effect until both the state commission and the Commission agree upon the definition of a rural service area, in accordance with section 214(e)(5). If the Commission does not act on the petition within 90 days of the release date of the Public Notice, the definition proposed by the state commission will be deemed approved by the Commission and shall take effect in accordance with state procedures. Under § 54.207(e) of the Commission's rules, the Commission delegates its authority under § 54.207(c) to the Chief of the Common Carrier Bureau.

An original and four copies of all comments must be filed with William F. Caton, Acting Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., TW–B204, Washington DC 20554. In addition, four copies of each comment must be delivered to Sheryl Todd, Common Carrier Bureau, 445 12th Street, SW., Room 5–A520, Washington, DC 20554, and one copy to Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington DC, 20554. In accordance with the Commission's earlier Public Notice announcing that hand-delivered or messenger-delivered filings are no longer accepted at the Commission's headquarters, hand-delivered or messenger-delivered filings must be delivered to 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.

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 a.m. to 7 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 a.m. to 5:30 p.m.).

If you are sending this type of document or using this delivery method—	It should be addressed for delivery to—
United States Postal Service first-class mail, Express Mail, and Priority Mail .	445 12th Street, SW., Washington, DC 20554.

In addition to filing paper comments, parties are encouraged also to file comments electronically using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Document in Rulemaking Proceedings,* 63 FR 24121, May 1, 1998. Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e.-file/ecfs.html.* Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by the Internet e-mail. To receive instructions, send an email to *ecfs@fcc.gov* and 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.

Pursuant to § 1.1206 of the Commission's rules, 47 CFR. 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

Federal Communications Commission.

Anita Cheng,

Assistant Chief, Accounting Policy Division.

[FR Doc. 02–6773 Filed 3–20–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2540]

Petitions for Reconsideration of Action in Rulemaking Proceeding

March 15, 2002.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Qualex International (202) 863–2893. Oppositions to these petitions must be filed by April 5, 2002. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: In the Matter of 2000 Biennial Regulatory Review; Spectrum Aggregation Limits for Commercial Mobile Radio Services (WT Docket No. 01–14).

Number of Petitions Filed: 2.

William F. Caton,

Acting Secretary.

[FR Doc. 02–6771 Filed 3–20–02; 8:45 am]

BILLING CODE 6712–01–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 April 4, 2002.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Marilyn Myers Bouziden, Alva, Oklahoma; to acquire up to 43.47 percent of the voting shares of Myers Bancshares, Inc., Alva, Oklahoma, and thereby indirectly acquire voting shares of The Central National Bank of Alva, Alva, Oklahoma.

Board of Governors of the Federal Reserve System, March 15, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–6782 Filed 3–20–02; 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 April 15, 2002.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Country Square Bancshares, Inc., Meriden, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of The State Bank of Meriden, Meriden, Kansas.

Board of Governors of the Federal Reserve System, March 15, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–6783 Filed 3–20–02; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Agency Information Collection Activities; Submission for OMB Review; Comment Request; National Outcome Measures Surveys of Older Americans Act (OAA) Clients

AGENCY: Administration on Aging, HHS.

ACTION: Notice.

SUMMARY: The Administration on Aging (AoA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by April 22, 2002.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Allison Herron Eydt, Desk Officer for AoA.

FOR FURTHER INFORMATION CONTACT: David Bunoski, Office of Evaluation, Administration on Aging, Room 344G, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 260–0669.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, AoA has submitted the following proposed collection of information to OMB for review and clearance.

Title of Information Collection: National Outcome Measures Surveys of Older Americans Act (OAA) Clients.

Type of Request: New information collection.

Use: Consumer assessment data will be collected in this initial set of surveys to initiate national program outcome assessment consistent with the requirements of the Government Performance and Results Act and the Older Americans Act.

Frequency: One-time.

Respondents: Elderly individuals who have received selected services under Title 3 of the Older Americans Act.

The Administration on Aging is submitting to the Office of Management and Budget for approval the National Outcome Measures Surveys of Older Americans Act (OAA) Clients, pursuant to requirements set forth by congressional statute. Through a contract with WESTAT, Inc., AoA will draw samples of individuals served through Area Agencies on Aging across the country for the purpose of obtaining OAA program service assessments from these individuals. The surveys will utilize information collection instruments and methods developed and tested by experts in the field of gerontology and by State and local entities that administer OAA programs. The surveys will include assessments from among the following service categories: nutrition, transportation, caregiver support, home-care, and information and assistance.

AoA estimates the burden of this collection of information as follows:

Estimated Number of Responses: 3,500.

Total Estimated Burden Hours: 2,000.

In the **Federal Register** of December 3, 2001, Volume 66, Number 3232, Page 60214, the agency requested comments on the proposed collection of information. Two comments from one commenter were received.

In a letter dated January 22, 2002, Patricia P. Pine, Ph.D., Director of the New York State Office for the Aging, made the following recommendations:

Comment: ''We strongly recommend that the Performance Outcomes Measures project demonstrations funded by the AoA be extended for at least one more year. This would allow the participating state and area agencies on aging to collect more information and to address validity and reliability issues that have emerged or could emerge during the current demonstrations.''

Response: The Administration on Aging has not yet made a decision regarding additional funding for the current fiscal year, but is reviewing options that will include such funding.

Comment: ''The proposed national survey instruments should retain only those measures that are relevant to each service category. This would minimize the burden on frail elderly clients. For example, the social functioning measure should be applied to clients who are in the relevant service populations, although this measure does not appear to be relevant to home-care clients.''

Response: As part of the normal review of performance measures each year, the nutrition workgroup has begun to address the issue of the pertinence of particular measures of social functioning to the population being surveyed. For example, we are revising the social functioning questionnaire for use with clients who receive home-delivered meals. While we will still ask several questions about individuals' frequency of social contacts, we will no longer ask other questions of home-bound individuals concerning their activities outside the house. When this task is completed, a modified social functioning questionnaire, appropriate for home-care clients, will be available.

Dated: March 13, 2002.

Josefina G. Carbonell,

Assistant Secretary for Aging.

[FR Doc. 02–6785 Filed 3–20–02; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Strawberry Tierra, Inc., Property, Douglas County, CO

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: This notice advises the public that Strawberry Tierra, Inc. (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 as amended. The Service proposes to issue a 3-year permit to the Applicant that would authorize the incidental take of the Preble's meadow jumping mouse (Preble's) (*Zapus hudsonius preblei*), federally listed as threatened, and loss and modification of its habitat associated with the construction of retail development in Parker, Douglas County, Colorado. Construction of the project will result in the permanent loss of up to 0.10 acres of willow copse that provides potential foraging and hibernation habitat for the mouse, and temporary loss of 5.37 acres of ruderal grassland that provides potential foraging and hibernation habitat for the mouse. The permit application includes a combined Environmental Assessment/Habitat Conservation Plan (EA/HCP), which is available for public review and comment. The HCP fully describes the proposed project and the measures the Applicant would undertake to minimize and mitigate project impacts to the Preble's.

The Service requests comments on the EA/HCP for the proposed issuance of the incidental take permit. We provide this notice pursuant to section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments on the EA and permit application will become part of the administrative record and will be available to the public.

DATES: Written comments on the permit application and EA/HCP should be received on or before May 20, 2002.

ADDRESSES: Persons wishing to review the permit application or the EA/HCP, may obtain a copy by writing to LeRoy Carlson, Field Supervisor, Fish and Wildlife Service, Colorado Field Office, 755 Parfet Street, Suite 361, Lakewood, Colorado 80215, or by calling (303) 275–

2370 to request a copy. Documents also will be available for inspection, by appointment, during normal business hours at the address above. Written data or comments should be submitted to the above address. Comments also may be sent by facsimile to (303) 275–2371. Please reference permit number TE–053241 in any comments submitted.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen Linder, Fish and Wildlife Biologist, Colorado Field Office, telephone (303) 275–2370.

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Endangered Species Act and Federal regulations prohibit the ''take'' of a species listed as endangered or threatened (take is defined under the Endangered Species Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct). However, the Service may issue permits to authorize ''incidental take'' (defined by the Endangered Species Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity) of listed species under limited circumstances. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32. Regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

The proposed action is the issuance of a permit under section 10(a)(1)(B) of the Endangered Species Act to allow the incidental take of Preble's during the construction of a proposed retail development. The proposed project will permanently affect 0.10 acres and temporarily affect 5.37 acres of potential habitat for Preble's. An HCP has been developed as part of the preferred alternative. The proposed HCP will allow for the incidental take of the Preble's by permitting construction of a retail development in an area that may be periodically used as foraging or hibernation habitat. Proposed construction will result in about 0.10 acres of permanent habitat loss and another 5.37 acres of temporary effects to the habitat associated with this localized disturbance.

Alternatives considered in addition to the proposed action were—building at an alternate location, and no action. The draft EA analyzes the onsite, offsite, and cumulative impacts of the proposed project and all associated development and construction activities and mitigation activities on the Preble's, other threatened or endangered species, vegetation, wildlife, wetlands, geology/soils, land use, water resources, air and water quality, or cultural resources. None of the proposed impacts occur within the riparian corridor. The majority of impacts are in upland areas outside the 100-year floodplain. The Applicant, using the Service's definition of Preble's habitat, has determined that the proposed project would impact approximately 5.47 acres of potential Preble's habitat. The mitigation for the identified impacts will provide a net increase of 2.06 acres to the Preble's and other wildlife by improving potential mouse habitat through revegetation with native grasses, forbs, shrubs, and trees.

The Preble's is the only known Federally listed species that occurs on site and has the potential to be directly affected by the proposed project. The Applicant has agreed to implement the following measures to minimize and mitigate impacts that may result from incidental take of Preble's; in order to compensate for the loss of Preble's habitat, a total of 7.53 acres adjacent to the 100-year floodplain of Cherry Creek will be preserved and enhanced at a ratio of greater than 1.5:1 through seeding and planting native species.

Dated: March 4, 2002.

John Blankenship,

Deputy Regional Director.

[FR Doc. 02–6809 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of an Application for an Incidental Take Permit for the Lenox Village Development Site, Nashville, Davidson County, Tennessee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

Regent Development (Applicant) seeks an incidental take permit (ITP) from the Fish and Wildlife Service (Service) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The ITP would authorize incidental take of the endangered Nashville crayfish (*Orconectes shoupi*) from a 5-acre lake, incidental to lake draining for residential development in Nashville, Davidson County, Tennessee. The Applicant's Habitat Conservation Plan (HCP) describes the mitigation and minimization measures proposed to address the effects of the Project to the Nashville crayfish. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below. The Service has determined that the Applicant's proposal, including the proposed mitigation and minimization measures, will individually and cumulatively have a minor or negligible effect on the species covered in the HCP. Therefore, the ITP is a ''low-effect'' project and would qualify as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of Interior Manual (516 DM2, Appendix 1 and 516 DM 6, Appendix 1).

The Service announces the availability of the HCP for the incidental take application. Copies of the HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice is provided pursuant to Section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the federal action. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR Parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE049322–0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''*david_dell@fws.gov*''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**).

Due to Court order, the Department of Interior has temporarily lost access to the internet and may not regain it by the time this notice is published. Commentors are encouraged to submit comments by mail or express courier, or to call (see **FURTHER INFORMATION**) to confirm whether our internet capability has been restored.

Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor

such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, 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.

DATES: Written comments on the ITP application and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before April 22, 2002.

ADDRESSES: Persons wishing to review the application, supporting documentation, and HCP may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permit Coordinator), or Field Supervisor, U.S. Fish and Wildlife Service, 446 Neal Street, Cookeville, Tennessee 38501. Written data or comments concerning the application or HCP should be submitted to the Regional Office. Requests for the documentation must be in writing to be processed. Please reference permit number TE049322–0 in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679–7313; or Ms. Tyler Sykes, Fish and Wildlife Biologist, Cookeville Field Office, (see **ADDRESSES**), telephone 931/528–6481.

SUPPLEMENTARY INFORMATION: Nashville crayfish are limited to the Mill Creek watershed in Davidson and Williamson counties, Tennessee, near metropolitan Nashville. This species has been collected in both pool (adults only) and riffle areas (adults and juveniles). The crayfish take cover under flattened limestone slabs and rocks of varying sizes on the predominately gravel and limestone bedrock substrate found in Mill Creek and its tributaries. Habitat degradation from road and bridge construction, stream channel modifications, and point and non-point source runoff threatens the continued survival of the Nashville crayfish in this restricted range.

The Applicant, Regent Development, requests a permit for incidental take of Nashville crayfish which would occur from the draining of a 5-acre lake at Lenox Village, a proposed development site in Davidson County, Tennessee. The lake is being drained to provide suitable substrate for construction of houses. If the Applicant decided not to build in this area, the lake would still be drained to either remove or repair the dam that is currently holding back the water. The dam has been deemed unsafe by the Tennessee Department of Environment and Conservation and the Applicant has been instructed to either remove the dam or repair it.

Under section 9 of the Act and its implementing regulations, ''taking'' of endangered and threatened wildlife is prohibited. However, the Service, under limited circumstances, may issue permits to take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Applicant has developed an HCP as required for their incidental take permit application.

The HCP describes measures the Applicant will take to minimize and mitigate taking at the Project site. To minimize impacts to the Nashville crayfish from the draining of Resha Lake, the Applicant will:

1. Install proper erosion control measures prior to draining of the lake to insure minimal loss of sediment to the downstream channel during the draining process.

2. Conduct a sweep of the lake prior to initiation of the lake draining process to remove Nashville crayfish. These crayfish will be relocated to area(s) designated by the Service.

3. Conduct periodic sweeps throughout the entire lake draining process to ensure removal of all Nashville crayfish.

To mitigate for any Nashville crayfish that may be taken, the applicant will provide the following:

1. Reconstruction of the stream channel:

a. The channel will be placed in the lake bed and will mirror the up- and down-stream portions of the existing stream channel.

b. Slabrocks will be placed in the reconstructed channel to provide habitat for Nashville crayfish recolonizing the channel.

c. Native vegetation will be planted in buffer zones along the stream bank.

d. The reconstructed stream channel will be designated as greenspace in perpetuity.

2. Installation of wet cells:

Retention basins (wet cells) will be strategically located throughout the property to collect runoff to allow materials harmful to aquatic species to settle out before that water is released to the stream.

3. Education:

a. Informational signs discussing the Nashville crayfish and its habitat will be installed along the reconstructed stream channel.

b. Informational flyers will be distributed through the Homeowners Association to all residents of Lenox Village discussing the Nashville crayfish and ways that residents can protect the species' habitat.

As stated above, we have determined that the HCP is a low-effect plan that is categorically excluded from further NEPA analysis, and does not require the preparation of an EA or EIS. This preliminary information may be revised due to public comment received in response to this notice. Low-effect HCPs are those involving: (1) Minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Applicant's HCP qualifies for the following reasons:

1. Approval of the HCP would result in minor or negligible effects on the Nashville crayfish and its habitat. We do not anticipate significant direct or cumulative effects on this species as a result of this project, but rather expect the species to benefit.

2. Approval of the HCP would not have adverse effects on known geographic, historic, or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the HCP would not result in any significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a federal, state, local, or tribal law or requirement imposed for protection of the environment.

5. Approval of the HCP would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that those requirements are met, the ITP will be issued for the incidental take of Nashville crayfish on the Applicant's project site. The Service will also evaluate whether issuance of the section

10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: March 7, 2002.

David P. Flemming,

Acting Regional Director.

[FR Doc. 02–6811 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for an Incidental Take Permit for Residential Development in Collier County, Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Vestcor Fund XV, Limited (Applicant) requests an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). The Applicant anticipates taking red-cockaded woodpeckers (*Picoides borealis*) (RCWs) associated with the clearing of 18.3 acres of foraging habitat incidental to the construction of a multi-family housing development in Collier County, Florida.

The Applicants' Habitat Conservation Plan (HCP) describes the mitigation measures proposed to address the effects of the Project to the protected species. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below. The Service has determined that the Applicant's proposal, including the proposed mitigation measures, will individually and cumulatively have a minor or negligible effect on these species covered in the HCP. Therefore, the ITP is a ''low-effect'' project and would qualify as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of Interior Manual (516 DM2, Appendix 1 and 516 DM 6, Appendix 1).

The Service announces the availability of the HCP for the incidental take application. Copies of the HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice is provided pursuant to Section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the federal action. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE042708–0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''*david_dell@fws.gov*''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**).

Due to Court order, the Department of Interior has temporarily lost access to the internet and may not regain it by the time this notice is published. Commentors are encouraged to submit comments by mail or express courier, or to call (see **FURTHER INFORMATION**) to confirm whether our internet capability has been restored.

Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, 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.

DATES: Written comments on the permit application, Determination of Low Effect and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before April 22, 2002.

ADDRESSES: Persons wishing to review the application, HCP, and supporting documentation may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, Florida 32960–3559. Written data or comments concerning the application, HCP, or supporting documents should be submitted to the Regional Office. Requests for the documentation must be in writing to be processed. Please reference permit number TE042708–0 in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679–7313, facsimile: 404/679–7081; or Mr. Michael Jennings, Fish and Wildlife Biologist, South Florida Ecological Services Field Office (see **ADDRESSES** above), telephone: 561/562–3909 extension 225.

SUPPLEMENTARY INFORMATION: The RCW is a territorial, non-migratory cooperative breeding bird species. RCWs live in social units called groups which generally consist of a breeding pair, the current year's offspring, and one or more helpers (normally adult male offspring of the breeding pair from previous years). Groups maintain year-round territories near their roost and nest trees. The RCW is unique among the North American woodpeckers in that it is the only woodpecker that excavates its roost and nest cavities in living pine trees. Each group member has its own cavity, although there may be multiple cavities in a single pine tree. The aggregate of cavity trees is called a cluster. RCWs forage almost exclusively on pine trees and they generally prefer pines greater than 10 inches diameter at breast height. Foraging habitat is contiguous with the cluster. The number of acres required to supply adequate foraging habitat depends on the quantity and quality of the pine stems available. The RCW is endemic to the pine forests of the southeastern United States and was once widely distributed across 16 states. The species evolved in a mature fire-maintained ecosystem. The RCW has declined primarily due to the conversion of mature pine forests to young pine plantations, agricultural fields, and

residential and commercial developments, and to hardwood and exotic species encroachment in existing pine forests due to fire suppression and hydrological alteration. The species is still widely distributed (presently occurs in 13 southeastern States), but remaining populations are highly fragmented and isolated. Presently, the largest known populations occur on federally owned lands such as military installations and national forests.

In southwest Florida, there are an estimated 85 active RCW clusters; 51 percent are on Federal lands, 35 percent are on State lands, and 14 percent are on private lands. The known RCW populations on public lands are periodically monitored and the status of birds on these lands range from increasing to decreasing. Effective land management actions are currently ongoing in the Florida Fish and Wildlife Conservation Commission's Cecil Webb Wildlife Management Area where 27 known active RCW clusters occur. This population is about 40 miles north of the project area and the RCW population is considered stable. Big Cypress National Preserve is about 25 miles southeast of the project area and contains 43 clusters that are actively managed and this population is increasing. In relation to the project site, the closest public land (within two miles) that supports RCWs is the Picayune Strand State Forest where three active clusters exist. This population has been in decline for several decades, but much of the decline resulted from lack of habitat management prior to acquisition by the State of Florida. Recent implementation of aggressive land management actions within the State forest is likely to stabilize this population in the near future and result in long-term increases in the number of active clusters.

The Applicant's project lies within the urban boundary of Naples. Areas surrounding the project site are represented by a mosaic of urban uses and undeveloped property. The location of RCWs on private lands in the Naples area has never been well documented because of a lack of access for survey purposes. Based largely on anecdotal information, observations from roadsides, and limited information gathered from onsite observations in the 1980s and early 1990s, about 12 active clusters are thought to exist on private lands west of the Picayune Strand State Forest and dense urban areas further to the west.

Of the 12 RCW clusters on private lands, two historic localities are known from private lands near the project site. Application of a one-half mile radius circle around these cluster sites indicates that the project site may be within the home range of one, and possibly both of these clusters. However, due to construction time constraints, and lack of access to neighboring properties, adequate RCW foraging habitat surveys could not be conducted on the project site to determine definitively whether RCWs forage in the area. Preliminary habitat assessments looked for, but did not find, active or inactive nest trees. Much of the project area consists of hydric pine flat woods that are relatively undisturbed. Lacking sufficient time to conduct foraging surveys, and the apparent suitability of the project site as foraging habitat and the proximity of RCW clusters, the Applicant opted to consider the entire project area to be RCW foraging habitat.

The Service worked with the Applicant in the design of the mitigation measures. To mitigate for loss of RCW foraging habitat, the Applicant will purchase a minimum of 18.3 acres of suitable RCW foraging habitat within (e.g., inholdings) or adjacent to the Belle Meade tract of the Picayune Strand State Forest. The Applicant will, in cooperation with the Florida Division of Forestry, develop a habitat management plan for the mitigation parcel(s), conduct any initial management actions required to restore acquired mitigation parcels, and contribute sufficient funds into a management endowment to ensure future management of the mitigation parcels. Except for avoidance of RCWs observed during construction, no project minimization measures were proposed by the Applicant because the property was acquired prior to the realization that RCWs may forage on the site. Accordingly, the smallest acreage necessary to construct the proposed multi-family units was acquired. Thus, the existing 18.3 acres will accommodate the proposed development, but does not provide sufficient area to create buffers or to otherwise minimize impacts to foraging habitat. The Applicant has indicated that downsizing the proposed development will not be economically viable. From a biological perspective, onsite preservation is not likely to result in conservation benefits to RCWs in this increasingly urban landscape. On-site preserves established for RCWs during previous section 7 consultations in this area have proven ineffective because they have become surrounded by urban development. The concept of on-site preserves for RCWs may be appropriate for large-scale developments that provide ample open space and sufficient residual habitat, particularly when the preserves are adjacent to actively managed public lands. However, habitat preserves set aside within relatively small development projects of southwest Florida tend to result in small, fragmented parcels of habitat that become increasingly hostile to RCWs as urban development encroaches. In such cases, RCWs often abandoned these small, isolated preserves because sufficient habitat is not available.

As stated above, we have determined that the HCP is a low-effect plan that is categorically excluded from further NEPA analysis, which does not require the preparation of an EA or EIS. Low-effect HCPs are those involving: (1) Minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Applicant's HCP qualifies for the following reasons:

1. Approval of the HCP would result in minor or negligible effects on the red-cockaded woodpecker and its habitat. We do not anticipate significant direct or cumulative effects on this species as a result of this project.

2. Approval of the HCP would not have adverse effects on known geographic, historic, or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the HCP would not result in any significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a federal, state, local, or tribal law or requirement imposed for protection of the environment.

5. Approval of the HCP would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that those requirements are met, the ITP will be issued for the incidental take of RCWs on the Applicant's project site. The Service will also evaluate whether the issuance of a section 10(a)(1)(B) permit complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of the Biological Opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: February 27, 2002.

Kemper M. McMaster,

Acting Regional Director.

[FR Doc. 02–6812 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Southern Idaho Ground Squirrel Candidate Conservation Agreement With Assurances

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Soulen Livestock, Inc. (Soulen Livestock) has applied to the Fish and Wildlife Service (Service) for an enhancement of survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended. The permit application includes a proposed Southern Idaho Ground Squirrel Candidate Conservation Agreement with Assurances (Agreement) between Soulen Livestock, the Service, the Idaho Department of Fish and Game, and the Idaho Governor's Office of Species Conservation.

Under the proposed Agreement, the parties would implement conservation measures for southern Idaho ground squirrels (*Spermophilus brunneus endemicus*) over approximately 43,145 acres of Soulen Livestock's land in Washington and Payette Counties, western Idaho. The intent of the Agreement is to conserve southern Idaho ground squirrels by protecting and enhancing ground squirrel habitat and populations, and reintroducing ground squirrels into currently unoccupied suitable habitat, in a manner that is consistent with Soulen Livestock's farming and ranching operations. The proposed term of the Agreement and the permit is 20 years. The Service has prepared an Environmental Assessment for approval of the Agreement and issuance of the permit.

We request comments from the public on the permit application, Agreement, and the Environmental Assessment. All comments we receive, including names and addresses, will become part of the administrative record and may be released to the public.

DATES: Written comments should be received on or before April 22, 2002.

ADDRESSES: Comments should be addressed to Dennis Mackey, Project Biologist, Fish and Wildlife Service, 1387 S. Vinnell Way, Room 368, Boise, Idaho 83709, (facsimile: 208/378–5262).

FOR FURTHER INFORMATION CONTACT: Dennis Mackey at the above address or telephone 208/378–5267.

SUPPLEMENTARY INFORMATION:

Document Availability

You may obtain copies of the documents for review by contacting the individual named above. You also may make an appointment to view the documents at the above address during normal business hours.

Background

Under a Candidate Conservation Agreement with Assurances, participating landowners voluntarily implement conservation activities on their property to benefit unlisted species that are proposed or candidates for listing under the Endangered Species Act, or other sensitive species. Candidate Conservation Agreements with Assurances encourage private and other non-Federal property owners to implement conservation efforts, and reduce threats to unlisted species by assuring landowners that they will not be subjected to increased property use restrictions, beyond those identified in the agreement, if the species is listed in the future under the Endangered Species Act. Application requirements and issuance criteria for enhancement of survival permits through Candidate Conservation Agreements with Assurances are found in 50 CFR 17.22(d) and 17.32(d).

On October 30, 2001, the Service formally identified the southern Idaho ground squirrel as a candidate for listing under the Endangered Species Act (66 FR 54807). Southern Idaho ground squirrels are currently found within an approximately 518,000-acre area comprised of lower elevation shrub/steppe habitat in the Weiser River Basin, in southwest, Idaho. The species appears to have undergone a substantial population decline throughout its range since 1985. Southern Idaho ground squirrels are largely dependent on private lands: 85 percent of the occupied ground squirrel sites are located on private lands, mostly ranches and farms; 12 percent are under federal management by the Bureau of Land Management; and 3 percent of the sites are on lands managed by the Idaho Department of Lands. Conservation measures implemented on private lands are important for the long-term survival of the species.

Landowners may be willing to implement measures that enhance populations of sensitive species on their property, but reluctant to do so because of potential land-use restrictions that could occur should the species eventually be listed under the Endangered Species Act. As a result of this potential regulatory concern, Soulen Livestock developed the Southern Idaho Ground Squirrel Candidate Conservation Agreement with Assurances, in cooperation with the agencies, and is applying to the Service for a permit under section 10(a) of the Endangered Species Act, authorizing incidental take of southern Idaho ground squirrels.

Under the proposed Agreement and permit, Soulen Livestock and the agencies would implement various conservation measures over the 43,145 acres of Soulen Livestock's property depending on present and future occupancy of sites by southern Idaho ground squirrels and the location of ground squirrel reintroduction/translocation sites. The proposed conservation measures can be described in three categories: (1) Measures to be applied on all 43,145 acres; (2) measures that would occur on currently occupied ground squirrel sites (30 acres); and (3) measures on 43,115 acres where ground squirrel occupancy and habitat suitability is currently unknown. On all 43,145 acres of enrolled lands, Soulen Livestock would not authorize the shooting, trapping, or poisoning of southern Idaho ground squirrels and would allow agency personnel access to these lands to conduct ground squirrel surveys. Currently, three sites, covering 30 acres have been identified in the site-specific plan as occupied by southern Idaho ground squirrels and specific conservation measures have been identified at these sites to protect ground squirrels from activities that may have adverse affects to individual ground squirrels or their habitat. The ground squirrel conservation measures on the 30 acres include: (1) Continue reintroduction efforts, (2) monitor ground squirrel populations and habitat characteristics to identify habitat enhancement/rehabilitation measures; (3) implement habitat enhancement measures such as seeding native or non-native vegetation species, fertilizing vegetation, prescribed burning, and providing escape cover; (4) minimize direct mortality from ground disturbing activities; (5) provide supplemental feeding, if necessary; (6) prohibit shooting, trapping, or poisoning of ground squirrels; and (7) control Columbian ground squirrels and badgers. Columbian ground squirrels compete with southern Idaho ground squirrels for food and burrow sites. Badgers can cause severe impacts on prey species, especially if they are at critically low numbers. The remaining

43,115 acres have not been surveyed for ground squirrel occupancy, and no site-specific conservation measures have been identified on these lands. On these unsurveyed lands, both individual ground squirrels and their habitat will be protected from land use activities that may have adverse effects at any sites identified in the future as occupied by southern Idaho ground squirrels, or sites identified by the agencies as reintroduction/translocation sites. The permit would authorize incidental take of southern Idaho ground squirrels as a result of Soulen Livestock's land use activities: crop cultivation and harvesting, livestock grazing and production, farm equipment operation, and recreational activities.

We provide this notice pursuant to section 10(c) of the Endangered Species Act and implementing regulations for the National Environmental Policy Act (40 CFR 1506.6). We will evaluate the permit application, associated documents, and comments submitted thereon to determine whether the permit application meets the requirements of section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations. If we determine that the requirements are met, we will sign the Agreement and issue an enhancement of survival permit under section 10(a)(1)(A) of the Endangered Species Act to Soulen Livestock for take of southern Idaho ground squirrels incidental to otherwise lawful activities in accordance with the terms of the Agreement. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

Dated: March 1, 2002.

Rowan W. Gould,

Deputy Regional Director, Fish and Wildlife Service, Portland, Oregon.

[FR Doc. 02–6810 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–020–034–1010–02]

Closure of Public Lands to Camping and Off-Highway Vehicle Use

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure of public lands to camping and off-highway vehicle use.

SUMMARY: Notice is hereby given that the following described lands are temporarily closed until further notice to camping and off-highway vehicle use for the protection of public health and safety under the provisions of 43 CFR 8364.1 and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701). Persons with authorization to utilize the area by BLM regulations, contracts, leases or permits, may use the area described in accordance with those authorizations. Nothing in this closure effects the exercise of valid existing rights created by a contract, right-of-way, lease, permit or mining claim that is carried out in accordance with the regulations under which the rights were established. The closure will remain in effect until rescinded or modified by the Phoenix Field Manager.

Gila and Salt River Meridian, Arizona

T. 1 N., R. 7 E.,
Sec. 18, Lots 6, 13, 15–19, 21, N½SE¼, SE¼ SE¼.
T. 2 N., R. 1 W.,
Sec. 13, SW¼SE¼;
Sec. 24, NW¼NE¼.

EFFECTIVE DATE: This order is effective upon the signature of the authorized officer.

SUPPLEMENTARY INFORMATION: The public lands involved (approximately 301 acres), located at University Drive/Sossman Road and Camelback Road/Agua Fria River, are adjacent to areas of expanding urban development. Unregulated and extended overnight camping and off-highway vehicle use is not consistent with the orderly growth of the communities and presents health, safety and law enforcement problems.

Fugitive dust resulting from operation of off-highway vehicles in air quality non-attainment areas is a growing and continuing problem. Landowner compliance with Maricopa County and State of Arizona dust abatement and management regulations is becoming critical in the urban areas of Maricopa County. BLM is subject to these rules, especially Maricopa County Rules 301, 302, and 310.01. Air quality issues include considerable PM10 dust from the operation of off-highway vehicles, extensive PM10 accumulations from OHV activities during late afternoons and on weekends, and significant numbers of complaints from concerned citizens.

Increasing levels of local law enforcement time have been allocated to answering disturbance calls from residents and property owners adjacent to these public lands. Law enforcement service calls included OHV-related dust, noise, trespass, random gunfire, drug and alcohol violation arrests, fireworks use, suspicious circumstance calls, illegal dumping of dirt, debris and trash and other illicit activities.

This closure will be monitored and enforced by BLM, the Maricopa County Sheriff's Department and other law enforcement agencies. The following persons, operating within the scope of their official duties, are exempt from the provisions of these closures: BLM employees, state or federal law enforcement and fire protection personnel.

Because of prior existing rights, the following parties (and their representatives) will be allowed access to the above described lands:

(1) USDI, Bureau of Reclamation—(AZA–453, AZA–18823, AZA–19991, AZPHX–086506, AZPHX–86777and Secretarial Orders dated July 2, 1902 and August 21, 1909)
U.S. West—(AZA–10994, AZAR–035574)
City of Mesa—(AZA–17277, AZA–31058)
Maricopa County DOT—(AZAR–035348)
(2) Salt River Project—(AZA–166)
Tucson Electric Power Co.—(AZA–7274, AZA–7872)
Arizona Public Service Co.—(AZA–18635)
Maricopa County DOT—(AZA–19098)
Maricopa County FCD—(AZA–23639)

Order: Notice is hereby given that effective the date of a signature by the authorized officer of this notice, the above described lands are closed to camping and off-highway vehicle use until further notice. Any person who fails to comply with a closure or restriction order issued under 43 CFR 8364 is subject to the penalties provided in 43 CFR Subpart 8360.0–7.

FOR FURTHER INFORMATION CONTACT: Michael A. Taylor, Field Manager, Phoenix Field Office, 21605 North 7th Avenue, Phoenix, Arizona 85027, (623) 580–5500.

Dated: December 19, 2001.

Michael A. Taylor,

Field Manager.

[FR Doc. 02–6776 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–31–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–033–02–1230–EA]

Temporary Closure of Public Lands—Recreation Special Events: Nevada, Carson City Field Office

AGENCY: Bureau of Land Management, Interior Department.

ACTION: Temporary closure of affected public lands in Lyon, Storey, Churchill, Carson, Douglas, Mineral and Washoe Counties on and adjacent to permitted special events such as: Motorized Off Highway Vehicle, Mountain Bike, Horse Endurance competitive event sites and routes.

Competitive events (races) are conducted along dirt roads, trails, washes and areas approved for such use through the Special Recreation Use Permit application process. Events occur from April through November, 2002. Closure period is from 6 a.m. race day until race finish or until the event has cleared between affected Check Point locations; approximately 2 to 24 hour periods. The general public will be advised of each event and Closure specifics via local newspapers and mailed public letters within seven (7) to thirty (30) days prior to the running of an event. Event maps and information will be posted at the Carson City Field Office.

Locations most commonly used for permitted events include, but are not limited to:

1. Lemmon Valley MX Area—Washoe Co., T21N R19E S8.
2. Hungry Valley Off Highway Vehicle Area—Washoe Co., T21–23N R20E.
3. Pine Nut Mountains—Carson, Douglas & Lyon Counties: T11–16N R20–24E.
4. Virginia City/Jumbo Areas—Washoe & Storey Counties: T16–17N R20–21E.
5. Yerington/Weeks Areas—Lyon Co.: T12–16N R23–27E.
6. Fallon Area (Including Sand Mtn.)—Churchill Co.: T14–18N R27–32E.
7. Hawthorne Area—Mineral County: T5–14N R31½–36E.

SUMMARY: The Assistant Manager, Non-Renewable Resources announces the temporary closure of selected public lands under his administration. Persons with authorization to utilize the area by BLM regulations, contracts, leases or permits, may use the area described in accordance with those authorizations. Nothing in this closure affects the exercise of valid existing rights created by a contract, right of way, lease, permit of mining claim that is carried out in accordance with the regulations under which the rights were established. This action is taken to provide for public and participant safety and to protect adjacent natural and cultural resources during the conduct of permitted special recreation events.

EFFECTIVE DATES: April through November, 2002. Events may be canceled or rescheduled at short notice.

FOR FURTHER INFORMATION CONTACT: Fran Hull, Outdoor Recreation Planner, Carson City Field Office, Bureau of Land Management, 5665 Morgan Mill Road, Carson City, Nevada 89701, Telephone: (775) 885–6161.

SUPPLEMENTARY INFORMATION: Bureau lands to be temporarily closed to public use include the width and length of those roads and trails identified as the race route by colorful flagging, chalk arrows in the dirt and directional arrows attached to wooden stakes. The authorized applicants or their representatives are required to post warning signs, control access to, and clearly mark the event routes during closure periods.

Public uses generally affected by a Temporary Closure include: road and trail uses, camping, shooting of any kind of weapon including paint ball, and public land exploration.

Spectator and support vehicles may be driven on open roads only. Spectators may observe the races from specified locations as directed by event and agency officials.

A map and schedule of each closure area may be obtained at the contact address.

Exemptions: Closure restrictions do not apply to race officials, medical/rescue, law enforcement and agency personnel monitoring the event.

Authority: 43 CFR part 8364 and 43 CFR part 8372.

Penalty: Any person failing to comply with the closure orders may be subject to imprisonment for not more than 12 months, or a fine in accordance with the applicable provisions of 18 USC 3571, or both.

Dated: February 11, 2002.

Charles P. Pope,

Acting Assistant Manager, Non-renewable Resources.

[FR Doc. 02–6780 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–160–1220–PG]

Meeting of the Central California Resource Advisory Council

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Meeting of the Central California Resource Advisory Council.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and the Federal Land Policy and Management Act of 1976 (sec. 309), the Bureau of Land Management Resource Advisory Council for Central California will meet in Bakersfield.

DATES: Friday and Saturday, April 12–13, 2002.

ADDRESSES: Red Lion Hotel, 2400 Camino Del Rio Court, Bakersfield, California.

SUPPLEMENTARY INFORMATION: The 12 member Central California Resource Advisory Council is appointed by the Secretary of the Interior to advise the Bureau of Land Management on public land issues. On Friday and Saturday beginning at 8 a.m., the Council will meet to discuss public land issues. The meetings are open to the public. Agenda items include a briefing on current issues and future planning by the four Field Managers of the central California region of the BLM, and an information session on healthy rangelands. There will be a Friday afternoon field trip to the Carrizo Plain National Monument. The public is welcome on the field trip, but must supply their own transportation. There will be public comment periods at 11:30 a.m. on Friday, April 12, and 1 p.m. on Saturday, April 13, at which time the Council will hear comments on any public land issue. Written comments will also be accepted, either at the meeting or at the address below.

FOR FURTHER INFORMATION CONTACT: Larry Mercer, Public Affairs Officer, Bureau of Land Management, 3801 Pegasus Drive, Bakersfield, CA 93308, telephone 661-391–6010.

Dated: February 22, 2002.

Ron Fellows,

Bakersfield Field Manager.

[FR Doc. 02–6775 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–910–01–0777–30]

Northeastern Great Basin Resource Advisory Council Meeting Location and Time

AGENCY: Bureau of Land Management, Interior.

ACTION: Resource Advisory Council's meeting location and time.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM), Council meetings will be held as indicated below. The agenda for this meeting includes: A field tour to Crescent Valley to view/discuss grazing and mining issues, approval of minutes of the previous meetings, Off-Highway Vehicle Draft Guidelines, Vegetation Draft Guidelines, 3809 Guidelines, Field Managers' and District Ranger's reports.

All meetings are open to the public. The public may present written comments to the Council. Each formal

Council meeting will also have time allocated for hearing public comments. The public comment period for the Council meeting is listed below. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided below.

DATES, TIMES, PLACE: The time and location of the meeting is as follows: Northeastern Great Basin Resource Advisory Council, BLM Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, Nevada, 89820; Field Tour April 24, 2002, beginning at 9 a.m. and returning at 5 p.m.; Business Meeting April 25, 2002 beginning at 9 a.m., public comment period 1:30 p.m.; tentative adjournment at 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mike Brown, Public Affairs Specialist, Elko Field Office, 3900 E. Idaho Street, Elko, NV 89801, telephone (775) 753–0386.

SUPPLEMENTARY INFORMATION: The purpose of the Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues, associated with the management of the public lands.

David Stout,

Associate Field Manager, Elko Field Office.

[FR Doc. 02–6778 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR110–5880–PB; HAG02–0128]

Medford District Resource Advisory Committee; Notice of Meeting

AGENCY: Medford District Office, Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Medford District Resource Advisory Committee will meet in Medford. Agenda topics include review of last meeting minutes, role of alternates, presentations on proposed fiscal year 2002 Title II projects, and discussion regarding proposed projects.

DATES: April 11, 2002. The meeting will begin at 10 a.m. A public comment period will be held from 2 p.m. to 2:30 p.m. The meeting is expected to adjourn at 4 p.m.

ADDRESSES: The meeting will be held at the Medford District Office, located at 3040 Biddle Road, Medford, Oregon.

FOR FURTHER INFORMATION CONTACT: Karen Gillespie, Medford District Office (541–618–2424).

Dated: February 22, 2002.

Ron Wenker,

District Manager.

[FR Doc. 02–6779 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–310–1820–AE]

Notice of Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Pub. L. 92–463) and the Federal Land Policy and Management Act (Pub. L. 94–579), the U. S. Bureau of Land Management's Northwest California Resource Advisory Council will meet Wednesday and Thursday, April 24 and 25, 2002, in Arcata, CA, for a field tour and business meeting. The tour and meeting are open to the public, but anyone participating in the tour must provide their own transportation and lunch.

SUPPLEMENTARY INFORMATION: The meeting begins at 10 a.m. Wednesday, April 24, at the BLM Arcata Field Office, 1695 Heindon Rd., Arcata. Members will convene, then depart immediately for field tour of sites managed by the Arcata Field Office. On Thursday, April 25, the council will convene a business meeting at 8 a.m. in the Conference Room of the BLM Arcata Field Office. Agenda topics will include discussion of a community forest proposal in Trinity County, a status report on planning for the Headwaters Forest Reserve, and a status report on a proposed amendment to the BLM Redding Field Office Resource Management Plan. Council members will also hear status reports from the managers of the BLM's Arcata, Redding and Ukiah field offices.

Time will be set aside for public comments. Depending on the number of persons wishing to speak, a time limit may be established.

FOR ADDITIONAL INFORMATION: Contact Lynda J. Roush, BLM Arcata Field Manager, at (707) 825–2300; or Public Affairs Officer Joseph J. Fontana at (530) 257–5381.

Joseph J. Fontana,

Public Affairs Officer.

[FR Doc. 02–6781 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–010–1430–ET; FL–ES–051481]

Notice of Proposed Withdrawal Modification and Transfer of Jurisdiction; Florida

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Veterans Affairs has filed an application to transfer jurisdiction of 49.83 acres of public land withdrawn for the Department of the Navy, Pensacola Naval Air Station. The land is needed for expansion of the Barrancas National Cemetery. The land has been and would remain closed to surface entry and mining, but not from leasing under the mineral leasing laws.

DATES: Comments must be received by June 19, 2002.

ADDRESSES: Comments should be sent to the Field Manager, BLM, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39206.

FOR FURTHER INFORMATION CONTACT: Duane Winters, Jackson Field Office, 601–977–5403.

SUPPLEMENTARY INFORMATION: The Department of Veterans Affairs has filed an application to transfer jurisdiction of the following described public lands, which were withdrawn from all forms of appropriation under the general land laws, including the mining laws, subject to valid existing rights for the Department of Navy, Pensacola Naval Air Station:

Tallahassee Meridian

T. 3 S., R. 30W.,
Tract 6.

The area described contains 49.83 acres in Escambia County.

The Department of Navy has determined that this land is no longer needed for the Pensacola Naval Air Station and has agreed to a transfer of the land to the Department of Veterans Affairs for expansion of the Barrancas National Cemetery.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments,

suggestions, or objections in connection with the proposed transfer of jurisdiction may present their views in writing to the Jackson Field Office of the Bureau of Land Management at the above address.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

Bruce Dawson,

Field Manager.

[FR Doc. 02–6777 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Workshop on Transferring Responsibility for Inspection and Enforcement of U.S. Coast Guard Regulations for Fixed Facilities on the Outer Continental Shelf to the Minerals Management Service

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of workshop.

SUMMARY: The MMS and the U.S. Coast Guard (USCG) will jointly hold a workshop to discuss the transfer of responsibility to MMS for inspection and enforcement of USCG regulations for fixed facilities on the Outer Continental Shelf.

DATES: The workshop will be held on Friday, April 12, 2002, from 8:30 a.m. to 12 noon. Written questions you wish to discuss at the workshop must reach MMS by close of business on March 22, 2002.

ADDRESSES: The workshop will be held at the Sheraton North Houston Hotel's Amphitheater at George Bush International Airport, 15700 John F. Kennedy Boulevard, Houston, Texas; telephone (281) 442–5100. Please submit your written questions by mail or fax to the following:

(1) By mail to Staci Atkins, Minerals Management Service, 381 Elden Street, MS 4023, Herndon, Virginia 20170; or,

(2) By Fax to Staci Atkins at (703) 787–1575.

FOR FURTHER INFORMATION CONTACT: Staci Atkins, telephone (703) 787–1620.

SUPPLEMENTARY INFORMATION: On February 7, 2002, the USCG published a final rule in the **Federal Register** (67 FR 5912) authorizing MMS to perform fixed facility inspections on behalf of the USCG. Based on comments we received on the proposed rulemaking, we are aware that industry has questions on how the agreement between the two agencies will be implemented. This workshop will inform industry and the public of the implementation of the MMS inspection program.

The agenda for the meeting on April 12, 2002, is as follows:

- General welcome and overview;
- Presentation of the rulemaking history;
- Overviews of the current MMS and USCG inspection programs;
- Presentation of the integrated inspection program; and
- Question and answer session.

The MMS and USCG encourage you to submit questions and attend the workshop. We will consider your questions submitted in advance in preparing our presentations so that the workshop can focus on key topics. You may also pose questions during the question and answer session at the workshop.

To obtain information on facilities or services for individuals with disabilities or to request that we provide special assistance at the meeting, please contact Staci Atkins as soon as possible.

Dated: February 20, 2002.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 02–6797 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan, Final Environmental Impact Statement, Devils Tower National Monument, Crook County, Wyoming

AGENCY: National Park Service, Department of the Interior.

ACTION: Availability of Final Environmental Impact Statement and General Management Plan for Devils Tower National Monument.

SUMMARY: Pursuant to section 102 (2) (c) of the National Environmental Policy Act of 1969, the National Park Service announces the availability of a final Environmental Impact Statement and General Management Plan (FEIS/GMP) for Devils Tower National Monument, Wyoming.

DATES: The Draft EIS/GMP was on public review from July 2, through September 30, 2001. Responses to public comment are addressed in the FEIS/GMP. A 30-day no-action period will follow the Environmental Protection Agency's Notice of Availability of the FEIS/GMP.

ADDRESSES: Copies of the FEIS/GMP are available from the Superintendent, Devils Tower National Monument, P.O. Box 10, Devils Tower, WY 82714. Public reading copies of the FEIS/GMP will be available for review at the following locations:

Office of the Superintendent, Devils Tower National Monument, P.O. Box 10, Devils Tower, WY 82714, Telephone: (307) 467–5283 x 14.

Planning and Environmental Quality, Intermountain Support Office—Denver, National Park Service, P.O. Box 25287, Denver, CO 80225–0287, Telephone: (303) 969–2851 or (303)969–2377.

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets NW, Washington, DC 20240, Telephone: (202) 208–6843.

FOR FURTHER INFORMATION CONTACT: Superintendent, Devils Tower National Monument, (307) 467–5282 x 14.

SUPPLEMENTARY INFORMATION: The FEIS/GMP analyzes five alternatives to manage natural and cultural resources, visitor use and access, general development and park operations. The alternatives address issues including the following. The national monument is subject to visitor congestion, including vehicular circulation and parking, and crowded visitor facilities. None of the four buildings where park staff works has adequate space for office requirements, storage, meetings, or breaks. The space available for the cooperating association's offices and bookstore is inadequate. Congestion and inadequate facilities limit the staff's ability to offer orientation and interpretation that would ensure visitor understanding of the monument's significance and allow visitors to make the best use of their time. Flood control structures on the Belle Fourche River inside and outside the monument have severely damaged the riparian woodland system. Modern recreational use, developments, and climbing on the Tower are sometimes in conflict with American Indian traditional cultural values. High levels of development, visitor use, and crowding at the base of the Tower are not consistent with the spiritual nature of the area. Alternative 1, the no action alternative represents the continuation of existing conditions and management at the monument. Alternative 2 would reduce overall development to improve the monument's natural setting, institute a reservation system during periods of peak visitation, and convert the parking area at the base of the Tower to a pedestrian plaza. Alternative 3, the NPS preferred alternative, would institute a shuttle system for use during peak

visitation periods, construct a shuttle staging area and visitor orientation facilities within the monument, and convert the parking area at the base of the Tower to a pedestrian plaza. Alternative 4 would also institute a shuttle system, but would construct/relocate staging and visitor orientation facilities, along with headquarters and maintenance facilities, outside the monument boundaries. Alternative 5 would continue to offer visitor experiences similar to those presently available, but would expand, pave, and upgrade parking areas and roads, and/or add facilities to reduce visitor congestion.

The FEIS/GMP in particular evaluates the environmental consequences of the proposed action and the other alternatives on the prairie dog (a candidate for listing as threatened by the Fish and Wildlife Service), wetlands, floodplains, ethnographic and historic resources, visitors' experience of monument resources, visitor access and freedom to go at one's own pace, access to orientation and interpretation, visitor safety, businesses and neighbors, and local and regional economy.

Dated: December 7, 2001.

R. Everhart,

Acting Director, Intermountain Region, National Park Service.

[FR Doc. 02–6610 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Valley Forge National Historical Park General Management Plan, Environmental Impact Statement

AGENCY: National Park Service, Department of the Interior

ACTION: Notice of Intent to prepare an Environmental Impact Statement for the Valley Forge National Historical Park General Management Plan.

SUMMARY: Under the provisions of the National Environmental Policy Act, the National Park Service is preparing an Environmental Impact Statement for the Valley Forge National Historical Park General Management Plan. This Environmental Impact Statement will be approved by the Northeast Regional Director.

Valley Forge National Historical Park was authorized by Congress, Public Law 94–337, on July 4, 1976. As required, a General Management Plan was prepared and released in September 1982. NPS policy requires that such plans be prepared every 15–20 years. The 1982 plan has numerous deficiencies and left the park without appropriate management tools for resources and recreational use.

The park lies at the center of the wealthiest and most urbanized region of Pennsylvania, just beyond Philadelphia. Its visitation is mostly regional, and it is treasured more as an outstanding recreational and open space resource than as a cultural resource. Its 3400 acres lie in two counties and five municipalities; each jurisdiction has a distinct governance, planning, and zoning structure. The GMP process will begin in FY 02. It will address the following:

- The public's lack of understanding and appreciation for the cultural resources and values of the park, and of the park's mission;
- The need for consensus on defining and managing recreational use in the park;
- A strategic approach to management of the park's cultural resources, including landscapes, earthworks and structures:
- Mitigation of pressures on the park resources resulting from rapid residential and commercial development of areas surrounding the park; and
- Strategies for appropriate partnership opportunities that can enhance the park's visitor services.

A scoping meeting will be scheduled, and notice will be made of the meeting through a broad public mailing and publication of meeting notices in local newspapers. A newsletter introducing the project to the public will be done. Copies of the newsletter will be available by request to the Superintendent, Valley Forge National Historical Park at the phone number below or by email to *VAFO_Superintendent@nps.gov.*

FOR FURTHER INFORMATION, CONTACT: Contact Superintendent, Valley Forge National Historical Park, 610–783–1000 or at *VAFO_Superintendent@nps.gov.*

Dated: January 11, 2002.

Marie Rust,

Regional Director, Northeast Region.

[FR Doc. 02–6609 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on March 13, 2002, a proposed Consent Decree in *United States* v. *Boise Cascade Corporation,* (Civil No. CV 02–311ST), was lodged with the United States District Court for the District of Oregon. The Consent Decree resolves claims on behalf of the United States Environmental Protection Agency (''EPA'') and the State of Louisiana against the Boise Cascade Corporation (''Boise Cascade''). The Complaint, which was filed simultaneously with the lodging of the Decree, alleged violations of the Prevention of Significant Deterioration (''PSD'') requirements of Part C of the Clean Air Act (the ''CAA''), 42 U.S.C. 7470–7492, and the regulations promulgated thereunder at 40 CFR 52.21 (the ''PSD Rules'') at eight plywood and particle board plants operated by Boise Cascade.

Under the Consent Decree, Boise Cascade is required to install state-of-the-art air pollution control equipment over the next three years at its Medford and Elgin, Oregon operations, and the Florien and Oakdale plants in Louisiana. In addition, the company must select one of three pollution control options to reduce volatile organic compound emissions (VOCs) from its particle board facility in Island City, Oregon. The company will spend an estimated $15 million to implement these compliance measures. The company will also pay $4.35 million in civil penalties and, under the settlement, Boise Cascade will be installing another $2.9 million in supplemental controls to reduce emissions at the Yakima and Kettle Falls, Washington plants, and to control certain units at the Medford, Oregon plywood facility. The state of Louisiana joined in the settlement and will receive a $250,000 share in the penalties.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044–7611, and refer on its face to *United States* v. *Boise Cascade Corporation,* D.J. Ref. 90–5–2–1–06414.

The Consent Decree may be examined at the Office of the United States Attorney, District of Oregon, 1000 SW. Third Ave., Suite 600, Portland, OR 97204–2902, and at EPA Region 10, Office of Air Quality, 1200 Sixth Avenue OAQ–107, Seattle, Washington. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044–7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514–

0097, phone confirmation number (202) 514–1547. In requesting a copy, please enclose a check in the amount of $9.50 (25 cents per page reproduction cost) payable to the U.S. Treasury. The check should refer to *United States and the State of Louisiana* v. *Boise Cascade Corporation,* D.J. Ref. 90–5–2–1–06414.

Robert Maher,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–6800 Filed 3–20–02; 8:45 am]

BILLING CODE 4410–15–M

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, Office of Workers' Compensation Programs (OWCP) is soliciting comments concerning the following proposed collections: (1) FECA Medical Report Forms and Claim for Compensation (CA–16b, CA–17b, CA–20, CA–1090, CA–1303, CA–1305, CA–1306, CA–1314, CA–1316, CA–1331, CA–1332, CA–1336, OWCP–5a, OWCP–5b, OWCP–5c, and CA–7); and (2) Rehabilitation Action Report (OWCP–44). A copy of the proposed information collection requests can be obtained by contacting the office listed below in the addressee section of this Notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before May 20, 2002.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., N.W., Room S–3201, Washington, D.C. 20210, telephone (202) 693–0339, fax (202) 693–1451, EMail pforkel@feix2.dol-esa.gov. Please use only one method of transmission for comments (mail, fax, or e-mail).

SUPPLEMENTARY INFORMATION:

FECA Medical Report Forms (CA–16b, CA–17b, CA–20, CA–1090, CA–1303, CA–1305, CA–1331, CA–1332, QCM letters, OWCP–5a, OWCP–5b, OWCP–5c), and Claim for Compensation (CA–7)

I. Background

The Federal Employees' Compensation Act (FECA) provides for the payment of benefits for wage loss and/or for permanent impairment to a scheduled member, arising out of a work related injury or disease. Before compensation may be paid, the case file must contain medical evidence showing that the claimant's disability is causally related to the claimant's federal employment. As a particular claim ages, there is continuing need for updated information to support continuing benefits. The FECA Medical Report Forms collect medical information from physicians which is necessary to determine entitlement to benefits under the Act. Form CA–7, Claim for Compensation, requests information from the injured worker regarding pay rate, dependents, earnings, dual benefits, and third-party information. This information collection is approved by the Office of Management and Budget for use through August 2002.

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 of this information collection request in order to carry out its statutory responsibility to compensate injured employees under the provisions of the Act. The OWCP has carefully reviewed usage of these forms and has determined that three forms formerly included as part of this OMB clearance number, (CA–1306, CA–1314, and CA–1316,) have not been used in the past year and are obsolete. These forms have been eliminated. The CA–1336 formerly approved as part of this information collection request has been replaced by the QCM Letters. In addition, the CM–1090, the OWCP 5a, 5b, and 5c have been revised.

Type of Review: Revision.

Agency: Employment Standards Administration.

Title(s): Claim for Compensation, FECA Medical Reports.

OMB Number: 1215–0103.

Agency Number(s): CA–16b, CA–17b, CA–20, CA–1090, CA–1303, CA–1305, CA–1331, CA–1087, QCM letters, OWCP–5a, OWCP–5b, OWCP–5c), and Claim for Compensation (CA–7).

Affected Public: Individuals or households; businesses or other for-profit; Federal government.

Frequency: As needed.

Form	No. of respondents	Average minutes per response	Burden hours
CA–7	400	13	87
CA–16b	130,000	5	10,833
CA–17b	60,000	5	5,000
CA–20	65,000	5	5,417
CA–1090	200	10	34
CA–1303	2,000	20	667
CA–1305	10	20	3
CA–1331	200	5	17

Form	No. of respondents	Average minutes per response	Burden hours
CA–1332	200	30	100
QCM letters	1,000	5	83
OWCP–5a	7,000	15	1,750
OWCP–5b	5,000	15	1,250
OWCP–5c	15,000	15	3,750

Total Responses: 286,010.

Estimated Total Burden Hours: 28,991.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $105,824.

Rehabilitation Action Report (OWCP 44)

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act. Section 8104(a) of the Act provides that eligible injured workers are furnished vocational rehabilitation services. The costs of these services are paid from the Employees' Compensation Fund. The Rehabilitation Action Report (OWCP–44) is submitted by a rehabilitation counselor to report transition periods in the vocational rehabilitation process and to request prompt adjudicatory action. The form gives prompt notification of key events requiring action in the vocational rehabilitation process. The form is currently approved by the Office of Management and Budget OMB for use through August 2002.

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 an extension of approval to collect this information in order to gather information to enable OWCP to make timely, informed decisions about rehabilitation services for an injured worker. There is no change to the form since the last approval.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Rehabilitation Action Report.

OMB Number: 1215–0182.

Agency Number: OWCP–44.

Affected Public: Businesses or other for-profit; individuals or households.

Frequency: On occasion.

Total Respondents: 7,000.

Time per Response: 30 minutes.

Estimated Total Burden Hours: 3,500.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operation/maintenance): $0.

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: March 15, 2002.

Gary D. Thayer,

Director, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 02–6866 Filed 3–20–02; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Solid Rock Construction, Inc.

[Docket No. M–2002–007–C]

Stamper Technical Service, Inc., 45 Stamper Lane, Pikeville, Kentucky 41501 has filed a petition for Solid Rock Construction, Inc., No. 1 Mine (I.D. No. 15–16643) located in Pike County, Kentucky, to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors). The petitioner proposes to use permanently installed, spring-loaded locking devices to secure battery plugs on mobile battery-powered machines to prevent unintentional loosening of the battery plugs from battery receptacles, and to eliminate the potential hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that using padlocks to secure battery plugs would result in diminution of safety to the miners.

2. Aaron Coal Company, L.L.C.

[Docket No. M–2002–008–C]

Stamper Technical Service, Inc., 45 Stamper Lane, Pikeville, Kentucky 41501 has filed a petition for the Aaron Coal Company, L.L.C., No. 2 Mine (I.D. No. 15–17813) located in Pike County, Kentucky, to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors). The petitioner proposes to use permanently installed, spring-loaded locking devices to secure battery plugs on mobile battery-powered machines to prevent unintentional loosening of the battery plugs from battery receptacles, and to eliminate the potential hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that using padlocks to secure battery plugs would result in diminution of safety to the miners.

3. M & H Coal Company

[Docket No. M–2002–009–C]

M & H Coal Company, P.O. Box 559, Hegins, Pennsylvania 17938 has filed a petition to modify the application of 30 CFR 75.1100–2(a) (Quantity and location of firefighting equipment) to its Mercury Slope Mine (I.D. No. 36–01920) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the standard to permit use of only portable fire extinguishers to

replace existing requirements where rock dust, water cars, and other water storage equipped with three (3) ten quart pails is not practical. The petitioner proposes to use two (2) fire extinguishers near the slope bottom and an additional portable fire extinguisher within 500 feet of the working face for equivalent fire protection for the Mercury Slope Mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

4. White County Coal, LLC

[Docket No. M–2002–010–C]

White County Coal, LLC, 1525 County Road 1300 N, P.O. Box 457, Carmi, Illinois 62821 has filed a petition to modify the application of 30 CFR 75.701 (Grounding metallic frames, casings, and other enclosures of electric equipment) to its Pattiki II Mine (I.D. No. 11–03058) located in White County, Illinois. The petitioner proposes to use a 200KW, 480-volt, diesel powered generator set with an approved diesel drive engine to move equipment in, out, and around the mine and to perform work in areas outby section loading points where equipment is not required to be maintained permissible. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

5. Hobet Mining, Inc.

[Docket No. M–2002–011–C]

Hobet Mining, Inc., P.O. Box 305, Madison, West Virginia 25130 has filed a petition to modify the application of 30 CFR 77.206(c) (Ladders; construction; installation and maintenance) to its Beth Station No. 79 Preparation Plant (I.D. No. 46–05398) located in Boone County, West Virginia. The petitioner proposes to use a SAF–T–CLIMB fall prevention system on its counterweight tower structure for the overland system at the Beth Station No. 9 Preparation Plant in lieu of using a vertical ladder. The petitioner states that the counterweights are located inside the framework of a structure that is approximately 30 feet high, that the use of the SAF–T–CLIMB system would ensure the safety of individuals working around the counterweights, and that the SAF–T–CLIMB system would be installed so that it would be in compliance with OSHA regulations 29 CFR 1910.27. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners.

6. Energy West Mining Company

[Docket No. M–2002–012–C]

Energy West Mining Company, P.O. Box 310, Huntington, Utah 84528 has filed a petition to modify the application of 30 CFR 75.350 (Air courses and belt haulage entries) to its Deer Creek Mine (I.D. No. 42–00121) located in Emery County, Utah. The petitioner requests that Item IV(d)(3) & (4) of the proposed decision and order for its previously granted petition for modification, docket number M–1999–044–C be amended to allow the use of a non-approved diesel grader in the two-entry section with miners inby for maintenance purposes only. The petitioner asserts that the specific terms and conditions listed in this petition would be met before implementing its proposed amendments and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

7. Snyder Coal Company

[Docket No. M–2002–013–C]

Snyder Coal Company, 66 Snyder Lane, Hegins, Pennsylvania 17938 has filed a petition to modify the application of 30 CFR 75.1100–2(a) (Quantity and location of firefighting equipment) to its N & L Slope Mine (I.D. No. 36–02203) located in Northumberland County, Pennsylvania. The petitioner requests a modification of the standard to permit use of only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage equipped with three (3) ten quart pails is not practical. The petitioner proposes to use two (2) fire extinguishers near the slope bottom and an additional portable fire extinguisher within 500 feet of the working face for equivalent fire protection for the N & L Slope Mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to *comments@msha.gov,* or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 22, 2002. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 15th day of March 2002.

Marvin W. Nichols, Jr.,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 02–6796 Filed 3–20–02; 8:45 am]

BILLING CODE 4510–43–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–029]

Yankee Atomic Electric Company, Yankee Nuclear Power Station (ROWE); Exemption

1.0 Background

The Yankee Atomic Electric Company (YAEC or the licensee) is the holder of Possession Only License No. DPR–3, which authorizes possession and maintenance of the Yankee Nuclear Power Station (YNPS or plant). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect. The facility is a permanently shutdown pressurized-water reactor (PWR) currently in the process of decommissioning and is located on the licensee's site in Franklin County, Massachusetts.

On February 27, 1992, the licensee submitted written certifications to the Commission that it had decided to permanently cease operations at YNPS and that all fuel had been permanently removed from the reactor. The NRC in a license amendment dated August 5, 1992, modified License No. DPR–3 to a Possession Only License (POL). The license is conditioned so that YAEC is not authorized to operate the reactor and fuel may not be placed in the reactor vessel, thus formalizing the YAEC commitment to permanently cease power operations. The YNPS spent nuclear fuel is currently being stored in the spent fuel pool, which is protected by a physical protection system meeting the requirements of 10 CFR 73.55, ''Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage,'' with exemptions as previously issued by the NRC. To complete the plant site decommissioning process, the spent fuel will be removed from the spent fuel pool and transferred to an onsite independent spent fuel storage installation (ISFSI) for interim storage.

Pursuant to 10 CFR part 72, ''Licensing Requirements for the Independent Storage of Spent Nuclear

Fuel and High-Level Radioactive Waste,'' an ISFSI may be licensed either under a general or a specific license. Under a general license, a licensee can construct and operate an ISFSI in accordance with the requirements of 10 CFR 72.212, ''Conditions of general license issued under § 72.210 [,''General license issued''],'' without staff approval. Pursuant to 10 CFR 72.212(b)(5), a licensee must protect the spent fuel at the ISFSI against the design basis threat (DBT) of radiological sabotage in accordance with the same provisions and requirements as are set forth in the licensee's 10 CFR 73.55 physical security plan, with additional conditions and exceptions.

Alternatively, an ISFSI can be constructed under a 10 CFR part 72 specific license, which requires a licensee to develop a detailed security plan in accordance with 10 CFR 73.51, ''Requirements for the physical protection of stored spent nuclear fuel and high-level radioactive waste.'' The design objective of 10 CFR 73.51 is to protect against a loss of control of the facility that could be sufficient to cause radiation exposure exceeding the dose as described in 10 CFR 72.106, ''Controlled area of an ISFSI or MRS (monitored retrievable storage).''

In an August 21, 2000, **Federal Register** notice (65 FR 50606), the Commission clarified portions of 10 CFR part 72, stating that the requirements of 10 CFR 72.106 apply to ISFSIs with either general or specific licenses. The offsite dose limits of 10 CFR 72.106 are defined such that any individual on or beyond the nearest boundary of the controlled area may not receive from any design basis accident the more limiting of a total effective dose equivalent of 0.05 Sv (5 rem) or the sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue of 0.5 Sv (50 rem).

2.0 Request

Pursuant to 10 CFR 72.212(b)(5), licensees who store their spent fuel under the provisions of 10 CFR part 72, subpart K, ''General License for Storage of Spent Fuel at Power Reactor Sites,'' as YAEC proposes to do, are required to ''Protect the spent fuel against the design basis threat of radiological sabotage in accordance with the same provisions and requirements as are set forth * * *'' in 10 CFR 73.55.

By letter dated September 28, 2000, as supplemented by letters dated October 12, 2000, April 18, 2001, May 29, 2001, June 28, 2001, and March 4, 2002, the licensee requested an exemption from certain requirements of 10 CFR 73.55. YAEC proposed alternative approaches to meet the provisions of portions of 10 CFR 73.55(b) through (h) related to the security organization, physical barriers, access requirements, detection aids, communications, and response requirements. By this same correspondence, the licensee also requested a license amendment that would revise Facility Operating License No. DPR–3 to reference the revisions of the Physical Security Plan, Guard Training and Qualification Plan, and Safeguards Contingency Plan, and made available a copy of the YAEC plans to assist the staff in its review of the exemption and amendment requests.

3.0 Discussion

Pursuant to 10 CFR 72.7, ''Specific exemptions,'' and 10 CFR 73.5, ''Specific exemptions,'' the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations that it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. Pursuant to 10 CFR 73.55(a), the Commission may authorize a licensee to provide measures for protection against radiological sabotage other than those specified in the regulations if the licensee demonstrates that the measures have the same high assurance objective as specified in 10 CFR 73.55(a) and that the overall level of system performance provides protection against radiological sabotage equivalent to that which could be provided by paragraphs (b) through (h) of 10 CFR 73.55.

The staff has reviewed the proposed YAEC ISFSI and Fuel in Transit (FIT) Physical Protection Programs against the requirements of each section of 10 CFR 73.55 to determine whether the alternative measures that YAEC proposed should be authorized pursuant to 10 CFR 73.55(a), or whether specific exemptions should be granted from the requirements of these regulations. As part of its review, the staff evaluated the offsite dose that would result from unimpeded access by the DBT of radiological sabotage without protracted loss of control of the facility. On the basis of YAEC's plan in the ISFSI Physical Protection Program to maintain the boundary of its controlled area at a minimum of 300 meters from the dry cask storage installation and provisions in the ISFSI Physical Protection Program that provide the capability to summon off-site local law-enforcement agency response forces to preclude a protracted loss of control of the facility, the staff concluded that the DBT of radiological sabotage would result in an offsite dose well below the 10 CFR 72.106(b) limits. The staff therefore concluded that the alternative measures proposed by YAEC are authorized pursuant to 10 CFR 73.55(a), with one exception. With regard to the requirements of 10 CFR 73.55(d)(5), the staff concluded that the measures proposed by YAEC did not meet the criteria of 10 CFR 73.55(a) to be authorized as alternative measures. However, the staff concluded that pursuant to 10 CFR 72.7 and 10 CFR 73.5, the proposed alternatives to the requirements of 10 CFR 73.55(d)(5) that YAEC requested could be granted as an exemption. A detailed discussion of the staff's evaluation is contained in the safety evaluation supporting these findings dated March 13, 2002, which safeguards information in accordance with 10 CFR 73.21 and therefore, is not available to the public.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 72.7 and 10 CFR 73.5, exemption from the requirements of 10 CFR 73.55(d)(5) related to access requirements is authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest.

Pursuant to 10 CFR 51.32, ''Finding of no significant impact,'' the Commission has previously determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 48720, dated September 21, 2001).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 13th day of March 2002.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–6814 Filed 3–20–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Public Meeting on an Overview of Recent Activities Related to the Potential High-Level Waste Repository at Yucca Mountain, Nevada

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public meetings in Beatty, Tonopah, and Ely, Nevada.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff will hold three public meetings on regulation of a potential high-level waste repository at Yucca Mountain. The meetings are intended to foster a common understanding among the stakeholders on safety and regulatory issues, should the U.S. Department of Energy (DOE) submit a license application to the NRC for a possible geologic repository at Yucca Mountain, Nevada. All meetings will be facilitated by Francis X. Cameron, Special Counsel for Public Liaison, Office of the General Counsel, NRC.

The meetings are primarily to acquaint the public with the NRC oversight of a potential high-level waste repository at Yucca Mountain. It will begin with an overview of NRC's responsibilities, include a discussion of NRC's regulations and preparations for evaluating a potential U.S. Department of Energy (DOE) license application, and conclude with an overview of the NRC's role with respect to the transportation of high-level waste. Several opportunities for questions will be provided. In addition, members of the NRC staff will be available for discussion with members of the public. The dates, times, and locations of the public meetings are shown below.

Date/Time: Monday, April 8, 2002, from 6:30 p.m.—9:00 p.m. (Pacific time). Tuesday, April 9, 2002, from 6:30 p.m.—9:00 p.m. (Pacific time). Wednesday, April 10, 2002, from 6:30 p.m.—9:00 p.m. (Pacific time).

Place: Beatty Senior Center, 150 A Avenue South, Beatty, Nevada. Tonopah Convention Center, 301 West Brougher Avenue, Tonopah, Nevada. Holiday Inn Prospector Inn & Casino, 1501 E. Aultman Street, Ely, Nevada/

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Special Counsel for Public Liaison, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by telephone: (301) 415–1642 or e-mail: *fxc@nrc.gov.*

Dated at Rockville, Maryland, this 14th day of March, 2002.

For the Nuclear Regulatory Commission.

Janet R. Schlueter,

Chief, High-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 02–6813 Filed 3–20–02; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27498]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

March 15, 2002.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 9, 2002, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After April 9, 2002, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Xcel Energy, Inc., et al. (70–10059)

Xcel Energy, Inc., (''Xcel''), a registered holding company, and its wholly owned subsidiary, NRG Acquisition Company, LLC (''Acquisition Company,'' and together with Xcel, ''Applicants''), both located at 800 Nicollet Mall, Minneapolis, Minnesota 55402, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 11, 12(b), 32 and 33 of the Act and rules 51, 53, 54 and 58 under the Act.

Applicants propose to commence a tender or exchange offer (''Exchange Offer'') for Xcel to acquire the outstanding common stock of NRG Energy, Inc. (''NRG''),[1] a Delaware corporation and a majority owned indirect subsidiary of Xcel,[2] under the terms of a plan approved by Xcel's board of directors on February 14, 2002. In the Exchange Offer, Xcel proposes to acquire the outstanding publicly held shares of NRG, representing approximately a 26 percent minority interest, by exchanging NRG common stock for .4846 shares of Xcel common stock in the Exchange Offer in a tax-free exchange. Applicants also propose to acquire the balance of the shares of NRG's common stock not tendered in the Exchange Offer by means of a short-form merger permitted under Delaware law (''Short-Form Merger''). Xcel proposes to issue up to 24.7 million shares of its common stock in exchange for NRG's common stock obtained in the Exchange Offer and Short-Form Merger.[3]

Under the terms of the Exchange Offer, in order to be successful, enough shares of NRG common stock will need to be tendered so that Xcel's ownership level of NRG reaches 90 percent. If the Exchange Offer results in 90 percent ownership, Wholesale will contribute enough shares of NRG common stock to Acquisition Company to permit Xcel to own at least 90 percent of NRG. Subsequently, Acquisition Company will merge through the Short-Form Merger with and into NRG. Each outstanding share of NRG common stock not acquired in the Exchange Offer will be converted in the Short-Form Merger into the right to receive 0.4846 shares of Xcel in the Exchange Offer. After completion of the Exchange Offer and the Short-Form Merger, Xcel will own NRG as an indirect, wholly owned subsidiary. Xcel states that its investment in NRG will be included as part of Xcels's investment in exempt wholesale generators and foreign investment companies for purposes of sections 32 and 33 of the Act.

[1] NRG is an independent power producer and a leading global energy company, primarily engaged in the acquisition, development, ownership and operation of power generation facilities and the sale of energy, capacity and related products. NRG's common stock is publicly traded and listed on the New York Stock Exchange under the symbol ''NRG.''

[2] Xcel indirectly owns shares of NRG's common stock through its wholly owned subsidiary, Xcel Energy Wholesale Group, Inc. (''Wholesale''). Xcel owns 147,604,500 shares of NRG's Class A Common Stock, each of which is convertible at any time into one share of NRG's Common Stock. The Class A Common Stock represents 74.3% of all of the outstanding shares of both classes of NRG's common shares combined. Because each share of Class A Common Stock entitles Xcel to ten votes, Xcel currently holds 96.7% of the combined voting power of all of NRG's outstanding common shares.

[3] The shares of Xcel's common stock to be issued in the Exchange Offer and the Short-Form Merger will come from Xcel's authorized but unissued shares.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–6799 Filed 3–20–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45560; File No. SR–NSCC–2001–18]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Permitting Data Services Only Members to Access Fund/Serv

March 14, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 26, 2001, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change permits Data Services Only Members to access Fund/Serv to process non-NSCC settling mutual fund purchase and redemption transactions and related instructions.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Data Services Only Members are permitted access only to those services which are specifically enumerated under NSCC's Rules and which do not involve money settlement through NSCC's facilities. The proposed rule permits Data Services Only Members to access Fund/Serv, provided as part of NSCC's Mutual Fund Services, to process non-NSCC settling mutual fund purchase and redemption transactions and related instructions. The proposed rule also extends this processing only functionality to those Settling Members and Fund Members who wish to utilize it.

The ability of Data Services Only Members and Settling Members to utilize Fund/Serv for processing only is being added at the request of NSCC Fund Members and the Investment Company Institute (''ICI'') in order to permit broker-dealers and their financial planner representatives to be able to transmit transaction data to funds in an automated format. Such transmissions are currently being handled manually which is extremely time-intensive.[3]

Accordingly, NSCC's Rule 52 (Mutual Fund Services), Section A (Fund/Serv) is being amended (1) to make Data Services Only Members eligible to utilize the service for the limited purpose of processing (but not settling through NSCC) transactions and related instructions and (2) to enable Settling Members to process transactions and related instructions through Fund/Serv that will settle outside of NSCC. Historically, Fund Members have always had the right to designate parameters within which their orders will be processed. Clarifying language is now being added to set forth this right explicitly. Accordingly, the functionality allowing Data Services Only Members and Settling Members to input transactions for Fund/Serv processing that will settle outside of NSCC will be available to the extent those parameters are selected by Fund Members.

This rule change will increase automation of mutual fund transaction processing between Fund Members, broker-dealers, and other entities and thus facilitates the prompt and accurate clearance and settlement of securities transactions. The proposed rule change is therefore consistent with the requirements of the Act and the rules and regulations thereunder.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. NSCC has, however, worked closely with the ICI and a representative group of mutual fund industry participants in developing this functionality, and all concur with the proposed changes. NSCC will notify the Commission of any written comments it receives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [4] and Rule 19b–4(f)(4) [5] promulgated thereunder because the proposal effects a change in an existing service of NSCC that (A) does not adversely affect the safeguarding of securities or funds in the custody or control of NSCC or for which it is responsible and (B) does not significantly affect the respective rights or obligations of NSCC or persons using the service because the proposed rule change will allow entities to process transactions on an automated basis that are currently processed manually and does not involve the settlement of funds through NSCC. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors,

[3] Pursuant to Securities Exchange Act Release No. 44960 (October 19, 2001), 66 FR 56383 (October 25, 2001) [File No. SR–NSCC–2001–14], Data Services Only Members may utilize Mutual Fund Services' Networking in order to access and make inquiries regarding their customer accounts in an automated format. This inquiry functionality utilizes a communications-translation interface (in Extensible Markup Language or XML) that will also be used to transmit transaction data to Fund/Serv that will settle on a participant to participant basis. This functionality and the XML communications interface used to transmit transaction data to Fund/Serv will be collectively marketed to participants under the name Fund/SPEED. The proposed Fund/SPEED fees, as well as the fees for transactions submitted through Fund/Serv that settle on a participant to participant basis, will be the subject of a separate rule filing. Until such time, these services will be provided without charge.

[4] 15 U.S.C. 78s(b)(3)(*A*)(iii).

[5] 17 CFR 240.19b–4(f)(4).

or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NSCC. All submissions should refer to the File No. SR–NSCC–2001–18 and should be submitted by April 11, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–6828 Filed 3–20–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45561; File No. SR–NSCC–2002–02]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Revising NSCC's Fee Schedule

March 14, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 25, 2002, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of revisions to NSCC's fee schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to (i) establish fees for the XML-based account inquiry feature of NSCC's Mutual Fund Services (''MFS''), (ii) establish fees for the XML-based communications interface that transmits fund transaction data to NSCC's Fund/SERV for processing, (iii) establish base participation fees for those Fund Members and Mutual Fund Processors[3] using these XML-communication interface features, and (iv) standardize the descriptions, under the name ''Fund/*SPEED*,'' of such MFS features and communications in NSCC's fee schedule.

In addition to and in conjunction with these changes, the proposed rule change provides for Fund/SERV fees for Fund/SERV Processing Only transactions that will settle on a participant to participant basis outside of NSCC.

All of the proposed fees are payable by the applicable Fund Member or Mutual Fund Processor. Pursuant to this rule change, the Fund/*SPEED* fee for account inquiry will be $0.005 per request and fund response (''Account Inquiry''). The Fund/*SPEED* fee for the XML-interface transmission of fund transaction data (other than a new account transaction) to Fund/SERV will be $.50 per item (''Subsequent Trade Transmission'') and will be $.75 per item for transmission of transaction data involving a new account (''New Account Trade Transmission.'') All of these fees will be payable with respect to services provided from and after April 1, 2002.

In addition, participating Fund Members and Mutual Fund Processors will be charged a monthly membership fee to use these services determined as follows: $250 per month for such members with less than twenty-five eligible mutual funds and/or eligible investment funds (identified by CUSIP) on Fund/SERV; $1,000 per month for such members with between twenty five and ninety nine eligible mutual funds/investment funds on Fund/SERV; and $2,500 per month for such members with one hundred or more eligible mutual funds/investment funds on Fund/SERV. These fees will be effective from and after February 1, 2002.

Finally, this rule change provides that the Fund/SERV fees payable with respect to Fund/SERV Processing Only transactions will be $.175 per side, and the fee for both sides will be charged to and payable by the applicable Fund Member or Mutual Fund Processor, effective with respect to such services provided on and after April 1, 2002.

NSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder, since it provides for the equitable allocation of dues, fees, and other charges among NSCC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. NSCC has notified participants who use MFS of the Fund/*SPEED* changes. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes and changes fees imposed by NSCC, it has become effective pursuant

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[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] As defined in NSCC's Rule 52, a Mutual Fund Processor is a settling member that is acting in the capacity of a Fund Member in connection with the issuance or redemption of fund shares.

to Section 19(b)(3)(A)(ii) of the Act[4] and Rule 19b–4(f)(2)[5] promulgated thereunder. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NSCC. All submissions should refer to the File No. SR–NSCC–2002–02 and should be submitted by April 11, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–6829 Filed 3–20–02; 8:45 am]

BILLING CODE 8010–01–P

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45557; File No. SR–OCC–2001–17]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Establishing Financial Reporting Standards for Clearing Futures Commission Merchants That Are Not Fully Registered With the Commission as Broker-Dealers

March 14, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on November 9, 2001, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends OCC Rule 306 to facilitate financial reporting by clearing members that are FCMs not fully registered with the Commission as broker-dealers.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

As a result of the Commodity Futures Modernization Act, entities registered with the Commodity Futures Trading Commission (''CFTC'') as futures commission merchants (''FCMs'') are allowed to trade in security futures upon notice registration with the Commission.[3] These entities are not subject to the full panoply of Commission regulation, and in particular, they are not required to file reports of financial condition under Rule 17a–5. As a result of amendments to OCC's Rules that were approved by the Commission in File No. SR–OCC–2001–07 (adopting rules for the clearance and settlement of security futures), such entities are now allowed to become clearing members of OCC.[4] OCC has also filed an application with the Commission and the CFTC seeking authority to clear futures on broad-based indexes and options thereon.[5] These products are regulated exclusively by the CFTC, and OCC's proposed rules would permit it to admit clearing members that are regulated exclusively by the CFTC and not registered as broker-dealers at all.

The purpose of this rule change is to facilitate financial reporting by clearing members that are FCMs not fully registered with the Commission as broker-dealers while providing OCC with the same level of financial oversight that OCC has with respect to other clearing members. Such FCMs will be permitted to file their monthly financial reports with OCC using the CFTC's Form 1–FR–FCM. However, notwithstanding the provisions of CFTC Regulation 1.10(b) generally requiring such reports to be filed with the CFTC on a quarterly basis, OCC will require such reports to be filed with OCC monthly. OCC believes that monthly reporting is conducive to the protection of OCC, its clearing members, and the public.

OCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the regulations thereunder because it protects investors and the public interest by ensuring the availability of adequate financial information to OCC regarding clearing members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commissiion has modified parts of these statements.

[3] Section 15(b)(11)(A) of the Securities Exchange Act of 1934.

[4] Securities Exchange Act Release No. 44727, (August 20, 2001), 66 FR 45351.

[5] The CFTC granted OCC's application for registration as a derivatives clearing organization on December 12, 2001. The Commission has published notice of OCC's filing. Securities Exchange Act Release No. 45152, (December 12, 2001), 66 FR 65770.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(i) of the Act[6] and Rule 19b–4(f)(1)[7] thereunder because it constitutes a stated policy, practice or interpretation with respect to the meaning, enforcement or administration of an existing rule. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the File No. SR–OCC–2001–17 and should be submitted by April 11, 2002.

[6] 15 U.S.C. 78s(b)(3)(A)(i).

[7] 17 CFR 240.19b–4(f)(1).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–6826 Filed 3–20–02; 8:45 am]

BILLING CODE 8010–01–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45558; File No. SR–OCC–2002–01]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Eliminating Clearing Fees

March 14, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 11, 2002, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends OCC's fee schedule to eliminate certain fees for discontinued or soon to be discontinued services.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this rule change is to amend OCC's fee schedule in two respects. First, OCC is eliminating ONN Fees, effective January 1, 2002. ONN is an electronic bulletin board service operated by OCC for clearing members and other subscribers to access pertinent information posted by OCC and the options exchanges.[3] Information posted on ONN includes information memos on contract adjustments, other notices to clearing members, statistical and volume information, and certain reports. Most of the information made available via ONN is now available on OCC's public web site, *www.optionsclearing.com.* Other information not currently available on OCC's web site will be made available via MyOCC,™ a new web site portal that OCC is creating for use by clearing members and other subscribers. When MyOCC™ is launched, ONN will no longer be offered and MyOCC™ will become the principal vehicle for disseminating options related information. At this time, OCC has determined not to charge fees to access MyOCC,™ and it would be inconsistent with that policy to continue to charge fees for ONN in the meantime.

Second, OCC is eliminating off-site microfiche retrieval charges. In 1996, OCC converted the media on which historical reports were made available to subscribing clearing members from microfiche to CD–ROM and amended its fee schedule to reflect the associated charges.[4] As stated in Filing SR–OCC–96–14, microfiche charges were to be eliminated after the conversion was completed. The conversion was finished some time ago, and accordingly, OCC is updating its fee schedule.

OCC believes the proposed rule change is consistent with Section 17A of the Act because it eliminates fees charged to clearing members and other subscribers for discontinued or soon to be discontinued services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] Securities Exchange Act Release No. 28669 (December 3, 1990), 55 FR 50793 [Filed No. SR–OCC–09–12].

[4] Securities Exchange Act Release No. 37993 (November 27, 1996), 61 FR 64407 [File No. SR–OCC–96–14].

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change eliminates fees charged clearing members by OCC, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [5] and Rule 19b–4(f)(2) [6] thereunder. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the File No. SR–OCC–2002–01 and should be submitted by April 11, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–6827 Filed 3–20–02; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–4(f)(2).

[7] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3939]

Bureau of Human Resources, Office of Recruitment; 30-Day Notice of Proposed Information Collection: Form DS–3091, Thomas R. Pickering Foreign Affairs Fellowship Program

ACTION: Notice.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: New collection.

Originating Office: HR/REE/REC.

Title of Information Collection: Thomas R. Pickering Foreign Affairs Fellowship Program.

Frequency: Annual.

Form Number: DS–3091.

Respondents: College students.

Estimated Number of Respondents: 250.

Average Hours Per Response: 15.

Total Estimated Burden: 3,750.

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information collection and supporting documents may be obtained from Richard Esper, Chief of Student Programs, Office of Recruitment, Bureau of Human Resources, U.S. Department of State, 2401 E Street, NW, Room H–518, Washington, DC 20522; 202–261–8924. Public comments and questions should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on 202–395–3897.

Dated: February 26, 2002.

Ruben Torres,

Executive Director, Bureau of Human Resources, Department of State.

[FR Doc. 02–6862 Filed 3–20–02; 8:45 am]

BILLING CODE 4710–15–P

DEPARTMENT OF STATE

[Public Notice 3913]

Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union; Notice of Meeting

The Department of State announces that the Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union (Title VIII) will convene on Friday, April 19, 2002, beginning at 10 a.m. in Room 1107, U.S. Department of State, 2201 C Street, NW, Washington, DC.

The Advisory Committee will recommend grant recipients for the FY 2002 competition of the Program for the Study of Eastern Europe and the Independent States of the Former Soviet Union in connection with the ''Research and Training for Eastern Europe and the Independent States of the Former Soviet Union Act of 1983, as amended.'' The agenda will include opening statements by the Chairman and members of the Committee and, within the Committee, discussion, approval, and recommendation that the Department of State negotiate grant agreements with certain ''national organizations with an interest and expertise in conducting research and training concerning the countries of Eastern Europe and the independent states of the former Soviet Union,'' based on the guidelines contained in the call for applications published in the **Federal Register** on November 23, 2001. Following committee deliberation, interested members of the public may make oral statements concerning the Title VIII program in general.

This meeting will be open to the public; however, attendance will be limited to the seating available. Entry into the Department of State building is controlled and must be arranged in advance of the meeting. Those planning to attend should notify Susan Nelson, INR/RES, U.S. Department of State, (202) 736–4610 by Tuesday, April 16, 2002, providing their date of birth, Social Security number, and any requirements for special needs. All attendees must use the 2201 C Street,

NW, entrance to the building. Visitors who arrive without prior notification and without a photo ID will not be admitted.

Dated: March 8, 2002.

Kenneth E. Roberts,

Executive Director, Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union, Department of State.

[FR Doc. 02–6861 Filed 3–20–02; 8:45 am]

BILLING CODE 4710–32–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Public Comments on Twenty-Three Accessions to the World Trade Organization and on U.S. Participation in Negotiations for the Terms of These Accessions: Algeria, Andorra, Azerbaijan, the Bahamas, Belarus, Bhutan, Bosnia and Herzegovina, Cambodia, Cape Verde, Kazakhstan, Laos, Lebanon, Former Yugoslav Republic of Macedonia, Nepal, Samoa, the Seychelles, Sudan, Tajikistan, Tonga, Uzbekistan, Vietnam, Yemen, and Yugoslavia

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: As a Member of the World Trade Organization (WTO), the United States participates in negotiations for the terms of accession for new Members to the WTO. The Trade Policy Staff Committee (TPSC) is requesting written comments from the public concerning U.S. commercial interests and other issues related to the accessions of 23 countries seeking to join the WTO, and to assist the United States Trade Representative (USTR) in participation in negotiations for the terms of those accessions. These countries are the Azerbaijan Republic (Azerbaijan), Bosnia and Herzegovina, the Commonwealth of The Bahamas (The Bahamas) the Democratic and Popular Republic of Algeria (Algeria), the Federal Republic of Yugoslavia (Yugoslavia), Former Yugoslav Republic of Macedonia, the Independent State of Samoa (Samoa), the Republic of the Sudan (Sudan), the Kingdom of Bhutan (Bhutan), the Kingdom of Cambodia (Cambodia), the Kingdom of Nepal (Nepal), the Kingdom of Tonga (Tonga), the Lao Democratic People's Republic (Laos), the Lebanese Republic (Lebanon), Principality of Andorra (Andorra), the Republic of Belarus (Belarus), the Republic of Cape Verde (Cape Verde), the Republic of Kazakhstan (Kazakhstan), the Republic of Seychelles (the Seychelles), the Republic of Tajikistan (Tajikistan), the Republic of Uzbekistan (Uzbekistan), the Republic of Yemen (Yemen), and the Socialist Republic of Vietnam (Vietnam). With respect to Vietnam, comments may take into consideration submissions made in response to previous requests for written comments in the context of Vietnam's WTO accession and the negotiation of a Bilateral Trade Agreement.

Public comments should include, but not be limited to, information concerning those countries' current trade policies and practices which affect market access for U.S. exports, e.g., tariffs, non-tariff measures; trade and investment in services; other aspects of the trade regime affecting U.S. trade interests subject to WTO provisions; and other conditions or practices that impair the ability of these countries to grant the benefit of WTO provisions to their trading partners. Comments received will be considered in developing U.S. positions and objectives for the multilateral and bilateral negotiations that will determine the terms of WTO accession for Algeria, Andorra, Azerbaijan, The Bahamas, Belarus, Bhutan, Bosnia and Herzegovina, Cambodia, Cape Verde, Kazakhstan, Laos, Lebanon, Former Yugoslav Republic of Macedonia, Nepal, Samoa, the Seychelles, the Sudan, Tajikistan, Tonga, Uzbekistan, Vietnam, Yemen, and Yugoslavia.

DATES: Public comments should be received by noon on Wednesday, May 15, 2002.

ADDRESSES: Public comment should be submitted to: Gloria Blue, Executive Secretary, TPSC, Office of the USTR, 1724 F Street, NW., Washington, DC 20508. Attention: Office of WTO and Multilateral Affairs

FOR FURTHER INFORMATION CONTACT: Cecilia Leahy Klein, USTR Director for WTO Accessions (202–395–3063) concerning the WTO accession process and issues related to WTO rules; Paul Moore (*pmoore@ustr.gov*), USTR Director for Market Access and Sarah Sipkins (*ssipkins@ustr.gov*), USTR Director for Tariffs (202–395–5097) concerning issues related to goods market access negotiations; Sharon Sheffield (*ssheffield@ustr.gov*), Director for Agricultural Trade Policy (202–395–6127) concerning issues related to trade in agricultural products or agricultural support; or Christina Lund (*clund@ustr.gov*), USTR Senior Advisor for Services and Intellectual Property Rights and Paul Burkhead (*pburkhead@ustr.gov*), USTR Director for Services Trade Affairs (202–395–4510) concerning issues related to services market access. Procedural inquiries concerning the public comment process should be directed to Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representatives, (202) 395–3475.

SUPPLEMENTARY INFORMATION: The countries of Algeria, Andorra, Azerbaijan, The Bahamas, Belarus, Bhutan, Bosnia and Herzegovina, Cambodia, Cape Verde, Kazakhstan, Laos, Lebanon, Former Yugoslav Republic of Macedonia, Nepal, Samoa, the Seychelles, the Sudan, Tajikistan, Tonga, Uzbekistan, Vietnam, Yemen, and Yugoslavia have applied for accession to the WTO. Article XII of the Marrakesh Agreement Establishing the World Trade Organization states that the terms of WTO Membership for these countries will be negotiated with current WTO Members bilaterally and in meetings of the Working Parties established by the Members of the WTO to conduct the negotiations. The results of these negotiations will include a Working Party report and Protocol of Accession, specifying how the applicants for accession will implement WTO Agreements, and Schedules of specific commitments and concessions on market access for imported goods and services, which will be annexed to the Protocol.

The Chairman of the Trade Policy Staff Committee invites written comments from the public on trade and other measures currently applied by Algeria, Andorra, Azerbaijan, The Bahamas, Belarus, Bhutan, Bosnia and Herzegovina, Cambodia, Cape Verde, Kazakhstan, Laos, Lebanon, Former Yugoslav Republic of Macedonia, Nepal, Samoa, the Seychelles, the Sudan, Tajikistan, Tonga, Uzbekistan, Vietnam, Yemen, and Yugoslavia that could be subject to the provisions of the WTO, particularly tariffs applied to imports, and other market access issues for goods and services, or practices or measures that could affect the competitiveness of U.S. goods and services in those markets. All comments received will be considered in developing U.S. positions and objectives for participation in these negotiations.

Market access issues for goods of interest to the TPSC include, but are not limited to: (a) Comments on possible tariff reductions and the removal of restrictive border measures such as quotas or import licensing requirements; (b) uniform application of the trading system; (c) the provision of national

treatment and nondiscriminatory treatment for imported goods, especially in the area of domestic taxation and requirements for and restrictions on the right to import and export goods; (d) transparency in application of trade laws and regulations; (e) right of appeal in cases involving application of trade laws and other laws relating to WTO provisions, such as protection and enforcement of intellectual property rights (IPR) and services; (f) customs processing issues, such as document certification prior to export, fees, customs valuation, and certification requirements for imports; (g) industrial export and domestic subsidies; (h) agricultural export subsidies and domestic supports and incentives; (i) safeguard and unfair trade practice procedures applied to imports; (j) plant, animal, and human health and safety requirements, including sanitary and phytosanitary requirements; (k) technical barriers to trade; (l) utilization of preshipment inspection services; (m) application of rules of origin; (n) activities of state trading enterprises, including restrictions and other trade-distorting practices made effective through state trading; (o) price controls and policies; (p) foreign exchange controls that act as barriers to trade and investment; (q) preferential trade arrangements, including membership in free trade arrangements or customs unions; (r) government procurement practices; (s) policies concerning trade in civil aircraft; (t) the trade-related aspects of investment policies; and (u) the protection and enforcement of intellectual property rights.

Market access issues for services of interest to the TPSC include, but are not limited to, (a) transparency in application of trade laws and regulations and the right of appeal in cases involving foreign service suppliers; (b) the right to establish a commercial presence in a foreign market to supply services; (c) the right to travel across national borders to make use of a service; (d) the ability to supply services when neither the supplier nor consumer travel, for example, via electronic means; and (e) the right to enter a foreign market temporarily to provide services.

Information on products or practices subject to these negotiations should include, whenever appropriate or possible, the import or export tariff classification number used for the product concerned, the CPC number used for classification of the services sector concerned, or the official citation of the law or regulation being discussed.

Persons submitting written comments should provide a statement, in twenty (20) copies, by noon, Wednesday, May 15, 2002, to Gloria Blue, Executive Secretary, TPSC, Office of the U.S. Trade Representative, 1724 F Street, NW., Washington, DC 20508. Where possible, please supplement written comments with a computer disk of the submission containing as much of the technical details as possible. The disk should have a label identifying the software used and the name of the respondent. Written comments submitted, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6, will be available for public inspection in the USTR Reading Room (Room 101) at the address noted above. An appointment to review the file may be made by calling the Reading Room at (202) 395–6186. The Reading Room is open to the public from 10 a.m. to 12 noon, and from 1 p.m. to 4 p.m. Monday through Friday.

Business confidential information, including any information submitted on disks, will be subject to the requirements of 15 CFR 2003.6. Any business confidential material must be clearly marked as such on the cover letter or page and each succeeding page, and must be accompanied by a non-confidential summary thereof. If the submission contains business confidential information, twenty copies of a public version that does not contain confidential information must be submitted. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. In addition, any submissions containing business confidential information must be clearly marked ''Confidential'' at the top and bottom of the cover page (or letter) and each succeeding page of the submission. The version that does not contain confidential information should also be clearly marked, at the top and bottom of each page, ''public version'' or ''non-confidential.''

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 02–6865 Filed 3–20–02; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2002–11722]

Agency Information Collection Activities; Request for Comments; Clearance of a New Information Collection; Public Knowledge of Highway Programs

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection. The collection involves a small business research study that is looking into the potential for a national public education program on various highway programs. During a small-scale trial the public will be asked via the web and mailings to comment on local construction issues and proposals. The information collected will be used solely to determine if response levels and public involvement would justify developing the approach across a larger cross-section of the United States population. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by May 20, 2002.

ADDRESSES: You may mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590; telefax comments to 202/493–2251; or submit electronically at *http://dmses.dot.gov/submit.* All comments should include the docket number in this notice's heading. All comments may be examined and copied at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you desire a receipt you must include a self-addressed stamped envelope or postcard or, if you submit your comments electronically, you may print the acknowledgment page.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen Bergeron, 415–744–2613, Marketing Specialist, Department of Transportation, Federal Highway Administration, Western Resource Center, Suite 2100, 201 Mission Street, San Francisco, CA 94105 or e-mail to *kathleen.bergeron@fhwa.dot.gov.* Office hours are from 7:00 a.m. to 4:30 p.m., p.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Public Knowledge of Highway Programs.

Background: Following a study performed under the DOT Small Business Innovative Research initiative, the FHWA plans to test some of the proposed ideas for increasing public education and awareness of various highway programs. These include involvement of the public early in the planning process by disseminating accurate and understandable information through a combination of Web sites and regular updates sent to local media, schools and colleges. We do not anticipate using every method in all instances, but will use a series of small-scale demonstrations to evaluate the effectiveness of each approach. Respondents will be asked for views and opinions about any local FHWA initiatives by using media coverage of local projects, Web site information, local mass mailings, or coverage on local cable television channels. We anticipate making maximum use of web-based e-learning and visualization technologies to present the information. We will evaluate which approaches are best.

Respondents: Approximately 200, including the general public, metropolitan planning organizations, various state transportation departments, local/municipal planning departments, schools and colleges.

Frequency: This is a one-time survey for the purposes of this study only.

Estimated Average Burden per Response: 30 minutes per questionnaire.

Estimated Total Annual Burden Hours: 100.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burdens could be minimized, including use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Electronic Access: Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov.* It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at telephone number 202–512–1661. Internet users may reach the **Federal Register's** home page at *http://www.nara.gov/fedreg* and the Government Printing Office's database at *http://www.access.gpo.gov/nara.*

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: March 15, 2002.

James R. Kabel,

Chief, Management Programs, and Analysis Division.

[FR Doc. 02–6821 Filed 3–20–02; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before April 22, 2002.

ADDRESSES: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION: Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL–401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW., Washington, DC 20590 or at *http://dms.dot.gov.*

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Dated: Issued in Washington, DC, on March 15, 2002.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Exemptions and Approvals.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12941–N	.....	The Neiman Marcus Group, Longview, TX.	49 CFR 172, subparts C, D, E.	To authorize the transportation in commerce of certain limited quantities of class 3 material that meet the definition of ''consumer commodities'' to be transported without marking, labeling and shipping papers. (Modes 1, 2, 3, 4, 5.)
12943–N	.....	Nitrochem LLC, Newell, PA.	49 CFR 172.203(a), 173.31(c)(1), 179.13.	To authorize the transportation in commerce of certain Class 8 materials in DOT Class 120J tank cars with a maximum gross weight on rail greater than 263,000 pounds but not greater than 286,000 pounds. (Mode 2.)
12944–N	.....	Wabash Alloys, L.L.C., Wabash, IN.	49 CFR 174.67(i) & (j) ...	To authorize rail cars to remain connected while standing without the physical presence of an unloader. (Mode 2.)

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12945–N		Duratek, Columbia, SC	49 CFR 173.403, 173.427.	To authorize the one-time transportation in commerce of one pressurizer and five steam generators to be classed as surface contaminated objects with radioactive material, Class 7. (Modes 1, 3.)
12946–N		Baker Atlas, Houston, TX	49 CFR 173.304, 173.40	To authorize the one-time transportation in commerce of 60 non-DOT specification cylinders for disposal containing chlorine trifluoride, Division 2.3, subsidiary hazards 5.1, 8 PIH Zone B. (Mode 1.)
12949–N		Railway Progress Institute, Inc., Alexandria, VA.	49 CFR 172.302(c), 173.203(a), 173.22(a) & (b), 179.100–20(a), 179.200–24(a) & (b), 179.201–10(a), 179.220–25.	To authorize the transportation in commerce of rail cars with alternative specification plates for use in transporting various hazardous materials. (Mode 2.)
12950–N		Walnut Industries, Inc., Bensalem, PA.	49 CFR 172.203(a), 172.301(c), 176.76(a)(4).	To authorize the manufacture, marking, sale and use of metal or plastic 55 gallon drums of various hazardous materials overpacked in freight container of transport vehicle using a fabric restraint dunnage system. (Mode 3.)
12951–N		Borden Chemical Co., Missoula, MT.	49 CFR 174.67(i) & (j)	To authorize rail cars to remain connected while standing without the physical presence of an unloader. (Mode 2.)
12953–N	RSPA–02–11835	Westinghouse Electric Company, Pittsburgh, PA.	49 CFR 173.453(d)	To authorize the transportation in commerce of packages of fissile material that exceed the quantities presently authorized. (Modes 1, 2.)
12955–N		Air Cruisers Company, Belmar, NJ.	49 CFR 172.301(c), 173.219(b)(1).	To authorize the transportation in commerce of life-saving appliances containing a compressed gas cylinder that is filled in excess of its marked service pressure. (Modes 1, 4, 5.)
12956–N	RSPA–02–11834	Frazee Industries, Incorporated, San Diego, CA.	49 CFR 172.200	To authorize the transportation in commerce of combination packagings of 1 gallon and 5 gallon steel containers without overpac or shipping papers from the manufacturing facility to the distribution center. (Mode 1.)
12960–N	RSPA–02–11832	International Fuel Cells, South Windsor, CT.	49 CFR 172.200, 172.300, 172.400.	To authorize the transportation in commerce of fuel cells containing small amount of hazardous materials to be shipped without being subject to the HMR. (Modes 1, 4.)

[FR Doc. 02–6822 Filed 3–20–02; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before April 5, 2002.

ADDRESSES: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. In confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street SW., Washington, DC or at *http://dms.dot.gov.*

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on March 15, 2002.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Exemptions and Approvals.

Application No.	Docket No.	Applicant	Modification of exemption
4453–M		Dyno Nobel, Inc., Salt Lake City, UT (See Footnote 1)	4453
7765–M		Carleton Technologies, Inc., Orchard Park, NY (See Footnote 2)	7765
8439–M		Kidde Aerospace, Wilson, NC (See Footnote 3)	8439
8451–M		Olin Corporation, Winchester Group, East Alton, IL (See Footnote 4)	8451
8495–M		Kidde Aerospace, Wilson, NC (See Footnote 5)	8495
8723–M		Dyno Nobel, Inc., Salt Lake City, UT (See Footnote 6)	8723
10427–M		Astrotech Space Operations, Inc., Titusville, FL (See Footnote 7)	10427
10751–M		Dyno Nobel, Inc., Salt Lake City, UT (See Footnote 8)	10751
10929–M		Ashland Inc., Columbus, OH (See Footnote 9)	10929
11401–M		Agilent Technologies, Inc., Santa Clara, CA (See Footnote 10)	11401
11579–M		Dyno Nobel, Inc., Salt Lake City, UT (See Footnote 11)	11579
12102–M	RSPA–98–4005	Clean Harbors Environmental Services, Inc., Braintree, MA (See Footnote 12)	12102
12818–M	RSPA–01–10519	HRD Aero Systems Inc., Valencia, CA (See Footnote 13)	12818

[1] To modify the exemption to authorize the transportation of additional Division 1.5D liquid blasting explosives in non-DOT specification bulk cargo tanks, trailers and motor vehicles.
[2] To modify the exemption to authorize the use of an additional non-DOT specification cylinder bottle assembly unit for the transportation of Division 2.2 materials.
[3] To modify the exemption to authorize the transportation of an additional Division 2.2 material in non-DOT specification cylinders.
[4] To modify the exemption to authorize an alternative outer packaging for the transportation of not more than 25 grams of explosive or pyrotechnic materials classed as Division 1.4E.
[5] To modify the exemption to authorize an alternate maintenance and inspection program for the non-DOT specification cylinders to permit a 14-year hydrostatic test period.
[6] To modify the exemption to authorize the transportation of additional Division 1.5D liquid blasting explosives in non-DOT specification bulk cargo tanks, trailers and motor vehicles.
[7] To modify the exemption to authorize two additional launch vehicles that will utilize their fairing for packaging of spacecrafts during transport and a quantity increase of several hazardous materials contained in the ''flight-ready'' spacecraft.
[8] To modify the exemption to authorize the transportation of Division 1.5D liquid blasting explosives in non-DOT specification bulk cargo tanks, trailers and motor vehicles.
[9] To modify the exemption to authorize the transportation of additional Class 3 materials in DOT Specification tank cars.
[10] To modify the exemption to authorize an increase from 6 grams to a maximum of 9 grams of cesium in the inner cylinder device.
[11] To modify the exemption to authorize the transportation of additional Division 1.5D liquid blasting explosives in non-DOT specification cargo tanks.
[12] To modify the exemption to authorize for-hire contract carriers the ability to transport certain unapproved Class 1 desensitized explosive materials by motor vehicle and cargo vessel.
[13] To reissue the exemption originally issued on an emergency basis for the transportation of certain foreign non-DOT specification steel cylinders used as components (fire extinguishers) in aircraft.

[FR Doc. 02–6823 Filed 3–20–02; 8:45 am]
BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–6 (Sub–No. 392X]

The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Flathead County, MT

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a verified notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon a 3.60-mile line of railroad between milepost 1227.58 and milepost 1231.18, in Kalispell, Flathead County, MT. (line). The line traverses United States Postal Service Zip Code 59901.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government agency acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 20, 2002,[1] unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 1, 2002. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 10, 2002, with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Michael Smith, Esq., Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, IL 60606–6677. If the verified notice contains false or misleading information, the exemption is void *ab initio.*

[1] While BNSF initially indicated a proposed consummation date of April 19, 2002, consummation may not take place prior to April 20, 2002 (50 days after the March 1, 2002 filing date of the verified notice). BNSF's representative has subsequently confirmed that consummation cannot occur before April 20, 2002.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1,000. *See* 49 CFR 1002.2(f)(25). This fee is scheduled to increase to $1,100, effective April 8, 2002.

BNSF has filed a separate environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by March 26, 2002. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1552. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by March 21, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: March 12, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–6594 Filed 3–20–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–6 (Sub-No. 391X)]

The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Gage County, NE

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon and discontinue service over a 9.46-mile line of railroad between milepost 32.70 in Beatrice and milepost 42.16 in Wymore, in Gage County, NE. The line traverses United States Postal Service Zip Codes 68310, 68318 and 68466.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 20, 2002,[1] unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 1, 2002. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 10, 2002, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423. A copy of any petition filed with the Board should be sent to applicant's representative: Michael Smith, Freeborn & Peters, 311 S. Wacker Dr., Suite 3000, Chicago, IL 60606–6677.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

[1] While the applicant initially indicated a proposed consummation date of April 19, 2002, consummation may not take place prior to April 20, 2002 (50 days after the March 1, 2002 filing date of the verified notice). Applicant's representative has subsequently confirmed that consummation cannot occur before April 20, 2002.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25). This fee is scheduled to increase to $1,100, effective April 8, 2002.

BNSF has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 26, 2002. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1552. [TDD for the hearing impaired is available at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by March 21, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: March 13, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–6736 Filed 3–20–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8848

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8848, Consent to Extend the Time To

Assess the Branch Profits Tax Under Regulations Sections 1.884–2(a) and (c).

DATES: Written comments should be received on or before May 20, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, or through the Internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Consent To Extend the Time To Assess the Branch Profits Tax Under Regulations Sections 1.884–2(a) and (c).

OMB Number: 1545–1407.

Form Number: 8848.

Abstract: Form 8848 is used by foreign corporations that have (a) completely terminated all of their U.S. trade or business within the meaning of temporary regulations sections 1.884–2T(a) during the tax year or (b) transferred their U.S. assets to a domestic corporation in a transaction described in Code section 381(a), if the foreign corporation was engaged in a U.S. trade or business at that time.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Time Per Respondent: 5 hours, 46 minutes.

Estimated Total Annual Burden Hours: 28,800.

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: March 13, 2002.

Glenn P, Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 02–6874 Filed 3–20–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue; Availability of Report of 2001 Closed Meetings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of availability of report on closed meetings of the Art Advisory Panel.

SUMMARY: The report is now available.

Pursuant to 5 U.S.C. app. I section 10(d), of the Federal Advisory Committee Act; and 5 U.S.C. 552b, the Government in the Sunshine Act: A report summarizing the closed meeting activities of the Art Advisory Panel during 2001, has been prepared. A copy of this report has been filed with the Assistant Secretary of the Treasury for Management and is now available for public inspection at: Internal Revenue Service, Freedom of Information Reading Room, Room 1621, 1111 Constitution Avenue, NW., Washington, DC 20224.

Requests for copies should be addressed to: Director, Disclosure Operations Division, Attn: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, DC 20224, Telephone (202) 622–5164, (Not a toll free telephone number).

The Commissioner of Internal Revenue has determined that this document is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. Neither does this document constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

FOR FURTHER INFORMATION CONTACT: Karen Carolan, C:AP:ART, Internal Revenue Service/ Appeals, 1099 14th Street, NW., Washington, DC 20005, Telephone (202) 694–1861, (Not a toll free telephone number).

Charles O. Rossotti,

Commissioner of Internal Revenue.

[FR Doc. 02–6774 Filed 3–20–02; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–209484–87]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–209484–87 (TD 8814), Federal Insurance Contributions Act (FICA) Taxation of Amounts Under Employee Benefit Plans (§ 31.3121(v)(2)–1).

DATES: Written comments should be received on or before May 20, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Allan Hopkins, (202) 622–6665, or through the Internet (*Allan.M.Hopkins@irs.gov*) Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Federal Insurance Contributions Act (FICA) Taxation of Amounts Under Employee Benefits Plan.

OMB Number: 1545–1643.

Regulation Project Number: REG–209484–87.

Abstract: This regulation provides guidance as to when amounts deferred under or paid from a nonqualified deferred compensation plan are taken into account as wages for purposes of the employment taxes imposed by the Federal Insurance Compensation Act (FICA).

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and not-for-profit institutions.

Estimated Number of Respondents: 2,500.

Estimated Time Per Respondent: 5 hrs.

Estimated Total Annual Burden 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: March 13, 2001.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 02–6872 Filed 3–20–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[GL–238–88]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, GL–238–88 (TD 8549), Preparer Penalties—Manual Signature Requirement (§ 1.6695–1(B)).

DATES: Written comments should be received on or before May 20, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation be directed to Carol Savage, (202) 622–3945, or through the Internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Preparer Penalties—Manual Signature Requirement (§ 1.6695–1(B)).

OMB Number: 1545–1385.

Regulation Project Numbers: GL–238–88.

Abstract: This regulation provides that persons who prepare U.S. Fiduciary income tax returns for compensation may, under certain conditions, satisfy the manual signature requirements by using a facsimile signature. However, they will be required to submit to the IRS a list of the names and identifying numbers of all fiduciary returns which are being filed with a facsimile signature.

Current Actions: There is no change to this existing regulation.

Type of review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 20,000.

Estimated Time Per Respondent: 1 hour, 17 minutes.

Estimated Total Annual Burden Hours: 25,825.

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: March 14, 2002.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 02–6873 Filed 3–20–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Change in State of Incorporation—Gulf Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 17 to the Treasury Department Circular 570; 2001 Revision, published July 2, 2001, at 66 FR 35024.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6779.

SUPPLEMENTARY INFORMATION: Gulf Insurance Company has redomesticated from the state of Missouri to the state of Connecticut effective October 1, 2001. The Company was last listed as an acceptable surety on Federal bonds at 66 FR 35041, July 2, 2001.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 2001 revision, on page 35041 to reflect this change.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570/index.html.* A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 769–004–04067–1.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, 3700 East-West Highway, Room 6F44, Hyattsville, MD 20782.

Dated: March 14, 2002.

Wanda J. Rogers,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 02–6784 Filed 3–20–02; 8:45 am]

BILLING CODE 4810–35–M

Notices

Federal Register
Vol. 67, No. 55
Thursday, March 21, 2002

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

DEPARTMENT OF AGRICULTURE

Forest Service

Glenn/Colusa County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Glenn/Colusa County Resource Advisory Committee (RAC) will hold its third meeting.

DATES: The meeting will be held on April 11, 2002, and will begin at 3 p.m. until approximately 6 p.m.

ADDRESSES: The meeting will be held at the Monday Afternoon Club, 120 N. Lassen St., Willows, CA.

FOR FURTHER INFORMATION CONTACT: Bobbin Gaddini, Committee Coordinator, USDA, Mendocino National Forest, Grindstone Ranger District, P.O. Box 164, Elk Creek, CA 95939. (530) 968–5329; e-mail *ggaddini@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Review of By-Laws & Operating Guidelines/ Possible Action, (2) Report from Project Proposal Subcommittee/Possible Action, (3) Vacant Replacement Member Group A, (4) Elect a Vice-Chairperson/ Action, (5) Forest Service details on Project Proposals/Possible Action, (6) Project Evaluation Criteria, (7) Additional Proposals (RAC members & public), (8) Process to Solicit Proposals, (9) Public Comment, (10) Next Agenda. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the Committee at that time.

Dated: March 12, 2002.

James F. Giachino,

Designated Federal Officer.

[FR Doc. 02–6815 Filed 3–20–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: North Central Idaho Resource Advisory Committee, Grangeville, Idaho, Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393) the Nez Perce and Clearwater National Forests' North Central Idaho Resource Advisory Committee will meet Thursday, April 18, 2002 in Grangeville, Idaho for a business meeting. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The business meeting on April 18, begins at 10 a.m., at Oscar's Restaurant, Grangeville, Idaho. Agenda topics will include review of proposed projects and project selections. A public forum will begin at 2:30 p.m. (PST).

FOR FURTHER INFORMATION CONTACT: Ihor Mereszczak, Staff Officer and Designated Federal Officer, at (208) 983–1950.

Dated: March 14, 2002.

Ihor Mereszczak,

Acting Forest Supervisor.

[FR Doc. 02–6864 Filed 3–20–02; 8:45 am]

BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Illinois Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 12 p.m. and adjourn at 5 p.m. on Friday, March 29, 2002, at 55 West Monroe Street, Suite 525, Chicago, IL 60603. The purpose of the meeting is to discuss current events and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Constance M. Davis, Director of the Midwestern Regional Office, 312–353–8311 (TDD 312–353–8362). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 15, 2002.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 02–6857 Filed 3–20–02; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Montana Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Montana Advisory Committee to the Commission will convene at 3:30 p.m. and adjourn at 5:30 p.m. on Monday, April 8, 2002, at the Best Western Heritage Inn, 1700 Fox Farm, Great Falls, Montana 59404. The purpose of the meeting is to hold new member orientation and review an update on statewide and local developments regarding Indian education and civil rights issues in the state.

Persons desiring additional information, or planning a presentation to the Committee, should contact, John Dulles, Director of the Rocky Mountain Regional Office, 303–866–1040 (TDD 303–866–1049). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 15, 2002.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 02–6858 Filed 3–20–02; 8:45 am]

BILLING CODE 6553–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Tennessee Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Tennessee Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on April 11, 2002, at the Marriott Chattanooga Convention Center, Two Carter Plaza, Chattanooga, Tennessee 37402. The purpose of the meeting is to plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Bobby D. Doctor, Director of the Southern Regional Office, 404–562–7000 (TDD 404–562–7004). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 15, 2002.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 02–6859 Filed 3–20–02; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Wisconsin Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Wisconsin Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 5 p.m. on Friday, April 11, 2002, at the Pfister Hotel, 424, East Wisconsin Avenue, Milwaukee, Wisconsin 53202. The purpose of the meeting is to discuss current events and plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Constance M. Davis, Director of the Midwestern Regional Office, 312–353–8311 (TDD 312–353–8362). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, March 15, 2002.

Ivy L. Davis,

Chief, Regional Programs Coordination Unit.

[FR Doc. 02–6860 Filed 3–20–02; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committees

AGENCY: Bureau of the Census, Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. Appendix 2, section 10(a)(b), the Bureau of the Census (Census Bureau) is giving notice of a joint meeting followed by separate and concurrently held meetings of the Census Advisory Committees (CACs) on the African American Population, the American Indian and Alaska Native Populations, the Asian Population, the Hispanic Population, and the Native Hawaiian and Other Pacific Islander Populations. The Committees will address issues related to 2010 decennial planning, development, and testing, as well as the American Community Survey and other related decennial programs. The five CACs on Race and Ethnicity will meet separately on April 29 and May 1 and in plenary and concurrent sessions on April 30. Last-minute changes to the schedule are possible, which could prevent us from giving advance notification.

DATES: April 29–May 1, 2002. On April 29, the meeting will begin approximately 9 a.m. and end approximately 4:30 p.m. On April 30, the meeting will begin approximately 8:30 a.m. and end approximately 5:30 p.m. On May 1, the meeting will begin approximately 9 a.m. and end approximately 1 p.m.

ADDRESSES: The meetings will be held in the Francis Amasa Walker Conference Center, at the U.S. Census Bureau, 4700 Silver Hill Road, Federal Office Building 3, Suitland, MD 20746.

FOR FURTHER INFORMATION CONTACT: Jeri Green, Committee Liaison Officer, Department of Commerce, U.S. Census Bureau, Room 3627, Federal Office Building 3, Washington, DC 20233, telephone 301–457–2075, TDD 301–457–2540.

SUPPLEMENTARY INFORMATION: The CACs on the African American Population, the American Indian and Alaska Native Populations, the Asian Population, the Hispanic Population, and the Native Hawaiian and Other Pacific Islander Populations are comprised of nine members each. The Committees provide an organized and continuing channel of communication between the representative race and ethnic populations and the Census Bureau. The Committees provide an outside user perspective about how research and design plans for the 2010 decennial census, the American Community Survey, and other related programs realize goals and satisfy needs associated with these communities. They also assist the Census Bureau on ways that census data can best be disseminated to diverse race and ethnic populations and other users.

All meetings are open to the public. A brief period will be set aside on May 1 for public comment and questions. Individuals with extensive questions or statements must submit them in writing to the Committee Liaison Officer, named above, at least three days before the meeting. Seating is available to the public on a first-come, first-served basis.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Committee Liaison Officer.

Dated: March 14, 2002.

William G. Barron, Jr.,

Acting Director, U.S. Census Bureau.

[FR Doc. 02–6830 Filed 3–20–02; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 17–2002]

Foreign-Trade Zone 126, Reno, Nevada Request for Manufacturing Authority (Personal Computers)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Economic Development Authority of Western Nevada, grantee of FTZ 126, requesting, on behalf of Dell Computer Corporation (Dell), authority to manufacture personal computers under zone procedures within Site 5 (725 Waltham Way, McCarran, Nevada) of FTZ 126 (Reno Customs port of entry). The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 14, 2002.

Dell intends to share a 330,000 square-foot facility within FTZ 126 (110 employees projected) for the manufacture of personal computers, including servers and workstations. Dell is already authorized to manufacture such computers under zone procedures within Foreign-Trade Zone 78, Foreign Trade Zone 183, and Subzone 183A. This proposal involves an increase in the overall level of production under FTZ procedures for Dell.

The specific finished products for which Dell seeks authority to produce under FTZ procedures are various types of computers (desktop and notebook computers, workstations, and network servers) and data storage products. All of these products fall into HTSUS classifications which are duty free. The imported components for which Dell is seeking authority for inverted tariff benefits are cables, batteries, and carrying cases (leather only). Duty rates on these specific items range from 2.6% to 4.5% *ad valorem,* and components purchased from foreign sources currently comprise up to 48 percent of the finished product's value.

This application requests authority to allow Dell to conduct its activity under FTZ procedures, which it says would help improve the international competitiveness of Dell's Reno facility. According to Dell's application, the principal tangible benefit is that, on its domestic sales, the company would be able to choose the duty rate that applies to finished computers (duty free) for the foreign components noted above. The company also anticipates ''procedural benefits'' through the use of FTZ procedures.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at one of the following addresses:

1. Submissions *via Express/Package Delivery Services:* Foreign-Trade-Zones Board, U.S. Department of Commerce, Franklin Court Building—Suite 4100W, 1099 14th St. NW., Washington, DC 20005; or

2. Submissions *via the U.S. Postal Service:* Foreign-Trade-Zones Board, U.S. Department of Commerce, FCB—Suite 4100W, 1401 Constitution Ave. NW., Washington, DC 20230.

The closing period for their receipt is May 20, 2002. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to June 4, 2002.

A copy of the application and accompanying exhibits will be available for public inspection at the Office of the Foreign-Trade Zones Board's Executive Secretary at address Number 1 listed above, and at the U.S. Department of Commerce Export Assistance Center, 1755 East Plumb Lane, Suite 152, Reno, NV 89502.

Dated: March 14, 2002.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. 02–6871 Filed 3–20–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Coastal Zone Management: Federal Consistency Appeal by Stora Enso North America (Formerly Known as Consolidated Papers, Inc. and Niagara Paper of Wisconsin) From an Objection by Wisconsin Department of Administration

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Dismissal of appeal.

On May 5, 1997, Stora Enso North America (formerly known as Consolidated Papers, Inc. and Niagara Paper of Wisconsin) (Appellant), appealed the Wisconsin Department of Administration's (State) objection to the federal hydropower license for the Little Quinnesec Falls project. Action on this appeal stayed pending the resolution of judicial proceedings before the Court of Appeals for the 7th Circuit and negotiations between the Parties.

At the Appellant's request, the Assistant General Counsel for Ocean Services granted several stays of the consistency appeal, which were not opposed by the State. The State and the Appellant have reached an agreement on Appellant's proposed project and the State has determined that the activity is now consistent with the State's Coastal Management Program. By letter to Appellant, the State withdrew its objection to the project. Accordingly, the Appellant has requested that the appeal be withdrawn.

NOAA granted this request and the appeal has been dismissed. This is a final agency action for purposes of judicial review.

FOR FURTHER INFORMATION CONTACT: Karl Gleaves, Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, 1305 East-West Highway, Room 6111, Silver Spring, MD 20910, (301) 713–2967.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: February 12, 2002.

Leila J. Afzal,

Acting General Counsel.

[FR Doc. 02–6798 Filed 3–20–02; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary; Renewal of 19 Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: Under the provisions of Public Law 92–463, the ''Federal Advisory Committee Act,'' notice is hereby given that the following 19 advisory committees have been determined to be in the public interest and were renewed on February 28, 2002:

A. Board of Visitors National Defense University
B. Strategic Advisory Group for the U.S. Strategic Command
C. Advisory Group on Electron Devices
D. Defense Science Board
E. Defense Advisory Committee on Military Personnel Testing
F. DoD Wage Committee
G. National Security Agency Advisory Board
H. Armed Forces Epidemiological Board
I. Army Science Board
J. Army Education Advisory Committee
K. Chief of Engineers Environmental Advisory Board
L. Scientific Advisory Board of the Armed Forces Institute of Pathology
M. Board of Advisors to the President, Naval War College
N. Board of Advisors to the Superintendent, Naval Postgraduate School
O. Chief of Naval Operations Executive Panel Advisory Committee
P. Naval Research Advisory Committee
Q. Air University Board of Visitors
R. Community College of the Air Force Board of Visitors
S. U.S. Air Force Scientific Advisory Board.

These committees provide necessary and valuable advice to the Secretary of Defense and other senior officials in the DoD in their respective areas of expertise. They make important contributions to DoD efforts in research

and development, education, and training, and various technical program areas. Some of them are authorized by statute.

It is a continuing DoD policy to make every effort to achieve a balanced membership on all DoD advisory committees. Each committee is evaluated in terms of the functional disciplines, levels of experience, professional diversity, public and private association, and similar characteristics required to ensure a high degree of balance is obtained.

FOR FURTHER INFORMATION CONTACT: Contact Jennifer Spaeth, DoD Committee Management Officer, 703–695–4281.

Dated: March 15, 2002.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 02–6831 Filed 3–20–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary; Renewal of the Department of Defense Historical Advisory Committee

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense Historical Advisory Committee was renewed, effective January 23, 2002, in consonance with the public interest, and in accordance with the provisions of the ''Federal Advisory Committee Act.''

The DoD Historical Advisory Committee consists of three subcommittees (Historical Records Declassification Advisory Panel, the Department of The Army's Historical Advisory Subcommittee, and the Secretary of the Navy's Subcommittee on Naval History) which advise the Office of the Secretary of Defense and the Secretaries of the Army and Navy regarding the professional standards, historical methodology, program priorities, liaison with professional groups, and adequacy of resources associated with Department of Defense historical programs.

The DoD Historical Advisory Committee will continue to be well balanced in terms of the interest groups represented and functions to be performed. The members include distinguished representatives from academia, current U.S. Government and private sector historians, authors and librarians, and retired general officers of general/flag rank.

FOR FURTHER INFORMATION CONTACT: Ms. Jennifer Spaeth, DoD Committee Management Officer, 703–695–4281.

Dated: March 15, 2002.

L.M. Bynum,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 02–6832 Filed 3–20–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary; Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meeting date changes.

SUMMARY: On Friday, December 14, 2001 (66 FR 64810), the Department of Defense announced closed meetings of the Defense Science Board (DSB) Task Force on Defense Against Terrorists' Use of Biological Weapons. Several of the announced meetings have been rescheduled: from April 29–30, 2002, to May 6–7, 2002; from June 3–4, 2002, to June 6–7, 2002; and from July 22–23, 2002, to July 29–30, 2002. These meetings will be held at Strategic Analysis Inc., 3601 Wilson Boulevard, Suite 600, Arlington, VA.

Dated: March 14, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Office, Department of Defense.

[FR Doc. 02–6833 Filed 3–20–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Epidemiological Board; Meeting

AGENCY: Department of the Army, DoD.

ACTION: Notice of closed meeting.

SUMMARY: In accordance with section 10(a)(2) of Public Law 92–463, The Federal Advisory Committee Act, this announces the forthcoming working group meeting:

Name of Committee: Armed Forces Epidemiological Board (AFEB).

Dates of Meeting: April 17–18, 2002.

Time: 7:30 a.m.–4:30 p.m. (April 17, 2002); 7:30 a.m.–1 p.m. (April 18, 2002).

The purpose of the meeting is to receive briefings on the health risk of low-level phased array radio frequency energy emissions, specifically risk associated with the PAVE PAWS radar site at Cape Cod Military Reservation.

As part of the deliberations, the working group of the AFEB has requested classified briefings from the Air Force. The meeting location will be at Brooks Air Force Base in San Antionio, Texas. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof and Title 5, U.S.C., appendix 1, subsection 10(d). Any interested person may file statements with the committee to be considered at the time and in the manner permitted by the committee.

FOR FURTHER INFORMATION CONTACT: Lt Col James R. Riddle, Executive Secretary, Armed Forces Epidemiological Board, Skyline Six, 5109 Leesburg Pike, Room 682, Falls Church, Virginia 22041–3258, (703) 681–8012/3.

SUPPLEMENTARY INFORMATION: None.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–6867 Filed 3–20–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 25 & 26 March.

Time of Meeting: 0800–1700, 25 March 2002, 0800–1700, 26 March 2002.

Place: Directed Technologies, 3601 Wilson Boulevard, Suite 650, Arlington, VA 22201.

Agenda: The Army Science Board's (ASB) Study ''Meeting the Future Army Aviation Needs'' will meet for briefings and discussions on the study subject. These meetings will be closed to the public in accordance with Section 552b(c) of title 5, U.S.C., specifically subparagraph (4) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of these meetings. For further information, please

contact (Mr. David Wildes @703–601–1536 or Email: Wildes, David Mr. SAALT/S3)

Wayne Joyner,

Program Support Specialist, Army Science Board.

Agenda

The Army Science Board's Study on ''Meeting the Future Aviation Needs'' 25–26 March 2002

25 March

900–1200 Army Aviation Science and Technology Program. Presented by the Army Aviation and Missile Research, Development and Engineering Center (AMRDEC). (PROPRIETARY)

1300–1400 Defense Advanced Research Projects Agency (DARPA) Unmanned Combat Air Vehicle (UCAV) Program. Presented by DARPA Program Manager (PM). (PROPRIETARY)

1400–1700 DARPA A–160 Hummingbird, Canard Rotary Wing (CRW) and Unmanned Combat Air Vehcile—Navy (UCAV–N) Programs. Presented by DARPA PM. (PROPRIETARY)

26 March

900–1200 Army Aviation Acquisition Program. Presented by the Program Executive Officer Aviation (PEO Avn). (PROPRIETARY)

1300–1700 Army Aviation Study 2002 Review and Planning Session. Study Director. (PROPRIETARY)

[FR Doc. 02–6885 Filed 3–20–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend a system of records.

SUMMARY: The Department of the Army is amending a system of records notice in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

The category of records entry is being amended to better define those individual pieces of data contained in the reports maintained in the system.

DATES: This proposed action will be effective without further notice on April 22, 2002, unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 15, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0380–13 DAMO

SYSTEM NAME:

Local Criminal Intelligence Files (February 22, 1993, 58 FR 10002).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with 'A0190–45a DAMO'.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Any individual suspected or involved in criminal activity directed against or involving the United States Army.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Add to entry 'Information includes subject's name, aliases, addresses, phone number, date of birth, source of investigation, risk analysis, reports, threat assessments, retention control sheets, victims names, names of informants, names of law enforcement officers and investigators, and subject's group affiliations, if any.'

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Delete second paragraph. Any release of information from this system of records for law enforcement purposes is covered under the DoD ''Blanket Routine Use'' for law enforcement.

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'By individual's name, Social Security Number, and/or date of birth.'

* * * * *

A0190–45a DAMO

SYSTEM NAME:

Local Criminal Intelligence Files.

SYSTEM LOCATION:

At all designated Army commands, installations and activities. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual suspected or involved in criminal activity directed against or involving the United States Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports and supporting documents of criminal activity directed against or involving the U.S. Army. Information includes subject's name, aliases, addresses, phone number, date of birth, source of investigation, risk analysis, reports, threat assessments, retention control sheets, victims names, names of informants, names of law enforcement officers and investigators, and subject's group affiliations, if any.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 380–13, Acquisition and Storage of Information Concerning Non-Affiliated Persons and Organizations; Army Regulation 190–45, Law Enforcement Reporting; Army Regulation 195–2, Criminal Investigation Activities; and E.O. 9397 (SSN).

PURPOSE(S):

To enable designated Army officials, commanders, or civil criminal justice agencies to meet their responsibilities maintaining law and order through investigation and possible judicial action. To identify individuals in an effort to anticipate, prevent or monitor possible criminal activity directed against or involving the U.S. Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the

DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; magnetic tape/disc, and on electronic storage media.

RETRIEVABILITY:

By individual's name, Social Security Number, and/or date of birth.

SAFEGUARDS:

Only authorized personnel have access to files. Physical security measures include locked containers/storage areas, controlled personnel access, and continuous presence of authorized personnel.

RETENTION AND DISPOSAL:

Criminal intelligence reports and cross-index cards belonging to the Headquarters, Criminal Investigation Division, are destroyed when no longer needed, except for reports of current operational value. These reports are reviewed yearly for continued retention, not to exceed 20 years, and then destroy. The records maintained at the Regional Headquarters are destroyed after 5 years. Records maintained at District, field office and elements designated by region commanders are destroyed after 3 years or when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy Chief of Staff for Operations and Plans, Military Operations, 400 Army Pentagon, Washington, DC 20310–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, Military Operations, 400 Army Pentagon, Washington, DC 20310–0400.

Individual should provide their full name, Social Security Number, date of birth, and address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Deputy Chief of Staff for Operations and Plans, Military Operations, 400 Army Pentagon, Washington, DC 20310–0400.

Individual should provide their full name, Social Security Number, date of birth, and address.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subjects, witnesses, victims, Military Police and U.S. Army Criminal Investigation Command personnel and special agents, informants, various Department of Defense, federal, state and local investigative and law enforcement agencies, departments or agencies of foreign governments, and any other individuals or organizations which may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. 02–6834 Filed 3–20–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army Corps of Engineers

Inland Waterways Users Board; Meeting

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

ACTION: Notice of open meeting.

SUMMARY: In Accordance with 10(a)(2) of the Federal Advisory Committee Act, Public Law (92–463), announcement is made of the next committee meeting.

Name of Committee: Inland Waterways Users Board.

Date: April 25, 2002.

Location: Convention and Trade Center, One Carter Plaza, Chattanooga, Tennessee (1–800–841–1674).

Time: 7:30 am to 1 pm.

FOR FURTHER INFORMATION CONTACT: Mr. Norman T. Edwards, Headquarters, US Army Corps of Engineers, CECW–PD, 441 G Street, NW., Washington, DC 20314–1000; Ph: 202–761–4559.

SUPPLEMENTARY INFORMATION: Registration will begin at 7:30 am and the meeting is scheduled to adjourn at 1 pm. The meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–6868 Filed 3–20–02; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Leader, Regulatory Information Management, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507(j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by April 1, 2002.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Karen Lee, Desk Officer: Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or electronically mailed to internet address *Karen_F._Lee@omb.eop.gov* or faxed to (202) 395–6974.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory

obligations. The Leader, Regulatory Information Management, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on respondents, including through the use of information technology.

Dated: March 15, 2002.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of English Language Acquisition

Type of Review: New.

Title: Application for Grants Under English Language Acquisition and Language Enhancement: Native American and Alaska Native Children in School.

Abstract: The Department of Education needs and uses this information to make grants. The respondents are eligible entities required to provide this information in applying for grants.

Additional Information: The purpose of the National Professional Development Program is to provide grants for professional development activities that will improve classroom instruction for limited English proficient (LEP) children and assist educational personnel working with such children to meet high professional standards, including standards for certification and licensure as teachers who work in language instruction educational programs or serve LEP students, Section 3131, Public Law 107–110.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 100.

Burden Hours: 8,200.

Requests for copies of the proposed information collection request should be directed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651, *vivian.reese@ed.gov,* or should be electronically mailed to the internet address *OCIO_RIMG@ed.gov,* or should be faxed to 202–708–9346.

Comments regarding burden and/or the collection activity requirements, contact 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. 02–6791 Filed 3–20–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before April 22, 2002.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10202, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address *Lauren_Wittenberg@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: March 15, 2002

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Infants and Toddlers with Disabilities Program (Part C) of the Individuals with Disabilities Education Act (IDEA).

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs; Federal Government.

Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 168.

Abstract: States are required to submit an application to receive funds. An approved application remains in effect until modifications are needed resulting from a change in policy, procedures, or assurances.

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. 02–6790 Filed 3–20–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Advisory Committee on Institutional Quality and Integrity, (National Advisory Committee); Meeting

AGENCY: National Advisory Committee on Institutional Quality and Integrity, Department of Education.

What Is the Purpose of This Notice?

The purpose of this notice is to announce the public meeting of the National Advisory Committee and invite third-party oral presentations before the Committee. This notice also presents the proposed agenda and informs the public of its opportunity to attend this meeting. The notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act.

When and Where Will the Meeting Take Place?

We will hold the public meeting on June 3, 2002 from 9:30 a.m. until 6:00 p.m., on June 4, 2002 from 8:30 a.m. until 6:00 p.m., and on June 5, 2002 from 8:30 a.m. until 3:00 p.m. at the Wyndham City Center Hotel, 1143 New Hampshire Avenue, NW, Washington, DC 20037. You may call the hotel at (202) 775–0800 or 1–800–526–7495 to inquire about rooms.

What Assistance Will Be Provided to Individuals with Disabilities?

The meeting site is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (*e.g.,* interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

Who Is the Contact Person for the Meeting?

Please contact Ms. Bonnie LeBold, the Executive Director of the National Advisory Committee on Institutional Quality and Integrity, if you have questions about the meeting. You may contact her at the U.S. Department of Education, room 7007, MS 7592, 1990 K St., NW, Washington, DC 20006, telephone: (202) 219–7009, fax: (202) 219–7008, e-mail: *Bonnie.LeBold@ed.gov.*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–800–877–8339.

What Is the Authority for the National Advisory Committee?

The National Advisory Committee on Institutional Quality and Integrity is established under Section 114 of the Higher Education Act (HEA) as amended, 20 U.S.C. 1011c.

What Are the Functions of the National Advisory Committee?

The Committee advises the Secretary of Education about:

- The establishment and enforcement of the criteria for recognition of accrediting agencies or associations under subpart 2 of part H of Title IV, HEA.
- The recognition of specific accrediting agencies or associations.
- The preparation and publication of the list of nationally recognized accrediting agencies and associations.
- The eligibility and certification process for institutions of higher education under Title IV, HEA.
- The development of standards and criteria for specific categories of vocational training institutions and institutions of higher education for which there are no recognized accrediting agencies, associations, or State agencies in order to establish the interim eligibility of those institutions to participate in Federally funded programs.
- The relationship between: (1) accreditation of institutions of higher education and the certification and eligibility of such institutions, and (2) State licensing responsibilities with respect to such institutions.
- Any other advisory functions relating to accreditation and institutional eligibility that the Secretary may prescribe.

What Items Will be on the Agenda for Discussion at the Meeting?

Agenda topics will include the review of agencies that have submitted petitions for initial recognition or renewal of recognition, requested an expansion of scope, or submitted interim reports.

What Agencies Will the Advisory Committee Review at the Meeting?

The Advisory Committee will review the following agencies during its June 3–5, 2002 meeting.

Nationally Recognized Accrediting Agencies

Petition for Initial Recognition

1. Teacher Education Accreditation Council (Requested scope of recognition: the accreditation of professional education programs in institutions offering baccalaureate and graduate degrees for the preparation of teachers K–12)

Petitions for Renewal of Recognition

1. American Association of Nurse Anesthetists, Council on Accreditation of Nurse Anesthesia Educational Programs (Current scope of recognition: the accreditation of institutions and programs of nurse anesthesia at the certificate, master's, or doctoral degree levels)
2. Association of Advanced Rabbinical and Talmudic Schools, Accreditation Commission (Current scope of recognition: the accreditation and preaccreditation (''Correspondent'' and ''Candidate'') of advanced rabbinical and Talmudic schools)
3. American Board of Funeral Service Education, Committee on Accreditation (Current scope of recognition: the accreditation of institutions and programs awarding diplomas, associate degrees and bachelor's degrees in funeral service or mortuary science)
4. Accrediting Commission on Education for Health Services Administration (Current scope of recognition: the accreditation throughout the United States of graduate programs in health services administration)
5. The American Dietetic Association, Commission on Accreditation for Dietetics Education (Current scope of recognition: the accreditation of Coordinated Programs in Dietetics at both the undergraduate and graduate level, postbaccalaureate Dietetic Internships, and Dietetic Technician Programs at the associate degree level) (Requested expansion of scope of recognition: the current scope of recognition to include the accreditation of Didactic Programs in Dietetics at both the undergraduate and graduate level, and its accreditation of programs offered via distance education.)
6. Council on Education for Public Health (Current scope of recognition: the accreditation and preaccreditation (''Preaccreditation Status'') of graduate schools of public health, graduate programs in community health education outside schools of public health, and graduate programs in community health/preventive medicine outside schools of public health)

7. Liaison Committee on Medical Education (Current scope of recognition: the accreditation of medical education programs leading to the M.D. degree)

8. Middle States Association of Colleges and Schools, Commission on Higher Education (Current scope of recognition: the accreditation and preaccreditation (''Candidate Status'') of institutions in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, the U.S. Virgin Islands, the Republic of Panama and a limited number of freestanding American-style institutions abroad that are chartered or licensed by an appropriate agency within the Middle States region)

9. National Association of Nurse Practitioners in Women's Health, Council on Accreditation (Current scope of recognition: the accreditation of women's health nurse practitioner programs located within the United States and its territories)

10. New York Board of Regents (Current scope of recognition: The accreditation (registration) of collegiate degree-granting programs or curricula offered by institutions of higher education in the State of New York and of credit-bearing certificate and diploma programs offered by degree-granting institutions of higher education in the State of New York)

Interim Reports (An interim report is a follow-up report on an accrediting agency's compliance with specific criteria for recognition that was requested by the Secretary when the Secretary granted renewed recognition to the agency.)

1. Accreditation Commission for Acupuncture and Oriental Medicine

2. American Association for Marriage and Family Therapy, Commission on Accreditation for Marriage and Family Therapy Education

3. American Bar Association, Council of the Section of Legal Education and Admissions to the Bar

4. American Osteopathic Association, Bureau of Professional Education

5. American Podiatric Medical Association, Council on Podiatric Medical Education

6. Council on Occupational Education

7. Midwifery Education Accreditation Council

8. National Council for Accreditation of Teacher Education

9. North Central Association of Colleges and Schools, Executive Board of the Commission on Schools

State Agencies Recognized for the Approval of Public Postsecondary Vocational Education

Petition for Renewal of Recognition

1. New York State Board of Regents (Public Postsecondary Vocational Education)

Interim Report

1. Oklahoma State Regents for Higher Education

State Agencies Recognized for the Approval of Nurse Education

Petition for Initial Recognition

1. North Dakota Board of Nursing

Petition for Renewal of Recognition

1. New York State Board of Regents (Nursing Education)

Who Can Make Third-Party Oral Presentations at this Meeting?

We invite you to make a third-party oral presentation before the National Advisory Committee concerning the recognition of any agency published in this notice.

How Do I Request to Make an Oral Presentation?

You must submit a written request to make an oral presentation concerning an agency listed in this notice to the contact person so that the request is received no later than May 10, 2002. Your request (no more than 6 pages maximum) must include:

- The names, addresses, phone numbers, and fax numbers of all persons seeking an appearance,
- The organization they represent, and
- A brief summary of the principal points to be made during the oral presentation.

If you wish, you may attach documents illustrating the main points of your oral testimony. Please keep in mind, however, that *any attachments are included in the 6-page limit.* Please do not send materials directly to Committee members. Only materials submitted by the deadline to the contact person listed in this notice and in accordance with these instructions become part of the official record and are considered by the Committee in its deliberations. Documents received after the May 10, 2002 deadline will not be distributed to the Advisory Committee for their consideration. Individuals making oral presentations may not distribute written materials at the meeting.

If I Cannot Attend the Meeting, Can I Submit Written Comments Regarding an Accrediting Agency in Lieu of Making an Oral Presentation?

This notice requests third-party oral testimony, not written comment. A request for written comments on agencies that are being reviewed during this meeting was published in the **Federal Register** on February 1, 2002. The Advisory Committee will receive and consider only written comments submitted by the deadline specified in that **Federal Register** notice.

How Do I Request to Present Comments Regarding General Issues Rather Than Specific Accrediting Agencies?

At the conclusion of the meeting, the Committee, at its discretion, may invite attendees to address the Committee briefly on issues pertaining to the functions of the Committee, which are listed earlier in this notice. If you are interested in making such comments, you should inform Ms. LeBold before or during the meeting.

How May I Obtain Access to the Records of the Meeting?

We will record the meeting and make a transcript available for public inspection at the U.S. Department of Education, 1990 K St., NW., Washington, DC 20006 between the hours of 9 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. It is preferred that an appointment be made in advance of such inspection.

How May I Obtain 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: *http://www.ed.gov/legislation/FedRegister*.

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 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.gov/nara/index.html.*

Authority: 5 U.S.C. Appendix 2.

Dated: March 14, 2002.

Kenneth W. Tolo,

Acting Deputy Assistant Secretary for Policy, Planning, and Innovation, Office of Postsecondary Education.

[FR Doc. 02–6841 Filed 3–20–02; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Notice of Wetlands Involvement for the Proposed Conveyance of Parcel G, Oak Ridge Reservation, Oak Ridge, Tennessee

AGENCY: Oak Ridge Operations, U.S. Department of Energy.

ACTION: Notice of wetlands involvement.

SUMMARY: The U.S. Department of Energy (DOE), Oak Ridge Operations (ORO) is proposing to convey Parcel G to the City of Oak Ridge. Parcel G and the adjacent DOE property south of Parcel G support a palustrine emergent/scrub-shrub wetland system totaling approximately 1.4 ha (3.4 acres). More detail on these wetlands is provided in the supplementary information. Parcel G is one of three parcels being considered for conveyance from DOE to the City of Oak Ridge. The other two parcels are the American Museum of Science and Energy and Parcel 279.01, neither of which contain wetlands. The purpose of the proposed DOE action is to provide a plan for the long-term financial stability of the AMSE in order to preserve the museum as an asset to the city of Oak Ridge and the surrounding region. The proposed conveyance of the three parcels is also intended to help offset the City of Oak Ridge's long-term cost of operating the museum. The purpose of the proposed action is also to transfer excess DOE–ORO real property for economic development in order to help offset potential economic losses resulting from DOE downsizing, facility closeouts, and work force restructuring.

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality regulations (40 CFR 1500–1508) and the DOE NEPA Implementing Regulations (10 CFR 1021), DOE has prepared a draft Environmental Assessment (EA) to evaluate the proposed action. The EA was issued for public review and comment on January 18, 2002. As a part of the EA (DOE/EA–1415), DOE is including a wetlands assessment to assess the existing wetlands as well as the potential impact of the proposed conveyance. (The wetlands assessment is available by contacting the DOE–ORO representative named below.)

DATES: Comments on the wetlands assessment are due to the address below no later than April 5, 2002.

ADDRESSES: Comments should be addressed to Mr. David R. Allen, U.S. Department of Energy, P.O. Box 2001, MS–SE–30–1, Oak Ridge, TN 37831. Comments may also be faxed to (865) 576–0746.

FOR FURTHER INFORMATION CONTACT: David R. Allen, U.S. Department of Energy, P.O. Box 2001, MS–SE–30–1, Oak Ridge, TN 37831, (865) 576–0411.

For Further Information on General DOE Wetland Environmental Review Requirements, Contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, EH–42, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 200585, (202) 586–4600 or (800) 472–2756.

SUPPLEMENTARY INFORMATION: The U.S. Department of Energy (DOE) has completed a draft EA (DOE/EA–1415) for the Proposed Conveyance of the American Museum of Science and Energy, Parcel G, and Parcel 279.01 to the City of Oak Ridge, Tennessee. The purpose of the proposed DOE action is to provide a plan for the long-term financial stability of the AMSE in order to preserve the museum as an asset to the city of Oak Ridge and the surrounding region. The proposed conveyance of the three parcels is also intended to help offset the City of Oak Ridge's long-term cost of operating the museum. The purpose of the proposed action is also to transfer excess DOE–ORO real property for economic development in order to help offset potential economic losses resulting from DOE downsizing, facility closeouts, and work force restructuring.

Since specific uses of Parcel G would not be known prior to the transfer, DOE has developed reasonably foreseeable scenarios and uses to bound the impact analysis. Scenarios identify potential tenants, utilities and infrastructure, areas to be excluded from development, and a range of emissions, effluents, and wastes that could result from commercial and industrial activities. It is anticipated that the City of Oak Ridge would develop portions of Parcel G for small-scale offices, light industrial use, or retail businesses.

Parcel G contains about 8.1 ha (20.0 acres) and is located southeast of the intersection of Bethel Valley and Scarboro roads. A portion of Parcel G is within the area of the Oak Ridge Institute of Science and Energy Scarboro Operations Site (formerly the South Campus Facility). The Scarboro Operations Site supported research on the biological effects of radionuclides on animals. The portion of Parcel G that is within the boundary of the Scarboro Operations Site was an area where only unexposed animals were housed or grazed. In addition to pasture, the area contained various barns and a three-tiered swine waste treatment pond system. Only one barn structure remains within Parcel G. Nearby land uses include the Y–12 Plant buffer area, Bethel Valley Industrial Park, Commerce Park, and the University of Tennessee Forest Experiment Station and Arboretum. Parcel G is currently zoned by the city of Oak Ridge as F.A.I.R. (Forestry, Agriculture, Industry and Research District).

Parcel G and the adjacent DOE property to the south support a palustrine emergent/scrub-shrub wetland system along Scarboro Creek totaling approximately 1.4 ha (3.4 acres). All wetlands identified at Parcel G exhibited positive field indicators of the wetland criteria: hydrophytic plants, hydric soils, and wetland hydrology. The majority of these wetlands are associated with the floodplain of Scarboro Creek, the Scarboro Creek embayment (part of Melton Hill Reservoir), and two beaver ponds in Scarboro Creek immediately south of Parcel G.

In addition to the Scarboro Creek wetlands, there are three ponds that were created to treat swine waste when Parcel G was actively associated with operation of the Scarboro Operations Site. Agricultural uses of the ponds ceased in the mid-1980's and all three ponds have remained at the site. Two of the ponds remain permanently inundated. The third pond holds water for relatively short periods and supports a wetland plant community. The actual area of wetlands to be transferred with Parcel G is about 0.4 ha (1.0 ac). DOE would retain control over the remaining 1 ha (2.4 acres) of wetlands along Scarboro Creek downstream from Parcel G.

The proposed conveyance of Parcel G would not inherently cause adverse impacts to the survival, quality, natural, and beneficial values of wetlands along Scarboro Creek, because the proposed transfer is an administrative action. Rather, the potential for and degree of adverse impacts would depend upon how the City of Oak Ridge proposes to develop the property. Adverse impacts would include any activity that eliminated or reduced the ability of wetlands to perform their normal biological, chemical, hydrological, and physical functions. Some or all of the wetlands associated with Scarboro Creek could potentially experience

direct impacts by development in the wetlands themselves or indirect impacts from other activities associated with development of adjacent upland areas at Parcel G. Wetlands downstream from Parcel G could also be affected by any construction activities on Parcel G.

A number of administrative controls, including deed restrictions or conservation easements are available for DOE to use in order to prevent adverse impacts to wetlands at Parcel G. Proposals for development of Parcel G that would affect wetlands and other special aquatic resources would also be subject to regulation by the U.S. Army Corps of Engineers (USACE), Tennessee Department of Environment and Conservation (TDEC), and possibly the Tennessee Valley Authority (TVA). Proposed projects would be required to follow normal sequencing during regulatory review to avoid and minimize adverse impacts to wetlands at Parcel G. Compensatory mitigation should be used as a last resort and would be subject to negotiation between the USACE, TDEC, and possibly DOE and TVA.

In accordance with DOE regulations for compliance with wetlands environmental review requirements (10 CFR part 1022), a wetland assessment will be included within the Environmental Assessment for the Proposed Conveyance of the American Museum of Science and Energy, Parcel G, and Parcel 279.01 to the City of Oak Ridge, Tennessee (DOE/EA–1415).

Issued in Oak Ridge, Tennessee, on March 12, 2002.

James L. Elmore,

Alternate NEPA Compliance Officer.

[FR Doc. 02–6818 Filed 3–20–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: Submission for OMB review; comment request.

SUMMARY: The EIA has submitted the energy information collection listed at the end of this notice to the Office of Management and Budget (OMB) for review and a three-year extension with revisions under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq.*).

DATES: Comments must be filed by April 22, 2002. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to Bryon Allen, OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget. To ensure receipt of the comments by the due date, submission by FAX (202–395–7285) or e-mail (BAllen@omb.eop.gov) is recommended. The mailing address is 726 Jackson Place, NW., Washington, DC 20503. The OMB DOE Desk Officer may be telephoned at (202) 395–3087. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: A copy of the materials submitted to OMB is available at *http://www.eia.doe.gov/cneaf/electricity/page/form_417/form_417.html.* Requests for additional information should be directed to Herbert Miller. To ensure timely receipt of any comments sent to EIA, submission by FAX (202–287–1705) or e-mail (herbert.miller@eia.doe.gov) is recommended. Mr. Miller's mailing address is Statistics and Methods Group (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mr. Miller may be contacted by telephone at (202) 287–1711.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collection submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (i.e., the Department of Energy component); (3) the current OMB docket number (if applicable); (4) the type of request (i.e, new, revision, extension, or reinstatement); (5) response obligation (i.e., mandatory, voluntary, or required to obtain or retain benefits); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (i.e., the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Form EIA–417, ''Electric Emergency Incident and Disturbance Report''.
2. Security Operations/Office of Emergency Management.
3. OMB Number 1901–0288.
4. Revision and three-year approval requested.
5. Mandatory.
6. Form EIA–417 collects information on electric emergency incidents and disturbances for DOE's use in fulfilling its overall national security and other energy management responsibilities. The information will also be used by DOE for analytical purposes. Control Area Operators or Security Coordinators, as appropriate, file Form EIA–417. In Alaska, Hawaii, Puerto Rico, the U.S. Virgin Islands, and the U.S. Trust Territories, local utilities file the form. The form's instructions explain the filing requirements when a foreign entity is involved.
7. Business or other for-profit; State, local or tribal government.
8. 650 hours (175 respondents × 1.7 responses per year × 2.17 hours per response).

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13)(44 U.S.C. 3501 *et seq.*).

Issued in Washington, DC, March 15, 2002.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 02–6817 Filed 3–20–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL02–70–000]

The United Illuminating Company, Complainant, v. ISO New England Inc., Respondent; Notice of Complaint

March 15, 2002.

Take notice that on March 14, 2002, The United Illuminating Company (UI) filed a Complaint against ISO New England Inc. (ISO–NE) requesting, inter alia, that the Federal Energy Regulatory Commission immediately strike the January 25, 2002 action by ISO–NE and take further action to ensure that the costs of supporting the Hydro Quebec Interconnection are properly reflected in the NEPOOL Open Access Transmission Tariff or any future tariff for a Northeast Regional Transmission Organization.

Copies of the complaint were served via facsimile and courier to representatives of ISO–NE, electronically to NEPOOL Counsel for circulation to NEPOOL Participants, and by overnight delivery to the affected state regulatory agencies.

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 April 3, 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 April 3, 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–6842 Filed 3–20–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL02–69–000]

UtiliCorp United Inc.; Notice of Filing

March 14, 2002.

Take notice that on March 8, 2002, UtiliCorp United Inc. (UtiliCorp) filed a Petition for Declaratory Order under Section 201 of the Public Utility Regulatory Policies Act of 1978 (PURPA). UtiliCorp requests that the Commission issue a declaratory order finding that UtiliCorp is not primarily engaged in the generation or sale of electric power within the meaning of Section 201 of PURPA and Section 292.206(a) of the Commission's regulations, and is therefore permitted to acquire up to one hundred percent (100%) of the equity interests in qualifying facilities.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's web site at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance). Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Comment Date: April 8, 2002.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–6788 Filed 3–20–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG02–103.000, et al.]

Hermiston Power Partnership., et al.; Electric Rate and Corporate Regulation Filings

March 14, 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. Hermiston Power Partnership

[Docket No. EG02–103–000]

Take notice that on March 11, 2002, Hermiston Power Partnership (Hermiston) filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Hermiston, an Oregon general partnership, proposes to own and operate a 546 MW natural gas-fired, combined cycle electric generating facility located in Umatilla County, Oregon. Hermiston will sell the output at wholesale to an affiliated power marketer.

Comment date: April 3, 2002.

2. EE South Glens Falls

[Docket No. ER99–1261–003]

Take notice that on March 11, 2002, Energy East South Glens Falls, LLC (EE South Glens Falls) tendered a letter concerning its triennial market power review pursuant to an order issued by the Commission in Docket No. ER99–1261–000 on March 11, 1999 granting EE South Glens Falls market-based rate authorization.

Comment date: April 1, 2002.

3. American Transmission Company LLC, Edison Sault Electric Company, Wisconsin Electric Power Company

[Docket No. ER01–702–003, Docket No. OA01–7–000, and Docket No. OA01–8–000 (Not Consolidated)]

Take notice that on March 7, 2002, American Transmission Company LLC (ATCLLC) tendered for filing a compliance filing with the Federal Energy Regulatory Commission (Commission) as required by the Commission's February 1, 2002 Order on Standards of Conduct in the above captioned proceedings.

Comment date: March 28, 2002.

4. Hardee Power Partners Limited

[Docket No. ER01–3064–002]

Take notice that on March 11, 2002, in compliance with the Federal Energy Regulatory Commission's (Commission) letter order issued January 8, 2002 in the above-referenced proceeding, Hardee Power Partners Limited tendered for filing with the Commission revisions to the tariff sheet designations of its Electric Rate Schedule FERC Nos. 1 and 2. These revisions are consistent with the requirements set forth in Order No. 614. Designation of Electric Rate Schedules, 90 FERC 61,352 (2000).

Comment date: April 1, 2002.

5. Midwest Independent Transmission System Operator, Inc.

[Docket No. ER02–947–001]

Take notice that on March 11, 2002, the Midwest Independent Transmission System Operator, Inc. (the Midwest ISO) tendered for filing revisions to its Open Access Transmission Tariff (OATT), FERC Electric Tariff, Original Volume No. 1, which amend the Midwest ISO's February 1, 2002 filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's Regulations, 18 CFR 35 et seq. (2001).

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.midwestiso.org* under the heading ''Filings to FERC'' for other interested parties in this matter.

Comment date: April 1, 2002.

6. Central Maine Power Company

[Docket No. ER02–1301–000]

Take notice that on March 11, 2002, Central Maine Power Company (CMP) tendered for filing a service agreement for Non-firm Local Point-to-Point Transmission Service entered into with Gardner Brook Hydro. Service will be provided pursuant to CMP's Open Access Transmission Tariff, designated rate schedule CMP—FERC Electric Tariff, Original Volume No. 3, Fifth Revision, Service Agreement No. 156.

Comment date: April 1, 2002.

7. Alliant Energy Corporate Services, Inc.

[Docket No. ER02–1291–000]

Take notice that on March 6, 2002, Alliant Energy Corporate Services, Inc. tendered for filing with the Federal Energy Regulatory Commission (Commission) an amendment to include one page that was omitted from its executed Service Agreement with EnXco, Inc. for Non-Firm Point-to-Point Transmission.

Alliant Energy Corporate Services, Inc. renews its request for an effective date of November 27, 2001, and accordingly, seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Illinois Commerce Commission, the Minnesota Public Utilities Commission, the Iowa Department of Commerce, and the Public Service Commission of Wisconsin.

Comment date: March 27, 2002.

8. Xcel Energy Services, Inc.

[Docket No. ER02–1292–000]

Take notice that on March 11, 2002, Xcel Energy Services, Inc. (XES), on behalf of Public Service Company of Colorado (Public Service), submitted for filing a Master Power Purchase and Sale Agreement between Public Service and Williams Gas Processing Company. (Williams Gas), which is in accordance with Public Service's Rate Schedule for Market-Based Power Sales (Public Service FERC Electric Tariff, First Revised Volume No. 6).

XES requests that this agreement become effective on December 11, 2001.

Comment date: April 1, 2002.

9. Puget Sound Energy, Inc.

[Docket No. ER02–1297–000]

Take notice that on March 11, 2002, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a service agreement for Firm Point-To-Point Transmission Service and a service agreement for Non-Firm Point-To-Point Transmission Service with NorthPoint Energy Solutions Inc. (NorthPoint), as Transmission Customer. A copy of the filing was served upon NorthPoint.

Comment date: April 1, 2002.

10. Wolverine Power Supply Cooperative, Inc.

[Docket No. ER02–1298–000]

Take notice that on March 11, 2002, Wolverine Power Supply Cooperative, Inc. tendered for filing an executed Term Sheet between Wolverine Power Supply Cooperative, Inc., and Wolverine Power Marketing Cooperative, Inc., which term sheet expressly incorporated the terms and conditions of the Wholesale Power Sales Enabling Agreement between Wolverine Power Supply Cooperative, Inc. and Wolverine Power Marketing Cooperative, Inc. previously approved by this Commission. The Term Sheet concerns the sale of power from Wolverine Power to Wolverine Marketing with ultimate service to end-use retail customer CEMEX Wolverine requests an effective date of February 11, 2002 for this filing.

Wolverine states that a copy of this filing has been served upon Wolverine Power Marketing Cooperative, Inc. and the Michigan Public Service Commission.

Comment date: April 1, 2002.

11. Entergy Services, Inc.

[Docket No. ER02–1299–000]

Take notice that on March 11, 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 Coral Power, L.L.C.

Comment date: April 1, 2002.

12. Southwest Power Pool, Inc.

[Docket No. ER02–1300–000]

Take notice that on March 11, 2002, Southwest Power Pool, Inc. (SPP) submitted for filing an executed service agreement for Firm Point-to-Point Transmission Service with Higginsville Municipal Utilities (Transmission Customer). SPP seeks an effective date of March 1, 2002 for this service agreement.

The Transmission Customer was served with a copy of this filing.

Comment date: April 1, 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–6786 Filed 3–20–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11870–000, New Hampshire]

Goodrich Falls Hydro Electric Company; Notice of Availability of Environmental Assessment

March 15, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for exemption from licensing of the Goodrich Falls Project, located on the Ellis River, in Carroll County, New Hampshire, and has prepared an Environmental Assessment (EA) for the

project. There are no Federal lands, including Indian reservations, occupied by project works or located within the project boundary.

The EA contains the staff's analysis of the potential environmental impacts of the proposed exemption and concludes that issuance of an exemption from licensing for the Goodrich Falls Hydroelectric Project would not constitute a major Federal action that would significantly affect the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA 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).

For further information, contact John Ramer at (202) 219–2833.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–6789 Filed 3–20–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–74–000]

Reef International, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Eagle Pass International Pipeline Project and Request for Comments on Environmental Issues

March 15, 2002.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Eagle Pass International Pipeline Project involving the construction and operation of facilities by Reef International, L.L.C. (Reef) in Maverick County, Texas, and that cross the international border between the United States and Mexico.[1] The EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice Reef provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website (*www.ferc.fed.us*).

Summary of the Proposed Project

Reef is proposing the Eagle Pass International Pipeline Project to provide firm transportation to Compania National de Gas, S.A. (Conagas). This project would allow Reef to deliver up to 15 million cubic feet per day. The purpose of the project is to provide the Piedras Negras region of Coahuila, Mexico, with needed, additional supplies of gas.

Reef proposes to construct, operate, and maintain about 4 miles of 12-inch-diameter pipeline and appurtenant facilities from an interconnection with Southern Transmission Company (Southern) in Maverick County, Texas, crossing under the Rio Grande, the midpoint of which is the International Boundary between the United States and Mexico, to a point just across the river in Coahuila, Mexico. Reef is seeking a Presidential Permit from the Commission for the 400-foot-long border crossing in Maverick County, Texas which is the U.S. portion of the directional drill across the Rio Grande. The entire directional drill would be 800 feet in length, half of which would be in Mexico. A meter station would be constructed in Maverick County about 2,035 feet downstream from the interconnection with Southern. About 1000 feet of pipeline and a meter station would be constructed in Mexico and would be owned and operated by Conagas. Also, a 6-inch-diameter propane/butane pipeline would also be constructed parallel to the natural gas pipeline for about 3 miles of the route within the U.S. and also cross into Mexico.

Land Requirements for Construction

Construction of Reef's proposed facilities would require about 25.3 acres of land, including construction right-of-way for the new pipeline and extra work areas needed for the directional drill. The pipeline would be constructed adjacent to existing sanitary sewer and utility easements for 72 percent of the route. For the construction of the pipeline, Reef would use a 50-foot-wide construction right-of-way. Reef indicates that it would maintain a 30-foot-wide permanent right-of-way totaling 14.55 acres. The meter station and access road would be located within a 5.53 acre location adjacent to an industrial area. About 5 acres would be needed for a pipe and contractor yard, although this location has not yet been determined.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[2] to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils
- Water resources and wetlands
- Vegetation and wildlife
- Threatened and endangered species
- Cultural resources
- Land use
- Reliability and safety

We will evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on

[1] Reef's application was filed with the Commission on January 22, 2002, under Section 3 of the Natural Gas Act.

[2] ''We'', ''us'', and ''our'', refer to the environmental staff of the Office of Energy Projects (OEP).

the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Reef. This preliminary list of issues may be changed based on your comments and our analysis.

—A directionally drilled crossing of the Rio Grande.

—Potential impact on the jaguarundi, ocelot, and mountain plover which are Federally listed threatened and endangered species.

—Loss of several acres of pecan orchard.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations or routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission 888 First St., NE., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of Gas 1, PJ–11.1;
- Reference Docket No. CP02–74–000; and
- Mail your comments so that they will be received in Washington, DC on or before April 15, 2002.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.gov* under the ''e-Filing'' link and link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on ''Login to File'' and then ''New User Account''.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 1).[3] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

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).

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–6787 Filed 3–20–02; 8:45 am]

BILLING CODE 6717–01–P

[3] The appendix referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the ''RIMS'' link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington, DC 20426, or call (202) 208–1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

March 15, 2002.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. Copies of this filing are on file with the Commission and are available for public inspection. The documents may be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance).

Exempt

Docket No.	Date filed	Presenter or requester
1. Project Nos. 2061–000, 2777–000 and 1975–000	03–12–02	Bill Baker.
2. CP01–409–000	03–12–02	Alice Weekley.
3. Project Nos. 1975–000, 2061–000, 2777–000 2778–000 and 2065–000	03–12–02	Stan McDonald.
4. Project Nos. 10461–002 and 10462–002	03–12–02	Tom Skutnik and Jerry Sabatis.
5. Project No. 2778–000	03–12–02	Bill Baker.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–6843 Filed 3–20–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7161–1]

Agency Information Collection Activities: Proposed Collection; Comment Request; Up for Renewal: EPA Worker Protection Standard for Hazardous Waste Operations and Emergency Response, EPA ICR #1426.06, OMB Control #2050–0105, Expiration 7/31/2002

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): EPA Worker Protection Standard for Hazardous Waste Operations and Emergency Response, EPA ICR #1426.06, OMB Control #2050–0105, Expiration 7/31/2002. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before May 15, 2002.

ADDRESSES: Office of Solid Waste and Emergency Response (5305G), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue NW, Washington, DC 20460.

Remit comments to Sella M. Burchette, US EPA/ERTC, 2890 Woodbridge Avenue, Building 18, MS101, Edison, NJ 08837–3679.

To obtain a copy at no charge, please contact Sella Burchette at (732) 321–6726/FAX: (732) 321–6724/or electronically at *burchette.sella@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Sella M. Burchette, (732) 321–6726/FAX: (732) 321–6724/or electronically at *burchette.sella@epa.gov.*

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action are those State and local employees engaged in hazardous waste operations and emergency response in the 27 States that do not have Occupational Safety and Health Administration (OSHA) approved State plans.

Title: EPA Worker Protection Standard for Hazardous Waste Operation and Emergency Response, OMB Control #2050–0105, EPA ICR #1426.06, Expiration 7/31/02. This is a request for renewal of a currently approved collection.

Abstract: Section 126(f) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) requires EPA to set worker protection standards for State and local employees engaged in hazardous waste operations and emergency response in the 27 States that do not have Occupational Safety and Health Administration approved State plans. The EPA coverage, required to identical to the OSHA standards, extends to three categories of employees: those engaged in clean-ups at uncontrolled hazardous waste sites, including corrective actions at Treatment, Storage and Disposal (TSD) facilities regulated under the Resource Conservation and recovery Act (RCRA); employees working at routine hazardous waste operations at RCRA TSD facilities, and employees involved in emergency response operations without regard to location. This ICR renews to existing mandatory record keeping collection of ongoing activities including monitoring of any potential employee exposure at uncontrolled hazardous waste site, maintaining records of employee training, refresher training, medical exams and reviewing emergency response plans. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The annual recordkeeping burden for this collection is estimated to average 10.46 hours per site or event. The estimated number of respondents is approximated at 100 RCRA TSD facilities or uncontrolled hazardous waste sites: 23,900 State and local police departments, fire departments or hazardous materials teams. The estimated total burden hours on respondents: 255,427. The frequency of collection: continuous maintenance of records. Burden means to total time, effort, and financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing

and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Remit comments regarding these matters, or any other aspect of the information collection, including suggestions for reducing the burden, to the address listed above.

Dated: March 5, 2002.

Elaine F. Davies,

Acting Office Director, Office of Emergency and Remedial Response.

[FR Doc. 02–6849 Filed 3–20–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OW–FRL–7161–5]

Beaches Environmental Assessment and Coastal Health Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability of grants for development of coastal recreation water monitoring and public notification under the Beaches Environmental Assessment and Coastal Health Act.

SUMMARY: The Beaches Environmental Assessment and Coastal Health Act (BEACH Act) signed into law on October 10, 2000, amends the Clean Water Act (CWA) to reduce the risk of disease to users of the Nation's recreational waters. The BEACH Act authorizes the U.S. Environmental Protection Agency (EPA) to award program development and implementation grants to eligible States, Territories, Tribes, and local governments to support microbiological testing and monitoring of coastal recreation waters, including the Great Lakes, that are adjacent to beaches or similar points of access used by the public. BEACH Act grants also provide support for development and implementation of programs to notify the public of the potential exposure to disease-causing microorganisms in coastal recreation waters. EPA encourages coastal States and Territories to apply for BEACH Act Grants for Program Development (referred to as Development Grants) to develop effective and comprehensive coastal recreation water monitoring and public notification programs.

DATES: Submit your application on or before May 20, 2002.

ADDRESSES: You must send your application to the appropriate Regional Grant Coordinator listed in this document under **SUPPLEMENTARY INFORMATION,** section VII.

FOR FURTHER INFORMATION CONTACT: Charles Kovatch, 202–260–3754.

SUPPLEMENTARY INFORMATION:

I. Grant Program

What Is the Statutory Authority for the Development Grants?

The statutory authority for BEACH grants is section 406(b) of the CWA as amended by the BEACH Act, Public Law 106–284, 114 Stat. 970 (2000). It provides in part: ''The Administrator may make grants to States and local governments to develop and implement programs for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public.''

What Activities Are Eligible for Funding Under the Development Grants in Fiscal Year 2002?

In Fiscal Year 2002, EPA intends to award grants authorized under the BEACH Act to support the continued development of coastal recreation water monitoring and public notification programs to meet program elements under the BEACH Act. EPA encourages grantees to use these funds to test various approaches for meeting BEACH Act program requirements. As required by the BEACH Act, EPA expects to publish performance criteria for implementation of coastal recreation water monitoring and public notification programs by April 2002. In fiscal year 2003 and beyond, if funds are appropriated to support these programs, EPA expects to make grants to also support implementation of monitoring and notification programs that are consistent with the statutory requirements for implementation grants, which include consistency with EPA's performance criteria.

II. Funding and Eligibility

*Who Is Eligible To Apply for Development Grants Under this **Federal Register** Document?*

Coastal and Great Lake States are eligible for development grants in FY 2002 to develop monitoring and notification programs. The term ''State'' is defined in section 502 of the CWA to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. However, the Trust Territory of the Pacific Islands no longer exists. The Marshall Islands, the Federated States of Micronesia, and Palau, which were previously entities within the Trust Territory of the Pacific Islands, have entered into Compacts of Free Association with the Government of the United States. As a result, each is now a sovereign, self-governing entity and, as such, is no longer eligible to receive grants as a Territory or possession of the United States.

Are Local Governments Eligible for Funding?

The BEACH Act authorizes EPA to make a grant to a local government for implementation of a monitoring and notification program only if, after the one-year period beginning on the date of publication of performance criteria, EPA determines that the State is not implementing a program that meets the requirements of section 406 of the Act. EPA expects to publish performance criteria in April 2002, and therefore expects April 2003 as the earliest date for local governments to be eligible for beach grants.

Are Tribal Governments Eligible for Funding?

Section 518(e) of the CWA authorizes EPA to treat eligible Indian Tribes in the same manner as States for the purpose of receiving CWA section 406 grant funding. In order to receive BEACH Act grant funds a Tribe must have coastal recreation waters for which water quality standards have been established under the CWA. There are currently no Tribes that have met this requirement. In addition, a Tribe must meet the ''treatment in the same manner as a State'' criteria under CWA section 518(e) to receive grant funds under section 406 of the CWA.

How Much Funding Is Available?

For Fiscal Year 2002, EPA expects to award approximately $10 million in Development Grants to eligible States and Territories.

How Will the Funding Be Allocated?

For this second year of the Development Grants, EPA expects to award grants to all eligible States and Territories who apply for funding based on an allocation formula. In developing this formula EPA consulted with various States, the Coastal States Organization, and Association of State and Interstate Water Pollution Control Administrators (ASIWPCA). This formula uses three factors that are readily available and verifiable: (1)

Length of beach season, (2) miles of beach and (3) number of people that use the beaches.

(1) Beach Season Length

Beach season length was selected as a factor since it determines the part of the year that a government would conduct its monitoring program. The longer the beach season, the more resources that a government would need to conduct monitoring. EPA's information on the length of a beach season was obtained from the National Health Protection Survey of Beaches for the States or Territories that reported information. The beach season for American Samoa, Oregon, Puerto Rico, and Northern Mariana Islands was estimated based on season reported by nearby States and Territories. The beach season for Alaska was estimated based on air and water temperature, available information on recreation activities, and data from the 1993 National Water Based Recreation Survey. EPA grouped the States and U.S. Territories into four categories of beach season lengths:

For beaches in—	The beach season category is—
Alaska	< 3 months.
Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Virginia, Washington, Wisconsin.	3—4 months.
Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina	5—6 months.
American Samoa, California, Florida, Guam, Hawaii, Northern Mariana, Puerto Rico, Texas, U.S. Virgin Islands	9—12 months.

(2) Beach Miles

Miles of beach was selected as a factor because it determines the geographical extent over which a government would conduct monitoring. The longer the miles of beaches, the more resources a government would need to conduct monitoring. For this second year of Development Grants, EPA is using shoreline miles as a surrogate rather than beach miles because beach miles are not available for all beaches in the 35 eligible States and Territories. EPA discussed the drawbacks of using this surrogate factor with States on a conference call on December 11, 2001 BEACH Act grantees, however, must identify their beaches as a condition of their grants; therefore in future years, EPA will be able to measure and thus use beach miles rather than shoreline. Because the BEACH Act grants for 2001 were awarded only recently, States have yet to identify lists of coastal recreation waters in the State. Thus, as a practical matter, EPA could not use beach miles in the allocation formula for FY 2002 grants. Instead, for FY 2002 grants, EPA used the NOAA publication The Coastline of the United States to quantify the shoreline miles.

(3) Beach Use

Beach use was selected as a factor because it reflects the importance of beach-related tourism to the local economy. The greater use a beach receives, the more likely a government would need to conduct increased monitoring because of the larger number of people potentially exposed to pathogens. For this second year of Development Grants, EPA is using the coastal population of counties that are wholly or partially within the State's or Territory's legally defined coastal zone as a surrogate, rather than beach usage because information on beach visitors is not available for all beaches in the 35 eligible States and Territories. EPA also discussed the drawbacks of using this surrogate factor with States on a conference call on December 11, 2001. Participants on the call were doubtful that EPA could develop a consistent, verifiable approach for estimating beach use for all beaches, but could not suggest a better way to quantify this factor at present. EPA is committed to work with the States and Territories with BEACH Act grants to develop a better way to quantify this factor. EPA used the 1990 Census data to quantify coastal population because the 2000 data are not yet available for American Samoa, Guam, Northern Mariana Islands, and the U.S. Virgin Islands. EPA will update this factor when the 2000 census data are available for all eligible States and Territories.

The grants allocation formula consists of the sum of three parts. The first part provides a base amount for all States and Territories that varies with the length of the beach season. The second part distributes 50% of the total remaining funds ($10 million in FY 2002 less that used for the beach season length) based on the ratio of shoreline miles in a State or Territory to the total length of shoreline miles. For example, if a State has 4% of the total coastal and Great Lakes shoreline, that State would receive 2% (4% of 50%) of the total funds remaining after the funds for the beach season length are distributed. The third part distributes 50% of the total remaining funds ($10 million in FY 2002 less that used for the beach season length) based on the ratio of coastal population in a State or Territory to the total coastal population. For example, if a State has 2% of the total coastal and Great Lakes population, that State would receive 1% (2% of 50%) of the total funds remaining after the funds for the beach season length are distributed. The following table summarizes the allocation formula:

For the factor—	The part of the allocation is—
Beach season length	< 3 months: $150,000 (States and Territories with a season <3 months receive season-based funding only.) 3–4 months: $200,000 5–6 months: $250,000 >6 months: $300,000
Shoreline miles	50% of funds remaining after allocation of season-based funding.
Coastal population	50% of funds remaining after allocation of season-based funding.

Based on this allocation formula, the amount of the each State or Territory's development grant award in FY 2002 is expected to be from $150,000 to $530,893 if all 35 eligible States and Territories apply. EPA anticipates that all 35 eligible governments will apply. If fewer than 35 States and Territories apply for the allocated amount, then EPA will re-allocate these grant funds to those States and Territories that applied for the grants using the same formula. If all 35 eligible States and Territories apply, the distribution of the $10 million in funds for year 2002 will be:

For the State or Territory of—	The year 2002 allocation is—
Alabama	$263,142
Alaska	150,000
American Samoa	302,288
California	535,643
Connecticut	226,389
Delaware	211,339
Florida	530,893
Georgia	288,490
Guam	302,775
Hawaii	325,149
Illinois	248,615
Indiana	206,670
Louisiana	383,287
Maine	259,742
Maryland	276,068
Massachusetts	260,691
Michigan	287,556
Minnesota	204,631
Mississippi	258,028
New Hampshire	204,918
New Jersey	285,719
New York	366,030
North Carolina	306,721
Northern Mariana	303,462
Ohio	227,879
Oregon	230,342
Pennsylvania	226,953
Puerto Rico	335,862
Rhode Island	214,225
South Carolina	300,253
Texas	387,957
U.S. Virgin Islands	303,488
Virginia	282,355
Washington	274,034
Wisconsin	228,396

What is the Expected Duration of the Funding and Project Periods?

The expected funding and project period for Development Grants awarded in FY2002 is one year.

Are Matching Funds Required?

Recipients are not required to provide matching funds for Development Grants awarded under authority of the BEACH Act at this time.

What if a State Cannot Use All of Its Allocation?

If a State or Territory cannot use all of its allocation, the Regional Administrator may award the unused funds to any eligible coastal or Great Lake grant recipient(s) in the Region for the development of their coastal recreation water monitoring and notification program. If after this re-allocation, there are still unused funds within the Region, EPA-Headquarters will award these funds to any eligible coastal or Great Lake grant recipient(s).

III. Grant Condition

Section 406(c) of the BEACH Act requires that as a condition of receipt of any BEACH Act grant, recipients identify the program elements listed below. Therefore, EPA will require recipients to address each of the following elements in their grant application and include the status of their efforts on each element in an annual performance report, as required under 40 CFR 31.40:

(1) Lists of coastal recreation waters in the State, including coastal recreation waters adjacent to beaches or similar points of access that are used by the public;

(2) In the case of a State program for monitoring and notification, the process by which the State may delegate to local governments responsibility for implementing the monitoring and notification program;

(3) The frequency and location of monitoring and assessment of coastal recreation waters based on: (A) the periods of recreational use of the waters; (B) the nature and extent of use during certain periods; (C) the proximity of the waters to known point sources and nonpoint sources of pollution; and (D) any effect of storm events on the waters;

(4)(A) the methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and (B) the assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);

(5) Measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to EPA and a designated official of the local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified; EPA has determined that this information may be submitted to the Agency in any form so long as it includes the required information;

(6) Measures for the posting of signs at beaches or similar points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and

(7) Measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.

IV. Additional Eligible Activities

Recipients may use funds for activities in support of developing a beach monitoring and notification program, including:

(1) Activities to comply with the grant conditions specified in section III above;

(2) Quality assurance and quality control (QA/QC) procedures consistent with the requirements under 40 CFR 31.45; to develop and implement QA/QC practices for environmentally related measurements or data generation sufficient to produce data of quality adequate to meet project objectives and to minimize loss of data due to out-of-control conditions or malfunctions; and

(3) Data quality objectives (DQOs), quality assurance project plan (QAPP) and standard operating procedures (SOPs) that clarify study objectives, define the appropriate type of data, and specify tolerable levels of potential decision errors that will be used as the basis for establishing the quality and quantity of data needed to support decisions.

V. Selection Process

What Criteria Will Be Used to Evaluate Applications and Award Development Grants?

Development Grants will be awarded through a non-competitive process by the EPA Regional offices. EPA expects to award grants to all eligible State and Territory applicants that meet requirements of the BEACH Act as described in this document.

Who Has The Authority to Award Development Grants?

The Administrator has delegated the authority to award Development Grants to the Regional Administrators.

VI. Application Procedure

What Is the Catalog of Federal Domestic Assistance (CFDA) Number for the BEACH Program Development Grant?

The number assigned to the Development Grants is 66.472, Program Code CU.

Can BEACH Act Grant Funds Be Included in a Performance Partnership Grant?

For Fiscal Year 2002, Development Grants cannot be included in a Performance Partnership Grant.

What Are The Components of the Application Package?

The application package should contain completed EPA SF–424 Application for Federal Assistance and be submitted to the appropriate EPA Regional Office by May 20, 2002. Please contact the appropriate EPA Regional Office for a complete application package. See Section VII for a list of EPA Regional Grant Coordinators or visit the EPA Beach Watch Website at *www.epa.gov/ost/beaches* on the Internet.

Will Quality Assurance and Quality Control (QA/QC) and Other Procedures Be Required for Application?

No. A QA/QC plan is not required for the application, however under 40 CFR 31.45 a QA/QC plan is required for any environmentally related measurements or data generation (*e.g.* monitoring) performed under the grant. (*See* section IV of this document).

Will There Be Reporting Requirements?

Recipients must submit annual performance reports and financial reports as required in §§ 31.40 and 31.41.

What Regulations and OMB Cost Circular Will Apply to the Award and Administration of These Grants?

The regulations at 40 CFR part 31 will govern the award and administration of grants to States and Territories under section 406 of the BEACH Act. Allowable costs will be determined in accordance with the cost principles in OMB Cost Circular A–87.

VII. Grant Coordinators

Headquarters—Washington, DC

Charles Kovatch USEPA, 1200 Pennsylvania Ave. NW—4305, Washington DC 20460; T:202–260–3754; F: 202–260–9830; *kovatch.charles@epa.gov.*

Region I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island

Matt Liebman USEPA Region I, One Congress St. Ste. 1100—CWQ, Boston, MA 02114–2023; T:617–918–1626; F: 617–918–1505; *liebman.matt@epa.gov.*

Region II—New Jersey, New York, Puerto Rico, U.S. Virgin Islands

Helen Grebe USEPA Region II, 2890 Woodbridge Ave. MS220, Edison, NJ 08837–3679; T: 732–321–6797; F: 732–321–6616; *grebe.helen@epa.gov.*

Region III—Delaware, Maryland, Pennsylvania, Virginia

Nancy Grundahl USEPA Region III, 1650 Arch Street 3ES10, Philadelphia, PA 19103–2029; T: 215–814–2729; F:215–814–2782; *grundahl.nancy@epa.gov.*

Region IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina

Joel Hansel USEPA Region IV, 61 Forsyth St. 15th Floor, Atlanta, GA 30303–3415; T: 404–562–9274; F: 404–562–9224; *hansel.joel@epa.gov.*

Region V—Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin

Holly Wirick USEPA Region V, 77 West Jackson Blvd. WT–16J, Chicago, IL 60604–3507; T: 312–353–6704; F: 312–886–0168; *wirick.holiday@epa.gov.*

Region VI—Louisiana, Texas

Mike Schaub USEPA Region VI, 1445 Ross Ave. 6WQ–EW, Dallas, TX 75202–2733; T: 214–665–7314; F: 214–665–6689; *schaub.mike@epa.gov.*

Region IX—American Soma, Commonwealth of the Northern Mariana Islands, California, Guam, Hawaii

Terry Fleming USEPA Region IX, 75 Hawthorne St. WTR–2, San Francisco, CA 94105; T: 415–744–1939; F: 415–744–1078; *fleming.terrence@epa.gov.*

Region X—Alaska, Oregon, Washington

Rob Pedersen USEPA Region X, 120 Sixth Ave. OW–134, Seattle, WA 98101; T: 206–553–1646; F: 206–553–0165; *pedersen.rob@epa.gov.*

Dated: February 25, 2002.

Diane C. Regas,

Acting Assistant Administrator, Office of Water.

[FR Doc. 02–6850 Filed 3–20–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34237B; FRL–6828–2]

Atrazine; Revised Pesticide Risk Assessment; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA will hold a public meeting to present the revised risk assessment for atrazine to interested stakeholders. This public meeting, called a ''technical briefing,'' will provide an opportunity for stakeholders to learn about the data, information, and methodologies that the Agency used in revising its risk assessment for atrazine.

DATES: The technical briefing will be held on, April 16, 2002, from 9 a.m. to 5 p.m.

ADDRESSES: The technical briefing will be held at the National Rural Electric Cooperative Association (NRECA), 4301 Wilson Blvd., Arlington, VA, telephone number (703) 907–5933. Metro accessibility—Ballston Metro Stop.

FOR FURTHER INFORMATION CONTACT: By mail: Kimberly Nesci Lowe, Special Review and Registration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8059; e-mail address: lowe.kimberly@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action applies to the public in general. As such, the Agency has not attempted to specifically describe all the entities potentially affected by this action. The Agency believes that a wide range of stakeholders will be interested in the technical briefing on atrazine pesticides, including environmental, human health, and agricultural advocates, the chemical industry, pesticide users, and members of the public interested in the use of pesticides on food. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

To access information about organophosphate pesticides, you can also go directly to the Home Page for the Office of Pesticide Programs (OPP) at http://www.epa.gov/pesticides. In addition, a brief summary of the atrazine revised risk assessment is now available at http://www.epa.gov/pesticides, as well as in paper as part of the public version of the official record as described in Unit I.B.2.

2. *In person*. The Agency has established an official record under docket control number OPP–34237B. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. What Action is the Agency Taking?

This document announces the Agency's intention to hold a technical briefing for atrazine. The Agency is presenting the revised risk assessment for atrazine to interested stakeholders. This technical briefing is designed to provide stakeholders with an opportunity to become even more informed about the risk assessment. EPA will describe in detail the revised risk assessment: Including the major points (e.g., contributors to risk estimates); how public comment on the preliminary risk assessment affected the revised risk assessment; and the pesticide use information/data that was used in developing the revised risk assessment. Stakeholders will have an opportunity to ask clarifying questions.

The technical briefing is part of the pilot public participation process that EPA and the United States Department of Agriculture (USDA) are now using for involving the public in the reassessment of pesticide tolerances under the Food Quality Protection Act (FQPA), and the reregistration of individual pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The pilot public participation process was developed as part of the EPA-USDA Tolerance Reassessment Advisory Committee (TRAC), which was established in April 1998, as a subcommittee under the auspices of EPA's National Advisory Council for Environmental Policy and Technology. A goal of the pilot public participation process is to find a more effective way for the public to participate at critical junctures in the Agency's development of pesticide risk assessment and risk management decisions. EPA and USDA began implementing this pilot process in August 1998, in response to Vice President Gore's directive to increase transparency and opportunities for stakeholder consultation.

On the day of the technical briefing, in addition to making copies available at the meeting site, the Agency will also release for public viewing the atrazine revised risk assessment and related documents to the Public Information and Records Integrity Branch and the OPP Internet web site that are described in Unit I.B.1. In addition, the Agency will issue a **Federal Register** notice to provide an opportunity for a 60-day public participation period during which the public may submit risk management and mitigation ideas and recommendations and proposals for transition.

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: March 13, 2002.

Betty Shackleford,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 02–6853 Filed 3–20–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7161–3]

Clean Water Act Section 303(d): Final Agency Action on 27 Total Maximum Daily Loads (TMDLs) and Final Agency Action on 6 Determinations That TMDLs Are Not Needed

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces final agency action on 27 TMDLs prepared by EPA Region 6 for waters listed in Louisiana's Mermentau and Vermilion/Teche river basins, under section 303(d) of the Clean Water Act (CWA). This notice also announces final agency action removing 6 waterbody/pollutant combinations from the Louisiana 303(d) list because TMDLs are not needed. EPA evaluated these waters and prepared the 27 TMDLs needed in response to a partial consent decree entered in the lawsuit *Sierra Club, et al.* v. *Clifford et al.*, No. 96–0527, (E.D. La.). Documents from the administrative record files for the 6 determinations that TMDLs are not needed and for 27 TMDLs, including TMDL calculations and responses to comments may be viewed at *www.epa.gov/region6/water/tmdl.htm.* The administrative record files may be obtained by calling or writing Ms. Caldwell at the above address. Please contact Ms. Caldwell to schedule an inspection.

FOR FURTHER INFORMATION CONTACT: Ellen Caldwell at (214) 665–7513.

SUPPLEMENTARY INFORMATION: In 1996, two Louisiana environmental groups, the Sierra Club and Louisiana Environmental Action Network (plaintiffs), filed a lawsuit in Federal Court against the United States Environmental Protection Agency (EPA), styled *Sierra Club, et al.* v. *Clifford et al.*, No. 96–0527, (E.D. La.). Among other claims, plaintiffs alleged that EPA failed to establish Louisiana TMDLs in a timely manner.

EPA Takes Final Agency Action on 27 TMDLs

By this notice EPA is taking final agency action on the following 27 TMDLs for waters located within the Mermentau and Vermilion/Teche basins:

Subsegment	Waterbody name	Pollutant
050101	Bayou Des Cannes—Headwaters to Mermentau River	Pesticides (carbofuran & fipronil).
050701	Grand Lake	Pesticides (carbofuran).
050702	Intracoastal Waterway	Pesticides (carbofuran).

Subsegment	Waterbody name	Pollutant
050901	Bays and Gulf Waters to State 3-mile Limit	Pesticides (carbofuran).
060205	Bayou Teche—Headwaters at Bayou Courtableau to I–10	Pesticides (carbofuran).
060207	Bayou des Glaises Diversion Canal	Pesticides (carbofuran).
060301	Bayou Teche—I–10 to Keystone Locks and Dam	Pesticides (carbofuran).
060401	Bayou Teche—Keystone Locks and Dam to Charenton Canal	Pesticides (carbofuran).
060701	Tete Bayou	Pesticides (carbofuran).
060801	Vermilion River—Headwaters at Bayou Fusilier-Bourbeaux Junction to New Flanders (Ambassador Caffery Bridge at Hwy 3073).	Pesticides (carbofuran).
060802	Vermilion River—From New Flanders (Ambassador Caffery Bridge) at Hwy 3073 to Intracoastal Waterway.	Pesticides (carbofuran).
060803	Vermilion River Cutoff	Pesticides (carbofuran).
060901	Bayou Petite Anse	Pesticides (carbofuran).
060902	Bayou Carlin (Delcambre Canal)—Lake Peigneur to Bayou Petite Anse (Estuarine).	Pesticides (carbofuran).
060903	Bayou Tigre	Pesticides (carbofuran).
060904	Vermilion River B890 Basin New Iberia Southern Drainage Canal	Pesticides (carbofuran).
060906	Intracoastal Waterway	Pesticides (carbofuran).
060907	Franklin Canal	Pesticides (carbofuran).
060910	Boston Canal and Associated Canals (Estuarine)	Pesticides (carbofuran).
060911	Vermilion-Teche River Basin	Pesticides (carbofuran).
061101	Bayou Petite Anse	Pesticides (carbofuran).
061102	Intracoastal Waterway	Pesticides (carbofuran).
050201	Bayou Plaquemine Brule—headwaters to Bayou Des Cannes	Pesticides (fipronil).
050401	Mermentau River—origin to Lake Arthur	Pesticides (fipronil).
050501	Bayou Queue de Tortue—headwaters to Mermentau River	Pesticides (fipronil).
050603	Bayou Chene—includes Bayou Grand Marais	Pesticides (fipronil).

EPA requested the public to provide EPA with any significant data or information that may impact the 27 TMDLs in 66 FR 47673 (September 13, 2001). The comments received and EPA's response to comments may be found at *www.epa.gov/region6/water/tmdl.htm.*

Final Agency Action Removing 6 Waterbody/Pollutant Combinations for waters located within the Mermentau and Vermilion/Teche basins from the Louisiana 303(d) List Because TMDLs are not Needed:

Subsegment	Waterbody name	Pollutant
050102	Bayou Joe Marcel	Ammonia, nutrients, and organic enrichment/low DO.
060906	Intracoastal Waterway	Nutrients.
061101	Bayou Petite Anse	Nutrients.
060204	Bayou Courtableau—origin to	Oil and grease.

EPA requested the public to provide to EPA any significant data or information that may impact the determinations that 6 TMDLs are not needed in 66 FR 52403 (October 15, 2001). No comments were received.

Dated: March 13, 2002

Sam Becker,

Acting Director, Water Quality Protection Division, Region 6.

[FR Doc. 02–6845 Filed 3–20–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7161–7]

Public Water System Supervision Program Revision for the State of Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Florida is revising its approved Public Water System Supervision Program. Florida has adopted drinking water regulations for Lead and Copper and the definition of a Public Water System. EPA has determined that these sets of revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA intends on approving this State program revision.

All interested parties may request a public hearing. A request for a public hearing must be submitted by April 22, 2002 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by April 22, 2002, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on April 22, 2002.

Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; (3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road,

Tallahassee, Florida 32399–2400, or at the Environmental Protection Agency, Region 4, Drinking Water Section, 61 Forsyth Street Southwest, Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT: Franklin Baker, EPA Region 4, Drinking Water Section at the Atlanta address given above or at telephone (404) 562–9442.

Authority: (Section 1420 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations).

Dated: February 14, 2002.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 02–6851 Filed 3–20–02; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 50]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Notice and request for comments.

SUMMARY: The Export-Import Bank as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments should be received on or before May 20, 2002 to be assured of consideration.

ADDRESSES: Direct all comments and requests for additional information to Carlista Robinson, Export-Import Bank of the U.S., 811 Vermont Avenue, NW., Washington, DC 20571, (202) 565–3351.

SUPPLEMENTARY INFORMATION:

Titles and Form Numbers

1. Application for Quotation—Export Credit Insurance, EIB 92–34.
2. Beneficiary Certificate and Agreement, EIB 92–37.
3. Application for a Financial Institution Buyer Credit Policy, EIB 92–41.
4. Application for Export Credit Insurance Financing or Operating Lease Coverage EIB 92–45.
5. Application for Medium Term Export Credit Insurance Quotation EIB 92–48.
6. Short-Term Multi-Buyer Export Credit Insurance Policy Application, EIB 92–50.
7. Exporter's Application for Short-Term Single-Buyer Policy, EIB 92–64.
8. Application for Export Credit Insurance Umbrella Policy, EIB 92–72.
9. Broker Registration Form EIB 92–79.

OMB Number: 3048–0009.

Type of Review: Revision and extension of expiration date.

Need and Use: The information requested enables the applicant to provide Ex-Im Bank with the information necessary to obtain legislatively required assurance of repayment and fulfills other statutory requirements. The forms encompass a variety of export credit insurance policies.

Affected Public: They affect all entities involved in the export of U.S. goods and services including exporters, banks, insurance brokers and non-profit or state and local governments. acting as facilitators.

Estimated Annual Respondents: 2,262.

Estimated Time per Respondent: 1 hour.

Estimated Annual Burden: 2,262.

Frequency of Reporting or Use: Applications submitted one time, renewals annually.

Dated: March 14, 2002.

Carlista D. Robinson,

Agency Clearance Officer.

BILLING CODE 6690–01–M

OMB#3048-0009
Expiry Date 5/31/02

EXPORT-IMPORT BANK OF THE UNITED STATES
APPLICATION FOR QUOTATION-EXPORT CREDIT INSURANCE
COMMERCIAL BANK INSUREDS
LETTER OF CREDIT (ELC), BANK DEDUCTIBLE (EBD) or
FINANCIAL INSTITUTION SUPPLIER CREDIT (EBS, EBM) POLICIES

THIS DOCUMENT WILL BE A MATERIAL BASIS OF THE INSURANCE IF QUOTATION IS MADE AND ACCEPTED.

1. Applicant Bank:_____ Contact:_____

   Address, include 9 digit Zip Code:_____

   E-Mail_____ Fax_____ Phone_____

   Tax ID #: _____ DUNS #: _____ Congressional District:_____

2. If you wish us to consider adding subsidiaries, branches or affiliates as Additional Named Insureds under your policy, provide full legal name and address below and answer questions 5. A. (2) or B. (2) for each Additional Named Insured.

Name	Address

3. Name of Brokerage (if any, if none insert *"none"*):_____

   Name of Contact:_____ Broker #:_____

   E-Mail_____ Fax_____ Phone_____

4. Please provide the following information unless you have submitted this information within the past 6 months for Policy No_____:

   A. (I)Rating:_____ Agency:_____ Date:_____, **or**

   (2) a. Annual report, including audited financial statements, on your bank for the past two fiscal years.
   b. The most recent available 10K and 10Q reports on your bank.
   c. Recent (within six months) credit agency report on your bank (otherwise, please attach a check for $35.00).

   B. If you are a foreign bank registered to do business in the U.S., in which state(s) are you licensed to conduct business? How are your operations in this country best described? Does your bank operate as a branch or subsidiary? To what extent are credit decisions made by your bank autonomous of headquarters?

   C. Has your bank or have the individual(s) who will be administering or placing business under this policy ever dealt with Ex-Im Bank before? ☐ Yes ☐ No If yes, describe the programs the bank or the individual(s) are familiar with, and the time period during which these contacts took place._____

   D. Is there any other information that will be of assistance in evaluating your request for a bank policy? ☐ Attached

5. A. **For Letter of Credit Policies** (add pages if necessary):

   (1) a. How are the international banking activities in your bank organized functionally? _____

   (2) a. Who are the key individuals involved? _____

   b. Have the individuals involved attended an Ex-Im Bank orientation seminar or an Ex-Im Bank training session? ☐ Yes ☐ No
   c. Please provide their resumes. (See resume form attached)
   You must provide notification within 10 days if the individual(s) responsible for administering the policy change.

   (3) a. How long have you been confirming international letters of credit?_____

   b. From what countries?_____

   (4) Does your bank have any special expertise in particular types of transactions, regions of the world or any other areas?
   _____

   (5) Maximum value of insured letters of credit expected to be outstanding during the policy period: $_____.

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B. **For Financial Institution Supplier Credit** or **Bank Deductible Policies** (add pages if necessary):

(1) Describe how you develop customers for domestic or export receivable financing or factoring.

_____

(2) a. Please identify the individual(s) and administrative area which will be responsible for administering your policy.

_____

b. Have the individuals involved attended an Ex-Im Bank orientation seminar or an Ex-Im Bank training session? ☐ Yes ☐ No

c. What experience do the individual(s) identified in 5.B.(2)a.. have with Ex-Im Bank insurance _____ or private sector export credit insurance? _____

d. Please provide their resumes. (See resume form attached)
You must provide notification within 10 days if the individual(s) responsible for administering the policy change.

(3) How many years, and to what dollar amount, have you financed or factored receivables?

	# of years	most recent calendar year amount
Domestic Receivables:	_____	$_____
Foreign Receivables:	_____	$_____

(4) Describe the credit procedures used in deciding to finance an exporter's receivables.

Exporter Analysis: _____

Buyer Analysis: _____

(5) a. Maximum value of financed receivables expected to be outstanding during the policy period: $_____

b. For **Financial Institution Suppler Credit Policies** Do you desire (check one) a Documentary Policy ☐
a Non-Documentary Policy ☐
or both ☐

c. After what number of days would you stop financing the exporter's receivables from an overdue buyer? _____

d. How often are financed export receivables monitored? _____

e. Please provide a specimen copy of your lending agreement with exporters for receivable financing or factoring. ☐ Attached

6. The Applicant (it) **CERTIFIES and ACKNOWLEDGES to the Ex-Im Bank** (the Bank) that:

A. 1) it is a financial institution doing business in the United States, or a jurisdiction thereunder, in accordance with applicable Federal or State banking laws and regulations **OR**
2) it has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make this certification.

B. it undertakes to carry on its business with due care in financing exports hereunder, and in regard to the conditions of the contract and the trustworthiness of the exporter and buyer.

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C. (1) neither it nor its principals have been within the past 3 years:
(a) debarred, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or
(b) formally proposed for debarment, with a final determination still pending;
(c) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.
(2) It certifies that it is **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**
(3) It has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications (1) (a) through (c) and (2).
It further certifies that it has not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to (1) (a), (b) or (c) above.

D. it will complete and submit **Form-LLL**, Disclosure Form to Report Lobbying if, to the best of its knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:
(1) an officer or employee of any U.S. Government agency, or
(2) a Member of Congress or a Member's employee, or
(3) an officer or employee of Congress. *This does not apply to commissions paid by the Bank to insurance brokers.*

E. it has not, and will not, engage in any activity in connection with this Policy that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of its knowledge, the performance by the parties of their respective obligations covered or to be covered under this Policy does not and will not violate any applicable law.

F. (1) the information being requested is done so under authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.);
(2) providing the information is mandatory. **Failure to do so** may result in the Bank being unable to determine eligibility for the Policy. The information provided will be reviewed to determine the participants' ability to perform and pay under the Policy.
(3) the Bank may not require the information and applicants are not required to respond unless a currently valid OMB control number is displayed on this form (see upper right of each page);
(4) the information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws;
(5) transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).
(6) the **public burden** reporting for this collection of information is estimated to average 1 hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send **comments** regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

G. the representations made and the facts stated by it in these certifications and its attachments **are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts**. It further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

_____	_____	____/____/____
Signature	Print Name and Title	Month/Day/Year

Send, or ask your insurance broker or city/state participant to review and send, this application to Ex-Im Bank, 811 Vermont Avenue, NW, Washington, D.C. 20571 or an Ex-Im Regional Office.
The Ex-Im Bank website is <http://www.exim.gov>

Please complete: The applicant was informed about Ex-Im by:
☐ An Ex-Im City/State Partner:_____
☐ A Broker:_____
☐ A Local Development Authority:_____
☐ An Ex-Im Regional Office:_____
☐ A U.S. Export Assistance Center:_____
☐ A Bank:_____
☐ Other (specify):_____

END

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Attachment to Bank Policy Application
To be filled out for each individual named.
RESUME FORM

Name:_____

Title or Position:_____

Number of years with your organization:_____

Full description of job functions including administering the policy:

_____

_____

_____

_____

Administrative experience:_____

_____

_____

_____

_____

Export-related experience including any previous experience with Ex-Im Bank:_____

_____

_____

_____

Educational background:_____

_____

_____

EXPORT-IMPORT BANK OF THE UNITED STATES

BENEFICIARY CERTIFICATE AND AGREEMENT
For Use With
Bank Letter of Credit Export Credit Insurance Policy or
Financial Institution Buyer Credit Export Credit Insurance Policy or
Medium Term Export Credit Insurance Policy

NOTE: This form is to be used only if the beneficiary of the letter of credit, the recipient of a funding under a direct buyer credit loan or the recipient of payment under a reimbursement loan or a payment under a supplier credit is not also the U.S. Exporter. In that situation the exporter must complete those parts of the Exporter Certificate EIB94-07 required in its instructions and the beneficiary must complete this entire certificate.

Name and Address of Policyholder: Name and Address of Beneficiary:

_____ _____

_____ _____

Policy No._____ _____

(to be completed by the policyholder, also see No.4.e) Beneficiary's Dun & Bradstreet Number _____

Taxpayer ID No.:_____ Congressional District:_____

Indicate (not required)if owned by a☐ woman, or an☐ ethnic minority, describe____

The information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws; transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).

Upon representation that the Export-Import Bank of the United States ("Ex-Im Bank") has issued to the policyholder identified above an export credit insurance policy, and in consideration of either (check one):

☐ a) the payment, acceptance or negotiation of an irrevocable letter of credit in our favor; or,

☐ b) the financing of an export,

We, the Beneficiary, hereby certify to the policyholder and to Ex-Im Bank as follows:

1. The policyholder has either (check one):

☐ a) informed us of an irrevocable letter of credit with Identification No._____ and we have presented, or shall present, documents which are in compliance with the terms and conditions of such irrevocable letter of credit; or,

☐ b) to our belief, established an obligation of the foreign buyer named below to make repayment of funds on a specified term in support of an export, for which we have received payment.

2. The above referenced irrevocable letter of credit **or** the buyer's obligation to pay the policyholder is in support of an export transaction described as follows:

a) Name and address of buyer_____

b) Description and quantity of product(s)/service(s)_____

c) The product(s) are: ☐ New, ☐ Used. If used, attach Used Equipment Questionnaire form EBD-M-25.

d) Place of Shipment_____ e) Date of Shipment_____

f) Contract Price to Buyer:

(i) Products/Service	$_____
ii) Less discounts or similar allowances	$_____
iii) Plus total insurance, freight or other delivery charges included in the transaction	$_____
Subtotal:	$_____
iv) Less cash payment (minimum 15% required for MT)	$_____
(v) Total final net delivered financed portion	$_____

3. To the best of our knowledge and belief, the products described above were **shipped from the United States**, in accordance with paragraph 2 above.

4. With respect to products
   a) which could be used for **military** purposes,
   b) which could be components of a product or equipment which could be used for military purposes,
   c) which could be used to manufacture products or equipment which could be used for military purposes,
   d) listed on the United States **Munitions List** (part 121 of Title 22 of the Code of Federal Regulations), or
   e) purchased by or for use by security, military or defense organizations, ☐ we ____ have or ☐ the policyholder ____
   Initial Initial

has received the written approval of the Ex-Im Bank for such sale prior to shipment of the products **and attached it** to this certificate. Submit a Defense Product Questionnaire EIB92-61 in order to obtain such approval.

5. The products do not consist of technology, fuel, equipment, materials or goods and services to be used in the construction, alteration, operation or maintenance of **nuclear** power, enrichment, reprocessing, research or heavy water production facilities.

6. To the best of our knowledge and belief the products are **for use only in countries** in accordance with Ex-Im Bank's Country Limitation Schedule in effect on the date of shipment. See Ex-Im Bank's Internet Website <www.exim.gov> Country and Fee Information.

7. a) neither we nor our principals have been within the past 3 years:
   (1) **debarred**, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or
   (2) formally proposed for debarment, with a final determination still pending;
   (3) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.
   b) We certify that we are **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**
   c) We has received a **written** statement of exception from Ex-Im Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications (a) (1) through (3) and (b).

We further certify that we have not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to (a) (1), (2) or (3) above.

8. We will complete and submit **Form-LLL**, Disclosure Form to Report Lobbying if, to the best of our knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:
   a) an officer or employee of any U.S. Government agency, or
   c) a Member of Congress or a Member's employee, or
   d) an officer or employee of Congress. *This does not apply to commissions paid by the Bank to insurance brokers.*

9. we have not, and will not, engage in any activity in connection with this transaction that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of our knowledge, the performance by the parties of their respective obligations covered or to be covered under this transaction does not and will not violate any applicable law.

10. The representations made and the facts stated by us in these certifications and its attachments **are true, to the best of our knowledge and belief, and we have not misrepresented or omitted any material facts**. We further understand that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

By:_____ Signature:_____
Print Name (Authorized Representative of the Beneficiary)

Title:_____ Date:_____

If the beneficiary can not make any or all of the required certifications as they are presented here, Ex-Im Bank must be contacted to request written permission to delete or alter the certification, without which the insurance policy may not be valid.

OMB # 3048-0009
Expiry Date 5/31/02

EXPORT-IMPORT BANK OF THE UNITED STATES
APPLICATION for a FINANCIAL INSTITUTION BUYER CREDIT POLICY

(Please Print or Type) APP. NO._____(Ex-Im Bank Use Only)

INSURANCE BROKER: If none, insert "*none*." Broker #:

Name of Brokerage: Phone #:

Contact Person: Fax #: E-Mail:

1. APPLICANT: (Ex-Im use only: Insured #:_____)

Applicant Name: Phone #:

Contact person: Fax #:

Position Title: E-Mail:

Street Address:

City: State: Zip Code:

Please attach the following information unless you submitted this information within the past 6 months for Policy No._____.

a. Taxpayer ID #:_____ Duns #:_____ Congressional District:_____ **AND**

b. Market Rating:_____ Rating Agency:_____ Date:_____, **OR**

c. (1) ☐ Your most recent published annual report, or audited financial statements.
(2) ☐ Your most recent available 10K and 10Q reports.
(3) ☐ A credit agency report dated within 6 months. If unavailable, attach check for $35.00 to cover Ex-Im Bank's cost in ordering report.
(4) How long have you been lending internationally?_____
(5) To what countries do you actively lend?_____.
(6) How is your foreign loan portfolio broken down between government _____% and private _____% sector buyers?
(7) How often do you visit your overseas buyers?_____
(8) ☐ Attach the names, titles, and the international lending backgrounds of the individuals responsible for administering Ex-Im policies.

2. TRANSACTION:

a. This insurance application is for, check one, a credit extended by you based on:
your relationship with the Buyer or Guarantor , a☐ Buyer Credit, **or**, your relationship with the exporter, a☐ Supplier Credit.

b. This application is for ☐ Comprehensive (Commercial and Political Cover) or☐ Political Only Cover.

c. This application is for a ☐ Single Financing or a☐ Revolving Line.

d. Credit limit requested $_____

e. Payment terms requested_____.

f. Ex-Im Bank requires a written debt obligation, i.e., promissory note or draft. If none, check here☐ and provide a full description of documentation which constitutes the buyer's debt obligation._____.

g. Indicate whether☐ negotiating or☐ financing mandate received.

h. For buyer credits, provide a brief description of the products (for supplier credits see 5.c.)_____.

3. BUYER: The "buyer" is the entity which agrees to repay the credit (loan). Refer to Ex-Im Bank's Short Term Credit Standards (EIB99-09) for Buyers to determine the likelihood of approval:

a. This buyer is ☐ Sovereign, ☐ Non-Sovereign Public Sector, or☐ Private Sector. (Ex-Im use only: File #:_____)

Buyer Name: Duns #:

Contact person: Phone #: Fax #:

Position Title: E-Mail:

Street Address: City:

State/Province: Postal Code: Country:

The following information on the buyer is necessary unless the credit is based on a guarantor, if so check here☐ and complete for the guarantor

b. For **all applications** provide in an attachment:
(1) ☐ A summary of credit facilities (insured and uninsured) extended by the☐ applicant or the ☐ exporter (for Supplier Credits) to this buyer/guarantor specifying the high credit, whether secured or unsecured, and tenor(s) with details on past dues (if applicable), or☐ None.

(2) For ☐ **non-sovereign public** or ☐ **private** buyers/guarantors on which comprehensive cover is requested, provide the following:
(a) Market Rating:_____ Rating Agency:_____ Date:_____, **OR**
(b) ☐ A bank reference not older than 6 months from date of application **and**
(i) ☐ 2 Ex-Im Bank Trade Reference forms (EIB99-14) dated within 6 months of the application **and**
(ii) ☐ For a credit limit up to $1 million, the last 2 fiscal year end audited or signed unaudited financial statements with notes.
☐ For a credit limit over $1 million, provide 3 fiscal year end audited statements with notes and the most recent interim statements with notes if the last fiscal year end is more than 9 months prior to application.

(3) ☐ The applicant's credit memorandum on the buyer/guarantor.

(4) Have you visited the buyer/guarantor? ☐ No ☐ Yes, if yes give date: _____ and attach a copy of your call report.

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4. GUARANTOR: The "guarantor" is the entity which agrees to repay the credit if the borrower does not. Complete the information below and provide the information in 3.b. if the credit is based on the guarantor. (Ex-Im use only: File #: _____)

This guarantor is ☐ Sovereign, ☐ Non-Sovereign Public Sector, or ☐ Private Sector.

Guarantor Name: _____ Duns #: _____
Contact person: _____ Phone #: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State/Province: _____ Postal Code: _____ Country: _____

5. For **SUPPLIER CREDITS** only:

NOTE: You are **not** required to fill out this section for **Buyer Credits** but, if any information is known, please complete in a, b and c.

a. EXPORTER:

The "exporter" is the entity which contracts with the buyer for the sale of the U.S. items and services. (Ex-Im use only: File #: _____)

Exporter Name: _____ Phone #: _____
Contact person: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State: _____ Zip Code: _____
Taxpayer ID #: _____ Duns #: _____ Congressional District: _____
Fiscal year ended (mo. & yr.): _____ Gross sales revenue in last fiscal year: $ _____ # of employees: _____
Standard Industrial Code of business: _____ Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____

If "Documentary" cover is desired, check here ☐ and attach the following unless the exporter submitted it within the past 6 months for Policy No._____. Refer to Ex-Im Bank's Short Term Credit Standards (EIB99-09) Exporter Standards for an Enhanced Assignment to determine the likelihood of approval of documentary cover if the exporter, using the US Small Business Administration guidelines, is a small business.

(1) ☐ A bank reference on the exporter dated within 6 months of the application **and**
(2) ☐ 2 trade references on the exporter dated within 6 months of the application **and**
(3) The last 2 fiscal year financial statements of the exporter as follows:

Claim Payment Limit (Credit Limit x %of cover)	Minimum Requirement
☐ $500,000 or less	signed by an authorized officer of the exporter
☐ $500,001 - $999,999	reviewed by a CPA with notes attached
☐ $1,000,000 or more	audited by a CPA with opinion and notes attached

NOTE: The net worth, including subordinated shareholder debt, of the exporter must be at least 20% of the Claim Payment Limit.

b. SUPPLIER: The "supplier" is the U.S. entity which produces the items and/or performs the services to be exported.

Check if the supplier is also the ☐ exporter or complete the following: (Ex-Im use only: File #: _____)

Supplier Name: _____ Phone #: _____
Contact person: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State: _____ Zip Code: _____
Taxpayer ID #: _____ Duns #: _____ Congressional District: _____
Fiscal year ended (mo. & yr.): _____ Gross sales revenue in last fiscal year: $ _____ # of employees: _____
Standard Industrial Code of business: _____ Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____

c. PRODUCTS: All applicants should note that there are specific United States content requirements for all transactions and that exporters are required to complete an Exporter's Certificate form EIB-94-07 for "Documentary" cover.

(1) Products: ☐ New ☐ Used (If used, complete and attach Used Equipment Questionnaire, EIB-92-63)
(2) Description of products*: _____
(3) Are products listed on the United States Munitions List (part 121 of Title 22 of the Code of Federal Regulations)? ☐ Yes ☐ No
(4) Is each product produced or manufactured in the United States? ☐ Yes ☐ No
(5) Is at least one half of the value, exclusive of price mark-up, exclusively of US origin? ☐ Yes ☐ No
(6) Will any value be added to the products after export from the United States? ☐ Yes ☐ No
If yes please attach an explanation; the transaction may not be eligible for coverage.

* The Borrower, Guarantor, Buyer and End User must be foreign entities in countries for which Ex-Im is able to provide support, see Ex-Im's Country Limitation Schedule (CLS) at www.exim,.gov . There may not be trade measures against them under Section 201 of the Trade Act of 1974, see http://dockets.usitc.gov/eol/public/ click on 201. There may not be trade sanctions in force against them. For a list of products and countries with Anti-Dumping or Countervailing Duty sanctions see http://205.197.120.60/oinv/sunset.nsf/AllDocID/96DAF5A6C0C5290985256A0A004DEE7D.

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6. **PARTICIPANTS:** Describe any direct or indirect ownership or family relationship between any of the participants in this transaction. If none, insert *"none"*._____.

☐ the applicant **and** for supplier credits: ☐ the exporter, or
for buyer credits: ☐ the buyer and ☐ the guarantor (if any).

7. **The Applicant** (it) **CERTIFIES and ACKNOWLEDGES to the Ex-Im Bank** (the Bank) that:

A. 1) it is a financial institution doing business in the United States, or a jurisdiction thereunder, in accordance with applicable Federal or State banking laws and regulations **OR**

2) it has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make this certification.

B. it undertakes to carry on its business with due care in financing exports hereunder, and in regard to the conditions of the contract and the trustworthiness of the exporter and buyer.

C. (1) neither it nor its principals have been within the past 3 years:

(a) debarred, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or

(b) formally proposed for debarment, with a final determination still pending;

(c) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.

(2) It certifies that it is **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**

(3) It has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications (1) (a) through (c) and (2).

It further certifies that it has not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to (1) (a), (b) or (c) above.

D. it will complete and submit **Form-LLL,** Disclosure Form to Report Lobbying if, to the best of its knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:

(1) an officer or employee of any U.S. Government agency, or

(2) a Member of Congress or a Member's employee, or

(3) an officer or employee of Congress. *This does not apply to commissions paid by the Bank to insurance brokers.*

E. it has not, and will not, engage in any activity in connection with this Policy that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of its knowledge, the performance by the parties of their respective obligations covered or to be covered under this Policy does not and will not violate any applicable law.

F. (1) the information being requested is done so under authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.);

(2) providing the information is mandatory. **Failure to do so** may result in the Bank being unable to determine eligibility for the Policy. The information provided will be reviewed to determine the participants' ability to perform and pay under the Policy.

(3) the Bank may not require the information and applicants are not required to respond unless a currently valid OMB control number is displayed on this form (see upper right of each page);

(4) the information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws;

(5) transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).

(6) the **public burden** reporting for this collection of information is estimated to average 1 hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send **comments** regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

G. the representations made and the facts stated by it in these certifications and its attachments **are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts.** It further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

_____	_____	____/____/____
Signature	Print Name and Title	Date

Note: Please respond to all items and sign application. Applications not completely filled out or not submitted with required financial and credit information will be withdrawn.

Send, or ask your insurance broker or city/state participant to review and send, this application to:
Ex-Im Bank, 811 Vermont Avenue, NW, Washington, D.C. 20571 or an Ex-Im Regional Office.
The Ex-Im Bank website is <http://www.exim.gov>

Please complete: The applicant was informed about Ex-Im by:

☐ An Ex-Im Regional Office:_____

☐ An Ex-Im City/State Partner:_____

☐ A U.S. Export Assistance Center:_____

☐ A Broker:_____

☐ A Bank:_____

☐ A Local Development Authority:_____

☐ Other (specify):_____

END

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OMB No. 3048-0009
Expires 3/31/02

APPLICATION FOR MEDIUM TERM EXPORT CREDIT INSURANCE QUOTATION INSTRUCTIONS

INTRODUCTION

The Export-Import Bank of the United States (Ex-Im) is an independent federal agency which provides financing support for the export of U.S. goods and services. Several programs are available, including Direct **Loans** to foreign buyers, Financial **Guarantees** of payment for lenders to foreign buyers, **Working Capital Loan Guarantees** of payment by a U.S. exporter to its lender, and **Export Credit Insurance**. Ex-Im issues **Letters of Interest** indicating the eligibility of transactions for these programs, see "Information" below to obtain an application.

These instructions are for an application for export credit insurance by either a lender or exporter on a transaction involving sales of capital goods and services with a medium repayment term to a single buyer. For leases see EIB92-20 Fact Sheet on Lease Policies and EIB92-45 Instructions and Application for Lease Policies.

INFORMATION about Ex-Im programs; the fact sheets and **forms mentioned in these instructions** and the application; information on Private Export Financing Corporation (PEFCO) export financing; names of: credit reporting and rating agencies, banks interested in export financing, insurance brokers and Ex-Im City/State Participants **may be obtained:**

- from Ex-Im's **website** <http://www.exim.gov> , see Programs, then Publications, then Export Credit Insurance or
- by calling an Ex-Im **Regional Office**: Northeast: New York (212) 916-0320,MidAtlantic: Washington, D.C. (202) 565-3902, Midwest: Chicago (312) 353-8081, Southeast: Miami (305) 526-7425, Southwest: Houston (281) 721-0465, West: Los Angeles (562) 980-4580, Orange County (949) 660-1688ext150,San Francisco (415) 705-2285, or
- by calling the Ex-Im Business Development Division **1-800-565-EXIM** (3946), or
- at 811 Vermont Avenue, NW, Washington, D.C. 20571.

REQUIREMENTS TO APPLY for a medium term export credit insurance policy:

There is **NO Application Fee**.
A **non binding insurance premium rate** can be determined using the Ex-Im website **Exposure Fee Calculator** or you may call Ex-Im, see above.

1. The **REASON** Ex-Im's support is requested must demonstrate that the transaction will not go forward without support. See the application form question no. 5.

2. Use of a registered Ex-Im insurance **BROKER** or an Ex-Im **CITY/STATE PROGRAM PARTICIPANT** is recommended but not required. Use of a broker or participant does not affect the Ex-Im premium rate. Regional Offices will provide guidance on applications as well as lists of brokers, city/state program participants, and lenders interested in providing export financing. All information provided in an application will be held **confidential**, subject to the Freedom of Information Act, 5 USC 552, the Privacy Act of 1974, 5 USC552a, and the Right of Financial Privacy Act of 1978, 12 USC 3401 except as required to be disclosed under applicable laws.

3. The **APPLICANT** must be either an exporter or a financial institution with an insurable interest in the transaction. A Taxpayer ID number is requested to report on claim payments. The Standard Industrial Code (SIC) or NAICS Code, gross sales and number of employees are requested to determine eligibility for small business benefits. Gender and ethnic minority ownership interest information are requested but not required. Also, see the **applicant certifications** on the **application** and Part 3 of the application, the **Credit Information Checklist**, which is required to demonstrate the ability of the applicant and exporter or supplier to perform the export.

4. The payment obligation must be in U.S. dollars, must be **unconditional** and must be evidenced by a **PROMISSORY NOTE** (single disbursement or grid forms EIB-92-58A or B, special notes for Mexico and Venezuela) or conforming to the requirements listed in the insurance policy which allow use of a note form other than Ex-Im's.

5. The **EXPORT** must involve shipment of capital goods from the U.S. Services must normally be provided by U.S. based personnel and may be provided in the U.S. or at the foreign site. Used equipment may be supported, see Used Equipment Questionnaire EBD-M-25 for details. Breeding cattle or livestock may be supported, see Livestock Questionnaire EIB92-62. Allowance is made for goods and services that are not 100% U.S. origin as follows:

- The Exporter's Supply Contract may include U.S. and "eligible" foreign content.
- Up to 15% of the Exporter's Supply Contract may be eligible foreign content.
- If more than 15% of the Exporter's Supply Contract is eligible foreign content, Ex-Im may provide support for the U.S. content only. There is no minimum U.S. content requirement.

"Eligible Foreign Content" includes goods imported from a foreign country and shipped from the U.S. with the export.

"Ineligible Foreign Content" includes goods shipped from any other country, or services provided in a foreign country, other than the buyer's.

"Goods assembled outside the U.S." by foreign personnel are **normally ineligible** for insurance cover.

"Local costs" are foreign goods and services originating in the country of the buyer and may only be included in the insured amount if approved by Ex-Im Bank.

See **Insurance Program Foreign Content Requirements** EIB99-21 and **Local Cost Policy** EBD-M-05 for details.

Military goods and services and sales to or for use by military/police/security force entities are **normally ineligible**, see Defense Product Questionnaire EIB-92-61. However, goods on the US Munitions List are not necessarily excluded.

Fees for bank, legal, or other technical services, may be financed, see Financing of Fees for **Ancillary Services** EBD-M-13

Ex-Im has cooperative agreements with some foreign export credit agencies like itself. Ex-Im may be able to provide full support for goods and services which do not meet the domestic content requirements **if** the foreign content is from one of those nations **and** there is no other U.S. competition. Ex-Im's Reinsurance Questionnaire Attachment H to EIB95-10 will be required. See Cooperative Insurance Agreements with Foreign Export Credit Agencies (ECAs) EIB99-11.

Capital equipment used to manufacture/produce **exportable goods**, including agricultural commodities, from the country of importation will require a detailed description including changes in the level of production.

6. The **PAYMENT TERMS** to be insured are a maximum of 5 years and will be determined by the details of the transaction or credit including price, buyer, borrower, guarantor, goods, services and use. Sales to dealers, distributors or others for **resale** are limited to 2 years. Some exceptions, such as, sales of certain aircraft or to match confirmed foreign government supported competition, may be eligible for up to 7 years. "Grace" periods and "balloon" payments are **not** allowed. Further details may be found in Ex-Im Bank Standard Repayment Terms EBD-M-26.

EXPORTER'S SUPPLY CONTRACT	MAXIMUM TERM
less than $80,000	2 years
$80,000 - less than $175,000	3 years
$175,000 - less than $350,000	4 years
$350,000 or more	**5 years**

The **NET CONTRACT PRICE** is the amount to be shown in the exporter's invoice related to the goods and services to be exported and services to be performed by U.S. based personnel. If there is more than one exporter or supplier under a transaction, the Net Contract Price is the sum of the Net Contract Price specified in each of the exporter's or supplier's Exporter's Certificates EBD-M-56. The Net Contract Price **includes** eligible foreign content but **excludes** local costs. Shipping and insurance charges may be included in the Net Contract Price but, if from a foreign source, are considered part of eligible foreign content. Ancillary service fees may be included in the Net Contract Price if approved by Ex-Im Bank. The term "Net Contract Price" as used in the Exporter's Certificate, has the same meaning as the term "contract price" as used in medium term policies.

The **FINANCED/INSURED PORTION** of the contract price is the amount left after a **required minimum 15% cash payment** due **prior** to delivery or, for bank policyholders, funding. The cash payment may be financed separately, but is not included in the financed/insured portion.

The **FINANCED/INSURED PORTION** may not be more than **the lesser of**:

- **$10 million**, excluding interest and the premium; or
- **85% of the Net Contract Price**; or
- the **U.S. content** of the Exporter's Supply Contract.

The premium may be included in the insured financed amount without paying "premium on premium." This will increase the premium rate (see the Ex-Im website Exposure Fee Calculator).

The **STARTING POINT** of the payment obligation and corresponding first installment are determined by the shipment date(s), installation period (if any), consolidation of notes, and frequency of payments. See Guidelines for Starting Points EIB99-16. For semi-annual payments after a single shipment without installation, the starting point is the shipment date and the first installment is due within 6 months.

7. The **BORROWER, GUARANTOR, BUYER** and **END-USER** must be foreign entities in **COUNTRIES** for which Ex-Im is able to provide support, see Ex-Im's **Country Limitation Schedule** (CLS) at www.exim,.gov . There may not be trade sanctions in force against them. For a list of products and countries with Anti-Dumping or Countervailing Duty sanctions see http://205.197.120.60/oinv/sunset.nsf/AllDocID/96DAF5A6C0C5290985256A0A004DEE7D. There may not be trade measures against them under Section 201 of the Trade Act of 1974, see http://dockets.usitc.gov/eol/public/ click on 201. You may call Ex-Im Bank's Policy and Planning Division at 202-565-3770 for details. Also, see Part 3 of the application and EBD-M-39 for **credit information** required.

A **GUARANTOR** may be required when the borrower is not creditworthy or under certain other circumstances. See EBD-M-39. For example: guarantors **are required** for the **primary source of repayment** (PSR),which may be **either** the borrower **or** guarantor, under the following circumstances:

- if the PSR is a "start-up" company;
- if the ability of the PSR to pay the debt depends on cash flow from an expansion or new line of business (see EBD-M-39, Part II for exceptions to this requirement on transaction of $1 million or more);
- if more than 25% of PSR sales are **to** or **from** a related/commonly owned company, its guarantee is required;
- if the PSR is a private, non-financial institution with sales revenue of less than U.S. $50 million, the insurance requires the personal guarantee of:
    - an owner holding at least 50%, **or**
    - if no individual has a majority position, of any owner(s) holding 20% or more. This requirement is not applicable when no individual holds at least 20%, however a guarantor may still be required.

8. Ex-Im has published **MEDIUM TERM CREDIT STANDARDS,** EBD-M-39, in order to expedite service. Transactions meeting all of the standards have a high probability of being favorably considered, absent any unusual circumstances.
   PART I, transactions of up to and including $1 million - describes the standards and what can be done if they are not met.
   PART II, transactions of greater than $1 million, up to and including $5 million - describes the standards and what can be done if they are not met.
   PART III, transactions of greater than $5 million - describes the standards and under what circumstances **required supplemental financial information** in **Attachment C** of EBD-M-39 must be provided.

Applicants are **encouraged to review the standards.** Applicants should determine if transactions of up to and including $5 million conform to standards and submit calculations showing the standards are met or provide the additional information described therein when standards are not met. This will **significantly reduce the time** to process the application.

INSURANCE COVER offered:

1. Sales must be to a single or to "joint and several" borrower(s). There are **no medium term "multi-buyer"** policies, except those issued on bank-to-bank lines. Applicants may request cover for:
   Single sale, single shipment transactions with or without installation by the exporter;
   Single sale, multiple shipments transactions, with or without installation by the exporter;
   Repetitive sales under a line of credit extended by a financial institution or exporter to a buyer, or sales by multiple exporters to multiple buyers under a medium term line of credit from one bank to another.

   Applicants will receive a time sensitive binding Commitment from Ex-Im to issue single shipment insurance if approved. Multiple shipment and repetitive sales policies are automatically issued if approved and have a final shipment date.

   Applicants, their brokers or city/state participants are typically advised by a facsimile letter of decisions to approve, deny or require additional information on applications.

2. **COVERAGE**: Applicants may request:
   COMPREHENSIVE cover against all the commercial (including devaluation) and political (excluding devaluation, including transfer/inconvertibility) risks specified in the policy which may cause default, **or**
   POLITICAL risks cover only.

   Transactions with **sovereign** buyers or guarantors (those offering the full faith and credit of the country of importation) receive comprehensive cover. Applicants related to the borrower will receive political risks cover only.

3. **PRE-SHIPMENT**: Applicants may also request pre-shipment cover against certain commercial and political events which may cause the transaction to fail prior to shipment. However, this does not include cover against contract cancellation. Pre-shipment insurance cover may not be combined with an Ex-Im Direct Loan. A minimum 5% cash payment is required at contract signing or before the effective date of pre-shipment cover. If the CLS requires that a letter of credit be used for the payment, the letter of credit must be issued in order for pre-shipment cover to be in effect. Applicants may also request cover for **progress payments** if such payments are for goods and services to be delivered, see Ex-Im Bank Fact Sheet EIB01-04.

4. **PERCENTAGE OF COVER**: The cover is on **100%** of the principal and interest of the insured loan. Post default interest is covered at 100% of the original rate of interest and only if it is specified in the note. Interest is covered until the date of claim payment or 270 days after default, whichever is earlier. There is a 180 day waiting period to file claims due to commercial risk defaults other than insolvency. There is no waiting period for claims resulting from insolvency or political risk defaults.

5. **CONDITIONALITY**: Insurance is a conditional risk protection product which requires the insured to provide evidence of conformance to the insurance contract (policy) by submission of documents at the time a claim is filed. Insureds are required to report borrowers who are 60 days past due. Single sale, single shipment policies require **PAYMENT OF PREMIUM** prior to shipment. Multiple shipment and repetitive sales policies require insured exporters to pay premium by the 15th day after the end of the month in which shipment takes place. Insured bank premiums are due by the 30th day after the end of the month in which financing takes place. Claims must be filed **within 240 days** after a default.

6. **ASSIGNMENTS**: The insurance policy may be assigned by an insured exporter to a financial institution. Financial institutions receive a "documentary" assignment which provides significant protection against both a foreign debtor's default and the risk of non-conformance to the policy by the insured exporter. Insured financial institutions will receive a documentary policy providing the same type of cover as the assignment. Financial institutions may sell insured promissory notes but may not assign the proceeds of the policy.

7. **EXCLUSIONS**: Applicants and potential assignees should read the policy text, declarations, endorsements and special conditions carefully. Exclusions for policies issued to exporters, in addition to those already mentioned, typically include: loss due to the fault of the insured; product disputes unless settled in favor of the exporter; and losses insurable under American Institute of Marine Underwriter's War Risks and Strikes, Riots and Civil Commotion Clauses insurance. The documentary assignment and policy eliminate such exclusions for a financial institution.

END.

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OMB No. 3048-0009
Expires 3/31/02

APPLICATION FOR MEDIUM TERM EXPORT CREDIT INSURANCE QUOTATION APPLICATION FORM

Please type the requested information. Add pages if necessary. Processing of your application may be delayed or the ***application may be withdrawn if the requested information is not provided.***

Also see "INSTRUCTIONS" Part 1

1. **Quotation TYPE requested.** Check applicable boxes in **both** "a" and "b."

   a) ☐ SINGLE SALE, single shipment ☐ SINGLE SALE, multiple shipments ☐ REPETITIVE SALES

   b) ☐ COMPREHENSIVE, i.e., commercial and political risks cover ☐ POLITICAL risk cover only

2. Have you applied for an Ex-Im Bank **Letter of Interest, Guarantee or Loan** for this transaction?

   ☐ No ☐ Yes, if yes, give: LI#_____ or PC#_____.

3. **STATUS of export contract.** ☐ Contract awarded to exporter ☐ Contract under negotiation ☐ Responding to bid

4. **PRE-SHIPMENT Coverage Requested.** (Complete **only** if requesting Pre-shipment Coverage)

   ☐ Yes, we want pre-shipment coverage.

   a) Reason pre-shipment coverage is requested: _____.

   b) Date contract executed or anticipated date of signing: _____.

   c) Estimated period between date of contract and final shipment date of items: _____.

   d) Attach a schedule of any progress payments made or to be made by the borrower during the pre-shipment period. ☐ Attached ☐ None

5. **REASON for seeking Ex-Im support.** You **must** check the box below which describe the rationale for support.

   ☐ Confirmed Foreign competition. The exporter is aware that foreign domiciled companies is (are) competing, or is (are) expected to compete for the sale. Provide company name, country and (if known/applicable) the supporting Export Credit Agency:

   _____.

   ☐ Presumed Foreign Competition. The exporter is aware that foreign domiciled companies manufacture comparable goods and services that are sold in the buyer's market with Export Credit Agency support available. Provide company name, country and (if known/applicable the supporting Export Credit Agency: _____.

   ☐ Private financing unavailable without Ex-Im Bank credit risk protection. There is limited availability of private financing (from either external or domestic sources). Indicate how financing is constrained by checking the appropriate box:

   ☐ No availability of economically viable interest rates on terms of over one to two years, or

   ☐ Financial institution lending capacity limits reached for either borrower and/or country, or see Other below.

   ☐ Other _____.

6. **PARTICIPANTS:**

   a) **Insurance BROKER.** If none, insert "*none*." Broker #: _____

   Name of Brokerage: _____ Phone #: _____

   Contact Person: _____ Fax #: _____ E-Mail: _____

   b) **APPLICANT.** _____

   Applicant Name: _____ Phone #: _____

   Contact person: _____ Fax #: _____

   Position Title: _____ E-Mail: _____

   Street Address: _____ City: _____

   State/Province: _____ Zip/Postal Code: _____ Country: _____

   _____ Taxpayer ID #: _____ Duns #: _____ Congressional District: _____

   non-banks Fiscal year ended (mo. & yr.): _____ Gross sales revenue in last fiscal year: $ _____ # of employees: _____

   _____ Standard Industrial Code of business: _____ Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____

   ☐ Attach the **CREDIT INFORMATION Checklist, Part 3,** with required credit information on the applicant.

   Financial institution (bank) applicants check one: this application is a ☐ supplier credit or a ☐ buyer credit.

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c) **LENDER.** The "lender" is the entity which extends the credit (loan) to the borrower or takes assignment of the policy proceeds.
Check if the lender is also the ☐ applicant or ☐ not yet known or complete the following:

Lender Name: _____ Phone #: _____
Contact person: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State/Province: _____ Zip/Postal Code: _____ Country: _____
Taxpayer ID #: _____ Duns #: _____ Congressional District: _____

☐ Check here if the lender wishes to be published by Ex-Im as a potential source of financing for exports.

NOTE: Assignees and lenders who are not the exporter **must** obtain an Exporter's Certificate form EBD-M-56 to submit with claims.

d) **EXPORTER.** The "exporter" is the entity which contracts with the buyer for the sale of the goods and services.
Check if the exporter is also the ☐ applicant or complete the following:

Exporter Name: _____ Phone #: _____
Contact person: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State: _____ Zip Code: _____
Taxpayer ID #: _____ Duns #: _____ Congressional District: _____
Fiscal year ended (mo. & yr.): _____ Gross sales revenue in last fiscal year: $ _____ # of employees: _____
Standard Industrial Code of business: _____ Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____

☐ Attach the **CREDIT INFORMATION Checklist, Attachment 1,** with required credit information on the exporter.

e) **SUPPLIER(S).** The "supplier(s)" is (are) the entity(ies) which produces the goods and/or performs the services to be exported.
Check if the supplier(s) is also the ☐ applicant or ☐ exporter or complete the following for each supplier:

Supplier Name: _____ Phone #: _____
Contact person: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State: _____ Zip Code: _____
Taxpayer ID #: _____ Duns #: _____ Congressional District: _____
Fiscal year ended (mo. & yr.): _____ Gross sales revenue in last fiscal year: $ _____ # of employees: _____
Standard Industrial Code of business: _____ Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____

☐ Attach the **CREDIT INFORMATION Checklist, Attachment 1,** with required credit information on the supplier.

f) **BORROWER.** The "borrower" is the entity which agrees to repay the credit (loan).

Borrower Name: _____ Duns #: _____
Contact person: _____ Phone #: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State/Province: _____ Postal Code: _____ Country: _____

☐ Attach the **CREDIT INFORMATION Checklist, Attachment 1,** with required credit information on the borrower.

g) **GUARANTOR.** The "guarantor" is the entity which agrees to repay the credit if the borrower does not. Complete the information below if a guarantor is proposed or required.

Guarantor Name: _____ Duns #: _____
Contact person: _____ Phone #: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State/Province: _____ Postal Code: _____ Country: _____

☐ Attach the **CREDIT INFORMATION Checklist, Attachment 1,** with required credit information on the guarantor.

h) **BUYER.** The "buyer" is the entity which contracts with the exporter for the purchase of the U.S. goods and services.
Check if the buyer is also the ☐ borrower or ☐ guarantor or complete the following:

Buyer Name: _____ Duns #: _____
Contact person: _____ Phone #: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State/Province: _____ Postal Code: _____ Country: _____

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i) **END-USER.** The "end-user" is the foreign entity which uses the U.S. goods and services.
Check if end-user is also the ☐ borrower or ☐ guarantor or ☐ buyer or complete the following, or insert "various" for resales and attach a description of the buyers and their location:

End-User Name: _____ Duns #: _____
Contact person: _____ Phone #: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State/Province: _____ Postal Code: _____ Country: _____

j) **RELATED PARTICIPANTS.** Attach a description of any direct or indirect ownership interest, management participation, or family relationship among any of the participants identified in a) Broker through i) End-User above, **if none insert "*none*"**:_____ , or ☐ attached.

k) **OTHER U.S., foreign or multilateral agencies.** ☐ Check if an application for support of this export transaction or related project, if any, has been filed with other U.S., foreign or multilateral agencies and explain:_____ .

7. **REQUESTED AMOUNTS AND FINANCING STRUCTURE:**

a) AMOUNTS:

(1)Exporter(s) Supply Contract(s)

US Content	$_____		
Eligible Foreign Content		$_____	
Shipping and Insurance	U.S. $_____	Foreign $_____	include as US or Eligible Foreign in (2)
Ancillary Services if any	U.S. $_____	Foreign $_____	see EBD-M-13 include as US in (2) if approved
Local Costs if any		$_____	see EBD-M-05
U.S. and Foreign Subtotals	**U.S. $_____**	**Foreign $_____**	
Total Exporter(s) Supply Contract		**$**	
		==========	

(2) Financed/Insured Amount Requested

(a) US Content	$_____	
(b) Eligible Foreign Content	$_____	
(c) Net Contract Price (a plus b):	$_____	* ☐ FOB ☐ FAS ☐ CIF
(d) Less Cash Payment minimum 15% of Net Contract Price	($_____)	
(e) Subtotal **Financed/Insured Amount** (c minus d)	$_____	**
(f) Local Costs if Ex-Im Bank permits them to be included	$_____	***
(g)Total Financed/Insured Amount Requested excluding Premium:	$	
	==========	

* this must correspond to the aggregate of the Net Contract Price(s) of all Exporter's Certificate(s) Part A. 1. E. related to the transaction.
** Maximum: the **lesser of** 85% of Net Contract Price **or** $10 million **or** US Content. Also, if greater than **$ 5 million,** see Part 3 no. 6. For repetitive sales type policies this item is know as the **Credit Limit**.
*** not to exceed 15% of the Net Contract Price in 7. A. (2) (c) above.

b) **PREMIUM.** Check **only** one box. Including the premium in the financing increases the rate. See the website Fee Calculator

☐ Premium to be included in the financing and to be paid as the shipments/disbursements occur.
☐ Premium to be included in the financing and will be paid up front.
☐ Premium not to be included in the financing; to be paid as the shipments/disbursements occur.
☐ Premium not to be included in the financing; to be paid up front.

c) **PAYMENT TERMS:** Unless otherwise requested, repayment of principal and interest is on a semiannual basis beginning 6 months after the starting point (maximum: 6 months for semi-annual, 3 months for quarterly, etc.).

(1) **Frequency.** At least ☐ semi-annually in_____ equal principal installments, plus interest on the declining balance.
If requesting more frequent installments, specify and explain why necessary:_____ .

(2) **Starting point.** The starting point is generally the event that marks the fulfillment of the Exporter's contractual responsibility.
☐ Shipment (single shipment) ☐ Installation ☐ Other (multiple shipments) refer to Guidelines for Starting Points EIB99-16.

Specify: _____.
(e.g., a weighted mean shipment date, last shipment date)

(3) **Shipment Period or Date.** Estimated **date of shipment**, or dates for multiple shipments, or start and end dates for repetitive sales, or completion of installation and training ***excluding*** any acceptance, retention, or warranty period:_____ .

(4) **Interest rate** to be charged: _____.

8. PURPOSE OF THE TRANSACTION.

☐ **Production.** Check if the goods and services will be used to create or expand production capacity for an **exportable product**, including agricultural commodities, and describe the product, the market for it, the current and anticipated sales level:_____
_____.

☐ **Other** (Replacement, Production for Domestic Market, etc.)_____.

9. TRANSACTION DESCRIPTION:

a) **Description of export** goods and services, including for each export good the name, make, model, manufacturer/supplier, SIC or NAICS Code (if known), number of units, unit price and use:_____
_____, **or**

☐ Check if providing the **Content Report** EBD-M-58. Ex-Im Bank endeavors to obtain the report at the time of application on medium term transactions for information and reporting purposes. Processing of, and the decision on, the application will not be delayed or affected by the submission or absence of the report. A **Cause Report** EBD-M-55 is requested at the end of each calendar year to describe the nature and reason for the inclusion of any goods and services with 50% or more foreign content in the good or service.
NOTE: Ex-Im Bank may not provide support for products, countries or buyers with trade sanctions imposed against them.For a list of products and countries with Anti-Dumping or Countervailing Duty sanctions see http://205.197.120.60/oinv/sunset.nsf/AllDocID/96DAF5A6C0C5290985256A0A004DEE7D. There may not be trade measures against them under Section 201 of the Trade Act of 1974, see http://dockets.usitc.gov/eol/public/ click on 201.

b) **Origin.** ☐ Check if the goods and services are **not** being shipped from the U.S. and explain_____.

☐ Check if the services are **not** being provided by U.S. personnel and explain_____.

☐ Check if assembly is **not** being provided by U.S. personnel and explain_____.

Identify the source and briefly describe any Eligible Foreign Content (see EIB99-21) including shipping and insurance if **not** providing the Content Report:_____ or

c) ☐ check if requesting foreign co- or re-insurance, see EIB99-11. Complete **and attach** the Reinsurance Questionnaire "Attachment H".

d) **Military/Security/Police**. Check, complete and attach Ex-Im's Defense Product Questionnaire EIB92-61 if :
- ☐ the borrower, guarantor, buyer or end-user ***is a*** military, security or police force, or
- ☐ the borrower, guarantor, buyer or end-user ***is associated in any*** way with a military, security or police force, or
- ☐ if ***any*** goods and services are to be ***used by*** a military, security or police force, or
- ☐ if ***any*** goods and services are ***intended for use by*** a military, security or police force, or
- ☐ if ***any*** goods and services ***are*** military, security or police articles, or
- ☐ if ***any*** goods and services have a military, security or police ***application***, or
- ☐ if ***any*** goods and services ***are listed on*** the U.S. Munitions List, Title 22, Code of Federal Regulations, Part 121.

e) ☐ **Nuclear.** Check if ***any*** goods and services are to be used in the construction, alteration, operation, or maintenance of nuclear power, enrichment, reprocessing, research, or heavy water production facilities.

f) ☐ **Used equipment.** Check if ***any*** goods are used. If so, complete and attach Ex-Im's Used Equipment Questionnaire EBD-M-25

g) ☐ **Livestock.** Check if the export is breeding livestock. If so, complete and attach Ex-Im's Livestock Questionnaire EIB92-62.

h) **Environmental** (see EBD-E-01). Check if the goods and services are:
- ☐ environmentally beneficial or,
- ☐ used in abatement, control or prevention of pollution, or
- ☐ used in handling toxic substances; or
- ☐ used in power generation, or
- ☐ related to a renewable energy source (check one):☐ wind ☐ hydro ☐ geothermal ☐ solar ☐ biomass, or
- ☐ if they in other ways affect the environment. Explain:_____.

10. APPLICANT CERTIFICATIONS The Applicant (it) **CERTIFIES and ACKNOWLEDGES to the Ex-Im Bank** (the Bank) that:

a) it is (**check one**):

(1) ☐ a corporation organized and **existing under the laws of the United States**, or a jurisdiction thereunder, or
(2) ☐ an individual or partnership **resident in** the United States; **or**
(3) ☐ a foreign corporation, partnership or individual **registered to do business in** the United States, **OR**
(4) ☐ it has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications 1, 2 or 3.

b) it undertakes to carry on its business with due care in financing exports hereunder, and in regard to the conditions of the contract and the trustworthiness of the exporter and buyer.

c) (1) neither it nor its principals have been within the past 3 years:

(a) debarred, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or
(b) formally proposed for debarment, with a final determination still pending;
(c) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.

(2) It certifies that it is **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**

(3) It has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications (1) (a) through (c) and (2).

It further certifies that it has not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to (1) (a), (b) or (c) above.

d) it will complete and submit **Form-LLL**, Disclosure Form to Report Lobbying if, to the best of its knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:

(1) an officer or employee of any U.S. Government agency, or
(2) a Member of Congress or a Member's employee, or
(3) an officer or employee of Congress. *This does not apply to commissions paid by the Bank to insurance brokers.*

e) it has not, and will not, engage in any activity in connection with this Policy that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of its knowledge, the performance by the parties of their respective obligations covered or to be covered under this Policy does not and will not violate any applicable law.

f) (1) the information being requested is done so under authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.);

(2) providing the information is mandatory. **Failure to do so** may result in the Bank being unable to determine eligibility for the Policy. The information provided will be reviewed to determine the participants' ability to perform and pay under the Policy.
(3) the Bank may not require the information and applicants are not required to respond unless a currently valid OMB control number is displayed on this form (see upper right of each page);
(4) the information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws;
(5) transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).
(6) the **public burden** reporting for this collection of information is estimated to average 1 hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send **comments** regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

g) the representations made and the facts stated by it in these certifications and its attachments **are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts**. It further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

_____	_____	____/____/____
Signature	Print Name and Title	Month/Day/Year

Send, or ask your insurance broker or city/state participant to review and send, this application to Ex-Im Bank, 811 Vermont Avenue, NW, Washington, D.C. 20571 or an Ex-Im Regional Office. See EIB form 92-48 Part 1, "Instructions" for whom to contact with questions.

Please complete: The applicant was informed about Ex-Im by:

☐ An Ex-Im Regional Office:_____
☐ An Ex-Im City/State Partner:_____
☐ A U.S. Export Assistance Center:_____
☐ A Broker:_____
☐ A Bank:_____
☐ A Local Development Authority:_____
☐ Other (specify):_____

EIB form 92-48
Revised 10/01

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Expires 3/31/02

APPLICATION FOR MEDIUM TERM EXPORT CREDIT INSURANCE QUOTATION
ATTACHMENT 1. CREDIT INFORMATION CHECKLIST

Information must be complete and current
ALL appropriate blocks must be checked.

1. **APPLICANT:**

☐ Check if not applicable because the applicant is a financial institution (bank), or
☐ Current information as described below, is on file at Ex-Im under Guarantee or Policy #_____ , or provide at a minimum a & b below:
a) ☐ Credit agency report, not older than **6 months** from date of application, **or**
☐ a check made out to "Ex-Im Bank" for $35 to acquire a report;
b) ☐ **If** Financial Statements are **not** included in the Credit Report **or**
☐ **if** the contract price is 35% or more of applicant's (exporter's, supplier's) last fiscal year total sales, attach financial statements that are not older than **1 year** from date of application;

2. **EXPORTER,** if different from the applicant:

☐ Not applicable, or
☐ Current information (described in 1. above) is on file at Ex-Im under Guarantee or Policy #_____ , or
a) ☐, and/or b) ☐ as above.

3. **SUPPLIER**, if different from the applicant or exporter:

☐ Not applicable, or
☐ Current information (described in 1. above) is on file at Ex-Im under Guarantee or Policy #_____ , or
a) ☐, and/or b) ☐ as above.

4. **BORROWER:**

If application is for ☐ **political only or sovereign risks** provide "4.a" only, or
If credit is based on ☐ **a guarantor** provide only "4.a" on the borrower and answer 5, or
☐ Current information as described below is on file at Ex-Im under Guarantee or Policy #_____ , or provide at a minimum a, b and c below:
a) ☐ A credit agency report not older than **6 months** from date of application, **or**
☐ Check if a credit agency report is not applicable because the borrower is a financial institution (bank) or a foreign government agency.
b) ☐ Bank reports or references from borrower's (including banks and non-sovereign government agencies) principal commercial banks, not older than **6 months** from date of application, **including** bank names, addresses, personal contacts, length of relationships, experience, amount and terms of secured and unsecured credit.
c) Financial statements as follows in 1 **or** 2:

1) ☐ For **financed amounts of up to and including $1 million**: Financial statements with notes (preferably audited with opinions and in English; financial institution, i.e., bank, statements **must** be audited) for the previous **3 fiscal year ends** plus interim statements if the latest fiscal year end statements are dated more than **9 months** from date of application. If financial statements are unaudited, they **must** be accompanied by a summary of significant accounting policies used in their preparation.

2) ☐ For **financed amounts of greater than $1 million**: Audited financial statements with notes and opinions in English for the previous **3 fiscal year ends** plus interim statements if the latest fiscal year end statements are dated more then **9 months** from date of application.

d) ☐ Market indications, if available (not required), as follows: ☐ not available

Name of rating agency: _____ Rating: _____ Date: _____

e) ☐ Spread of financial statements including ratios and cash flow (not required for transactions under $1 million).

f) Ex-Im's Medium Term Credit Standards, computed according to EBD-M-39, Attachment A, Parts I and II, transactions up to and including U.S. $5 million (not required but recommended):
1) ☐ not computed
2) ☐ are **met** and ☐ computations are attached.
3) ☐ are **not met**, but ☐ supplemental information described in EBD-M-39 is attached.
4) ☐ are not met, but ☐ a **guarantor** is provided.

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5. **GUARANTOR(S):**

☐ Not applicable [e.g., political only, sovereign, guarantor is not the primary source of repayment (PSR)], or
☐ Current information as described below is on file at Ex-Im under Guarantee or Policy #:_____ , or provide at a minimum a, b and c below.

a) ☐ A credit agency report the same as in 4.a above, **or**
☐ Check if credit agency report is not applicable because the guarantor is a financial institution (bank) or a foreign government agency.

b) ☐ Bank reports or references the same as in 4.b above

c) Financial statements as follows in a **or** b:
1) ☐ For **financed amounts of up to and including $1 million** the same as in 4.c.1 above.
2) ☐ For **financed amounts of greater than $1 million** the same as in 4.c.2 above.

d) ☐ Market indications, if available (not required), as follows: ☐ not available

Name of rating agency:_____ Rating:_____ Date:_____

e) ☐ Spread of financial statements including ratios and cash flow (not required for transactions under $1 million).

f) Ex-Im's Medium Term Credit Standards, computed according to EBD-M-39, Attachment A, Parts I and II, transactions up to and including U.S. $5 million (not required but recommended):
1) ☐ not computed
2) ☐ are **met** and ☐ computations are attached.
3) ☐ are **not met**, but ☐ supplemental information as described in EBD-M-39 is attached.

6. ☐ **EBD-M-39 ATTACHMENT C** is required for transactions (i.e., financed amount excluding interest and Ex-Im premium) of greater than U.S. $5 million with non-financial institution buyers who **do not have** market indications.
☐ Not applicable. It is **not required** for transactions: of U.S.$5million or less, with financial institutions, with buyers or guarantors who have market indications, with sovereign buyers or guarantors, for political risk cover only, or with buyers or guarantors pre-approved by Ex-Im.

7. **MISCELLANEOUS items** which may be attached by the applicant (if any):

☐ Calculation of Ex-Im Medium Term Credit Standards (see 4f & 5f above)
☐ Description of end-users and countries after resale (see application 6i)
☐ Defense Product Questionnaire EIB92-61 (see application 9d)
☐ Livestock Questionnaire EIB92-62(see application 9h)
☐ Form LLL (see application 10d)
☐ Pro-forma invoice ☐ Letter of Credit
☐ Buyer/Guarantor/Government - Request for Bid, Mandate, or Contract
☐ Description of manufacture/production (see application 8)
☐ EBD-M-39 Attachment C (see 6 above)
☐ Description of related participants (see application 6j)
☐ Used Equipment QuestionnaireEBD-M-25(see application 9g)
☐ Content Report Form EBD-M-58 (see application 9a,c)
☐ Cause Report EBD-M-55
☐ Exporter or supplier product brochure
☐ Reinsurance Questionnaire "Attachment H"
☐ Other (specify):_____ .

END

OMB No. 3048-0009
Expires 05/31/02

EXPORT IMPORT BANK OF THE UNITED STATES
SHORT-TERM MULTI-BUYER EXPORT CREDIT INSURANCE POLICY APPLICATION

Applicant: _____ dba: _____
Contact: _____ Title: _____ Website: _____
Address: _____
Phone: _____ Fax: _____ E-Mail: _____
Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____
Bank credit line (if any) with: _____ Broker: _____

1. How did you learn about Ex-Im Bank? ☐ Ex-Im Bank regional office ☐ Broker ☐ Bank ☐ US Export Assistance Center ☐ Ex-Im Bank City/State Partner _____ ☐ Other_____

2. Have you ever applied for a U.S. Small Business Administration or Ex-Im Bank program? ☐Yes or ☐ No
If so, please name the agency, program, outcome and status: _____

If you wish to insure sales made by your affiliates, please see Question 17 (Additional Named Insureds) prior to continuing.

3. Primary reason for application: ☐ risk mitigation ☐ financing ☐ extend more competitive terms

4. Policy Aggregate Limit Requested: $_____ (maximum export credit receivables outstanding at any one time)

5. Product and/or services to be exported: _____

6. Are the products* to be covered under the policy:
   - Manufactured in the U.S. with a minimum of 51% U.S. content (excluding mark-up)? ☐ Yes or ☐ No
   - Manufactured by the applicant? (If no, provide a list of suppliers with addresses.) ☐ Yes or ☐ No
   - Shipped from the United States to your buyers? ☐ Yes or ☐ No
   - Listed on the U.S. Munitions List (part 121 of title 22 of the Code of Federal Reg.)? ☐ No or ☐ Yes
   - Used? (If yes, please attach Used Equipment Questionnaire EBD-M-25) ☐ No or ☐ Yes

* The Borrower, Guarantor, Buyer and End User must be foreign entities in countries for which Ex-Im is able to provide support, see Ex-Im's Country Limitation Schedule (CLS) at www.exim,.gov . There may not be trade measures against them under Section 201 of the Trade Act of 1974, see http://dockets.usitc.gov/eol/public/ click on 201. There may not be trade sanctions in force against them. For a list of products and countries with Anti-Dumping or Countervailing Duty sanctions see http://205.197.120.60/oinv/sunset.nsf/AllDocID/96DAF5A6C0C5290985256A0A004DEE7D.

7. # of years exporting: _____ # of years exporting on terms other than cash in advance (CIA) or confirmed L/C (CILC):_____

8. Total export sales for the prior 2 years: Year: _____ $ _____ Year: _____ $ _____
Total export *credit* sales (exclude CIA, CILC) for the prior 2 years: $ _____ $ _____

9. Buyer Types: ____% Manufacturers ____% Wholesalers/ Distributors ____% Retailers ____% End-users

10. Export Credit Portfolio - attach additional pages if necessary.

	Previous Year			Projections For Next Year		
Country	**# of Buyers**	**Sales**	**Payment Terms**	**# of Buyers**	**Sales**	**Payment Terms**
EXAMPLE: Mexico	10	$2,500,000	50% CILC 50% 60 day OA	12	$3,000,000	100% 60 day OA

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11. Please list your 5 largest export buyers:

Buyer Name	City/Country	Last 12 Months Sales	Payment Terms	Credit Limit Needed
		$		$
		$		$
		$		$
		$		$
		$		$

12. Name(s) of export credit decision maker(s): Title(s): Years of Credit Experience Years of Foreign Credit Exp.

_____ _____ _____ _____

_____ _____ _____ _____

13. At what point do you stop shipping to a past due account? _____ days past due

14. Total export receivables outstanding: $_____ at ____/____/____ (date should be within 60 days of the application)

$_____	$_____	$_____	$_____	$_____
Current	1-60 days past due	61-90 days past due	91-180 days past due	181+ days past due

For each buyer over 60 days past due, attach an explanation including: name of buyer, country, amount past due, due date, and collection efforts made.

15. Export credit losses per year or rescheduled debts during each of last three years - attach additional pages if necessary.

YEAR	AMOUNT (US$)	EXPLANATION OF LOSS OR RESCHEDULING (SPECIFY REASON, COUNTRY, AND BUYER)
	$	
	$	
	$	

16. **Please submit the following as Attachments:**
- Credit Report on your company dated within 6 months of the application or attach a check for $35 payable to Ex-Im Bank.
- Your financial statements for the two most recent completed fiscal years (with notes if available).
- Resume(s) on each credit decision maker identified in question 12.
- Descriptive product brochures (if available).

17. **Special Coverages Required:** If "none" check ☐ N/A

☐ **Add Additional Named Insureds (ANI's).** Credit decisions of each affiliate listed must be centralized with the Applicant and each affiliate must invoice export credit sales in their own name (or tradestyle); if either is not applicable, please attach an explanation. Questions 3-15 should include export sales of prospective ANI's.

Affiliate Company / Trade style	City / State / Country	Relationship to Applicant

☐ **Services (Please attach a copy of your sample services contract)** Services must be: performed by U.S. based personnel or those temporarily domiciled overseas, and billed (invoiced) separately from any product sales.

☐ **Enhanced Assignment** of small business insurance policy proceeds. This is exporter performance risk protection that may be offered to lenders willing to finance Ex-Im Bank insured receivables. **Applicant Please Attach:**
- Written bank reference describing your relationship to date and size of existing credit line.
- 2 written trade references from principal commercial suppliers.
- For applications with policy limits over $500,000, financial statements must be audited or CPA reviewed with notes.

☐ **Other** (please specify):_____

_____

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The Applicant (it) CERTIFIES and ACKNOWLEDGES to the Export-Import Bank of the United States (the Bank) that:

a) it is either organized, or registered to do **business, in the United States**.

b) it and each additional named insured applicant **has not entered into any contract of insurance** or indemnity in respect of any case of loss covered by the Export Credit Insurance Policy or Loss chargeable to a deductible under such Policy, and the applicant will not enter into any such contract of insurance or indemnity without the Bank's consent in writing.

c) neither it nor any of its principals is currently, nor has been within the preceding three years:
- debarred, suspended or declared ineligible from participating in any Covered Transaction or
- formally proposed for debarment, with a final determination still pending;
- voluntarily excluded from participation in a Covered Transaction; or
- indicted, convicted or had a civil judgment rendered against it

for any of the offenses listed in the Regulations governing Debarment and Suspension as defined in the Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule 53 Fed. Reg. 19204 (1988). It further certifies that it has not nor will it knowingly enter into any agreement in connection with this Policy with any individual or entity that has been subject to any of the above.

d) it is not delinquent on any amount due and owing to the U.S. Government, its agencies, or instrumentalities as of the date of this application.

e) it shall complete and submit standard form-LLL, "Disclosure Form to Report Lobbying" to the Bank (31 USC 1352), if any funds have been paid or will be paid to any person for influencing or attempting to influence i) an officer or employee of any agency, ii) a Member of Congress or a Member's employee, or iii) an officer or employee of Congress in connection with this Policy. This does not apply to insurance broker commissions paid by the Bank.

f) it has not, and will not, engage in any activity in connection with this Policy that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of its knowledge, the performance by the parties of their respective obligations covered or to be covered under this Policy does not and will not violate any applicable law.

g) transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).

h) the information is being requested under the authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.); disclosure of this information is mandatory **and failure to provide the requested information may** result in the Bank being unable to determine eligibility for the Policy. The information collected will be analyzed to determine the ability of the participants to perform and pay under the Policy. The Bank may not require the information, and applicants are not required to respond, unless a currently valid OMB control number is displayed on this form. The information collected will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed pursuant to applicable law. The **public burden** reporting for this collection of information is estimated to average 1 hour per response, including time for reviewing instructions, searching existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send **comments** regarding the burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

i) the representations made and the facts stated in the application for said Policy are true, to the best of it's knowledge and belief, and it has not misrepresented or omitted any material facts relevant to said representations. It agrees that this application shall form a part of the Policy, if issued, and the truth of the representations and facts, and performance of every undertaking in this application shall be a condition precedent to any coverage under such Policy. It further understands that this certification is subject to the penalties for fraud against The U.S. Government (18 USC 1001).

(Signature) (Print Name and Title) (Date)

SMALL BUSINESS POLICIES APPLICANT CERTIFICATION

"We are an entity which **together with our affiliates** had **average annual export credit sales** during our preceding two fiscal years not exceeding **$5,000,000**, excluding sales made on terms of confirmed irrevocable letters of credit (CILC) or cash in advance (CIA)."

(Signature)

Send, or ask your insurance broker or city/state participant to review and send this application to the Ex-Im Bank Regional Office nearest you. Please refer to Ex-Im Bank's website at http://www.exim.gov for Regional Office addresses.

Ex-Im Bank reserves the right to request additional information upon review of the application. Please refer to Ex-Im Bank's Short Term Credit Standards (EIB 99-09) to determine the likelihood of approval of a policy.

OMB #3048-0009
Expiry Date 5/31/02

EXPORT-IMPORT BANK OF THE UNITED STATES
EXPORTER'S APPLICATION FOR SHORT-TERM SINGLE-BUYER POLICY App No.:_____
(Please Print or Type) (Ex-Im Bank Use Only)

1. Applicant	2. Broker (If none, state "None")
Name: Address: Attn.: Tel No.: Fax No.: E-Mail:	Brokerage: Broker Number: Attn.: Tel No.: Fax No.: E-Mail:

3. Qualification for Coverage. Will the applicant: a) Have title to the products at the time they are shipped? ☐ Yes ☐ No
b) Be directly invoicing the Buyer? ☐ Yes ☐ No
(If you answered no to either you may not be eligible for coverage. Consult your broker, City/State Program participant or Ex-Im)

4. Buyer Name and (full) Address (no Post Office Box nos.) File No.:_____
(Issuing Bank for Letter of Credit transactions) (Ex-Im Bank Use Only)

5. Guarantor Name and Address (If none, state "None") File No.:_____
(Ex-Im Bank Use Only)

PART I - INFORMATION ABOUT THE APPLICANT Refer to Ex-Im Bank's Short Term Credit Standards (EIB99-09)Exporter for New Policyholder to determine the likelihood of approval.

6. If you have submitted this information within the past twelve months provide the policy no._____; otherwise attach the following:
   a) Your SIC Code (if known)_____ b) Total Employees_____ c) Total Sales_____
   d) Tax ID #: _____ e) DUNS #: _____ f) Congressional District:_____
   g) Indicate (Not Required) if owned by a☐ Woman, or an ☐ Ethnic Minority, describe_____
   h) ☐ Credit agency report dated within 6 months of the application. If unavailable, please attach check for $35.00 to assist in covering Ex-Im Bank's cost in ordering a report.
   Year ____ ____
   i) Total export sales $_____ $_____
   j) Total export sales (excluding cash in advance and confirmed irrevocable letter of credit transactions) during your last 2 fiscal years: $_____ $_____
   k) Years exporting on credit terms:_____
   l) ☐ Attach the collection procedures your company follows in the event your foreign customers become past due.
7. What is your primary reason for applying for this policy?☐ Risk mitigation ☐ To obtain financing ☐ Other attach explanation.
8. Have you applied for, or received the benefit of, a U.S. Small Business Administration or Ex-Im Bank program such as a Working Capital Loan Guarantee or Insurance Policy approval? (Enhanced Assignments are not available to exporters benefitting from an Ex-Im Bank or US Small Business Administration Working Capital Loan Guarantee) ☐ No ☐ Yes (describe agency, program outcome and status):_____.
9. If requesting an "Enhanced Assignment" check here☐ and attach the following (refer to Ex-Im Bank's Short Term Credit Standards EIB99-09 Exporters for Enhanced Assignments to determine the likelihood of approval):
   ☐ A bank reference dated within 6 months of the application.
   ☐ 2 trade references dated within 6 months of the application.
   ☐ Financial statements as follows:

Limit of Liability	Minimum Requirement
$500,000 or less	signed by an authorized officer for the applicant
$500,001 - $999,999	reviewed by a CPA with notes attached
$1,000,000 or more	audited by a CPA with opinion and notes attached.

PART II - INFORMATION ABOUT THE TRANSACTION

10. Check one: ☐ Firm Order ☐ Negotiating Sale ☐ Responding to Invitation to Bid
11. a) Products ☐ New ☐ Used (If used, attach Used Equipment Questionnaire)
    b) Name and Description of Products*:_____.
    c) Is each product produced or manufactured in the United States? ☐ Yes ☐ No If no explain:_____.
    d) Has at least one-half of the value, exclusive of price mark-up, been added by labor or material exclusively of United States origin? ☐ Yes ☐ No If no, explain: _____.
    e) Will any value be added to the product after export from the U.S.?☐ No ☐ Yes If yes, explain: _____.

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f) Are products listed on the United States Munitions List? (Part 121, Title 22, Code of Federal Regulations) ☐ Yes ☐ No
g) Has this transaction been considered by any other export credit insurer? ☐ No ☐ Yes If yes, attach an explanation.

* Note: The Borrower, Guarantor, Buyer and End User must be foreign entities in countries for which Ex-Im is able to provide support, see Ex-Im's Country Limitation Schedule (CLS) atwww.exim,.gov . There may not be trade measures against them under Section 201 of the Trade Act of 1974, see http://dockets.usitc.gov/eol/public/ click on 201. There may not be trade sanctions in force against them. For a list of products and countries with Anti-Dumping or Countervailing Duty sanctions see http://205.197.120.60/oinv/sunset.nsf/AllDocID/96DAF5A6C0C5290985256A0A004DEE7D.

12. **SUPPLIER.** The "supplier" is the U.S. entity which produces the items and/or performs the services to be exported.
Check if the supplier is also the ☐ exporter or complete the following: (Ex-Im use only: File #: _____)
Supplier Name: _____ Phone #: _____
Contact person: _____ Fax #: _____
Position Title: _____ E-Mail: _____
Street Address: _____ City: _____
State: _____ Zip Code: _____
Taxpayer ID #: _____ Duns #: _____ Congressional District: _____
Fiscal year ended (mo. & yr.): _____ Gross sales revenue in last fiscal year: $ _____ # of employees: _____
Standard Industrial Code of business: _____ Indicate (Not Required) if owned by a ☐ Woman or ☐ Ethnic Minority, describe: _____

13. a) **Payment terms** requested _____
b) Debt instrument (if any) _____
c) Expected frequency of shipments: ☐ Single shipment ☐ Multiple shipments under one sales contract.
d) If single shipment, the expected date of shipment _____, or
if multiple shipments, the period required to make shipments from _____ to _____
e) Total shipment volume to be insured $ _____
f) If multiple shipments, the expected highest amount outstanding during shipment period $ _____
g) Other security/guarantees available. If none, state "None". _____.
14. Coverage type required: ☐ Commercial/Political ☐ Political Only
15. Pre-shipment Coverage (complete only if coverage is requested) **NOTE:** Additional premium will be charged for this cover.
a) Has contract of sale been executed? ☐ Yes ☐ No Date or estimated date: _____
b) Estimated period between date of contract and final shipment date of products: _____
c) ☐ Attach schedule of any progress payments made or to be made by buyer during pre-shipment period or ☐ None.
d) What risk is of primary concern to you during the pre-shipment period? _____

PART III - INFORMATION ABOUT THE BUYER Refer to Ex-Im Bank's Short Term Credit Standards (EIB99-09) Buyers: for Financial Institutions, letter of credit transactions, for Financial Institutions non-letter of credit transactions, and for Non-Financial Institution Buyers to determine the likelihood of approval. Attach the following information:

16. a) Market Rating: _____ Rating Agency: _____ Date: _____ **OR**
b) ☐ A credit report on the buyer, and guarantor (if any) not older than 6 months from date of application **and**
☐ 2 (1 if the credit limit is $100,000 or less) Trade Reference forms (EIB99-14) dated within 6 mos of the application **and**
☐ If the credit limit is $300,001 or more, audited or unaudited signed financial statements with notes on the buyer, and guarantor (if any) for the last: 2 fiscal years if the credit limit is $300,001 to $1million, or
3 **audited** fiscal years if the credit limit is $1,000,001 or more.
(Credit and financial information should be on the issuing bank if terms are letter of credit)
17. When did you last visit the buyer? _____
18. a) Summary of credit experience (insured and uninsured) with this buyer during current year and past 2 years:

Total Sales Each Year	$_____	$_____	$_____
Highest Amount Outstanding During Period	$_____	$_____	$_____
Payment Terms	_____	_____	_____

b) Describe buyer's payment history (check one)
☐ No prior experience ☐ Prompt/Discount ☐ 1-30days slow ☐ 31-60days slow ☐ More than 60 days slow
c) Amount now owing $ _____ as of _____ (Date).
d) Amount now past due (indicate maturity dates and explanation). _____
e) If past dues are due to foreign exchange problems, does applicant have evidence of local currency deposits on all payments due? ☐ Yes ☐ No ☐ Not applicable.
19. Describe any direct or indirect ownership interest or family relationship which exists between the applicant

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and the buyer or guarantor. If none, state "None."_____.

21. **PART IV The Applicant** (it) **CERTIFIES and ACKNOWLEDGES to the Ex-Im Bank** (the Bank) that:

a) it is (**check one**): (1) ☐ a corporation organized and **existing under the laws of the United States**, or a jurisdiction thereunder, or
(2) ☐ an individual or partnership **resident in** the United States; **or**
(3) ☐ a foreign corporation, partnership or individual **registered to do business in** the United States, **OR**
(4) ☐ it has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications 1, 2 or 3.

b) to the best of its knowledge and belief, the products and services to be exported in the transaction described in this application are principally **for use as indicated below**. When a sale is made to entities such as distributors primarily for resale, the principal user is considered to be the original purchaser (the distributor), and item (1) should be checked. If, however, it has knowledge or reason to believe that the products will be re-exported from the original buyer's country, please complete item (2): (1) ☐ By the buyer in the country specified above. (2) ☐ If not, name the country (ies) **where** products will be principally used: _____ **by whom**: _____.

c) it undertakes to carry on its business with due care in financing exports hereunder, and in regard to the conditions of the contract and the trustworthiness of the exporter and buyer.

d) (1) neither it nor its principals has been within the past 3 years:
(a) debarred, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or
(b) formally proposed for debarment, with a final determination still pending;
(c) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.
(d) It certifies that it is **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**
(2) It has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications a through d..
It further certifies that it has not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to a, b or c above.

e) it will complete and submit **Form-LLL**, Disclosure Form to Report Lobbying if, to the best of its knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:
(1) an officer or employee of any U.S. Government agency, or
(2) a Member of Congress or a Member's employee, or
(3) an officer or employee of Congress. *This does not apply to commissions paid by the Bank to insurance brokers.*

f) it has not, and will not, engage in any activity in connection with this Policy that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of its knowledge, the performance by the parties of their respective obligations covered or to be covered under this Policy does not and will not violate any applicable law.

g) (1) the information being requested is done so under authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.);
(2) providing the information is mandatory. **Failure to do so** may result in the Bank being unable to determine eligibility for the Policy. The information provided will be reviewed to determine if the participants' ability to perform and pay under the Policy.
(3) the Bank may not require the information and applicants are not required to respond unless a currently valid OMB control number is displayed on this form (see upper right of each page);
(4) the information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws;
(5) transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).
(6) the **public burden** reporting for this collection of information is estimated to average 1 hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send **comments** regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

h) the representations made and the facts stated by it in these certifications and its attachments **are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts**. The applicant agrees that such representations and facts shall form the basis of and be incorporated in the Policy, if issued, and that the truth of such representations and facts and the due performance of each and every undertaking contained herein above shall be condition precedent to any liability of Ex-Im Bank thereunder. It further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

_____ _____ _____
(Signature) (Print Name and Title) Date

Send, or ask your insurance broker or city/state participant to review and send, this application to Ex-Im Bank, 811 Vermont Avenue, NW, Washington, D.C. 20571 or an Ex-Im Regional Office.
The Ex-Im Bank website is <http://www.exim.gov>

Please complete: The applicant was informed about Ex-Im by: ☐ An Ex-Im Regional Office:_____
☐ An Ex-Im City/State Partner:_____ ☐ A U.S. Export Assistance Center:_____
☐ A Broker:_____ ☐ A Bank:_____
☐ A Local Development Authority:_____ ☐ Other (specify):_____

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EXPORT-IMPORT BANK OF THE UNITED STATES
APPLICATION FOR
EXPORT CREDIT INSURANCE UMBRELLA POLICY

(Please Print or Type)

Date:_____
App.No.:_____
(Ex-Im Bank use only)

1. Applicant Name & Address	2. Broker Name & Number
Attn.: Tel No.: Fax No.: E-Mail:	(If none, state "None") Brokerage: Broker Number: Attn.: Tel No.: Fax No.: E-Mail:

3. a. Please specify business activities:

- ☐ Bank
- ☐ EMC/ETC
- ☐ Insurance Broker
- ☐ Accounting Firm
- ☐ State Government Organization
- ☐ Trade Organization
- ☐ Freight Forwarder
- ☐ Other_____

b. Legally formed as a _____ (Type) on _____ (Date) in _____ (State)

c. Total number of permanent employees:_____

d. Number of years your organization has been involved in export related activities:_____

e. Tax ID #:_____ f. DUNS #:_____ g. Congressional District:_____

4. a. In your organization, name the individuals who will be responsible for administering the Export Credit Insurance Umbrella Policy.

Name:_____ Name:_____

Title:_____ Title:_____

5. Has your organization ever held an Export-Import Bank of the United States (Ex-Im Bank) policy or acted as a business finder, consultant, buyer or seller representative for any transaction insured under an Ex-Im Bank policy? ☐ Yes ☐ No
If yes, please give the names of the 4 most recent policyholders and the policy numbers:

Holder:_____ Number:_____

Holder:_____ Number:_____

Holder:_____ Number:_____

Holder:_____ Number:_____

6. Please list any individual/institution owning 20% or more of your organization:

7. If your organization has subsidiaries or affiliates involved in export activities, please list their names and addresses: Name Address

8. List two bank references and two business references, including officer to contact, and telephone

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number:

Organization	Contact	Phone Number
1) _____	_____	_____
2) _____	_____	_____
1) _____	_____	_____
2) _____	_____	_____

9. Please list the name of each exporter you anticipate will be an insured under this policy. If none are known at this time, indicate "None".

_____

_____

10. Does your organization currently have a fidelity bond and an errors and omissions insurance policy? (Check the appropriate box(es) if yes.)

☐ Fidelity Bond - Issuer:_____

Limits of Liability:_____

☐ Errors and Omissions Policy - Issuer:_____

Limits of Liability:_____

Issuance of an Export Credit Insurance Umbrella Policy will be contingent upon both being in force for the life of the policy

11. Please attach the following information:
   a. Financial statements for the last three years, audited if available; if not audited, signed by an officer
   b. Recent (within 6 months) credit agency report on your organization. If unavailable, please attach a check for $35.00 payable to Ex-Im Bank.
   c. Descriptive brochures or advertising materials.
   d. Resumes on individuals named in question number 4 (see Resume Form attached).
   e. Any other information that you would like to have considered when evaluating this application.
   f. Any completed Insured Exporter Applications for companies mentioned in question number 9.

12. AGREEMENTS OF THE ADMINISTRATOR

The Applicant (it) **CERTIFIES and ACKNOWLEDGES to the Ex-Im Bank** (the Bank) that:

a. it is (**check one**):
   1) ☐ a corporation organized and **existing under the laws of the United States**, or a jurisdiction thereunder, or
   2) ☐ an individual or partnership **resident in** the United States; **or**
   3) ☐ a foreign corporation, partnership or individual **registered to do business in** the United States, **OR**
   4) ☐ it has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications 1, 2 or 3.

b. it will undertake to carry on its business with due care and in full compliance with the laws of the United States and with the state and local laws and regulations governing the area in which the applicant is resident;

c. It will conduct its business from the address listed in question number 1 of this application, and will provide notification within 10 days of any change of its business address;

d. It will provide notification within 10 days if the person responsible for administration of its Export Credit Insurance Trade Association policy and listed in question number 4a of this application change;

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e. It will obtain and maintain errors and omissions insurance covering the performance of its duties and responsibilities under its Export Credit Insurance Trade Association Policy.

f. 1) neither it nor its principals has been within the past 3 years:
a) debarred, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or
b) formally proposed for debarment, with a final determination still pending;
c) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.
d) It certifies that it is **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**
2) It has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despitean inability to make certifications a through d..
It further certifies that it has not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to a, b or c above.

g. it will complete and submit **Form-LLL**, Disclosure Form to Report Lobbying if, to the best of its knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:
1) an officer or employee of any U.S. Government agency, or
2) a Member of Congress or a Member's employee, or
3) an officer or employee of Congress. *This does not apply to commissions paid by the Bank to insurance brokers.*

h. it has not, and will not, engage in any activity in connection with this Policy that is a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC Sec. 78dd-1, et seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business. To the best of its knowledge, the performance by the parties of their respective obligations covered or to be covered under this Policy does not and will not violate any applicable law.

i 1) the information being requested is done so under authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.);
2) providing the information is mandatory. **Failure to do so** may result in the Bank being unable to determine eligibility for the Policy. The information provided will be reviewed to determine if the participants' ability to perform and pay under the Policy.
3) the Bank may not require the information and applicants are not required to respond unless a currently valid OMB control number is displayed on this form (see upper right of each page);
4) the information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws;
5) transfer of financial records included in this application to private parties or another U.S. Government authority will not be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).
6) the **public burden** reporting for this collection of information is estimated to average 1 hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send **comments** regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

j. the representations made and the facts stated by it in these certifications and its attachments **are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts.** The applicant agrees that such representations and facts shall form the basis of and be incorporated in the Policy, if issued, and that the truth of such representations and facts and the due performance of each and every undertaking contained herein above shall be condition precedent to any liability of Ex-Im Bank thereunder. It further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

This document will be a material basis for the approval of any entity or person as an Administrator of the Export Credit Insurance Umbrella Policy. Any misrepresentation herein is grounds for immediate disqualification of an approved Administrator. Other information, including, but not limited to, interviews and visits to your offices, may be requested.

As an Administrator you will be administering export credit insurance coverage for various insureds and dealing directly with Ex-Im Bank on the insureds' behalf. Many states regulate, through licensing or otherwise, the persons, firms, associations and corporations which handle insurance matters for others. You may wish to review your status as an Administrator under applicable state law(s) before submitting this application for an Export Credit Insurance Umbrella Policy. If your application is approved, it will be for a one-year period only. Renewals may require additional information.

_____ _____
By (Signature) Print Name and Title

Send, or ask your insurance broker or city/state participant to review and send, this application to Ex-Im Bank, 811 Vermont Avenue, NW, Washington, D.C. 20571 or an Ex-Im Regional Office.
The Ex-Im Bank website is <http://www.exim.gov>

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EXPORT-IMPORT BANK OF THE UNITED STATES
Attachment to Umbrella Policy Application
To be filled out for each individual named in Question 4a.
RESUME FORM

Name:_____ _____

Title or Position:_____

Number of years with your organization:_____

Full description of job functions including administering the policy:

_____

_____

_____

_____

Administrative experience:_____

_____

_____

_____

_____

Export-related experience including any previous experience with Ex-Im Bank:_____

_____

_____

_____

Educational background:_____

_____

_____

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EXPORT-IMPORT BANK OF THE UNITED STATES (EX-IM BANK)
BROKER REGISTRATION FORM

Insurance brokers and agents are eligible for commission payments under Ex-Im Bank export credit insurance policies if the broker or agent is registered with Ex-Im Bank and is appointed as broker-of-record by the policyholder either by designation on an insurance policy application or by separate letter.

Name of Brokerage:_____

Contact:_____ Title:_____

Address:_____ PO BOX:_____

City:_____ State:_____ Zip:_____

Phone: (____)_____ Fax: (____)_____ E-mail:_____

Tax ID #:_____ DUNS #:_____ No. of Employees:_____

Indicate (Not Required) if owned by a ☐ woman or ☐ an ethnic minority, describe_____.

Other lines of brokered insurance:_____.

Do you have other offices you wish to register (to be eligible for commissions)? ☐ No ☐ Yes
If "Yes", please list firm's name, address, telephone number, fax number and contact person on a separate sheet.

A list of registered insurance brokers is available on the Ex-Im Bank Internet Website and unbrokered applicants are referred to the list. Please indicate here if you **DO NOT** wish your name released. ☐

1. A Registration Fee of **$85.00** is required, for which you will also receive a copy and updates of the "Ex-Im Bank Users' Guide."
2. You are required to review, understand and **sign** the attached "Standards of Service".
3. Attach a copy of a current, valid insurance brokerage **license** indicating issuance and/or expiry date(s).
4. Forward the attached "Authorization for Automated Deposits" form.

The Broker (it) **CERTIFIES and ACKNOWLEDGES to the Ex-Im Bank** (the Bank) that:

1. a) neither it nor its principals has been within the past 3 years:
   1) debarred, suspended or declared ineligible from participating in or voluntarily excluded from participation in a Covered Transaction or
   2) formally proposed for debarment, with a final determination still pending;
   3) indicted, convicted or had a civil judgement rendered against them for any of the offenses listed in the **Government Wide Nonprocurement Debarment and Suspension Regulations; Common Rule** which defines Covered Transaction.
   4) It certifies that it is **not delinquent** on any amounts due and owing to the U.S. Government, its agencies or instrumentalities as of the date of this application. **OR**

   b) It has received a **written** statement of exception from the Bank and **attached** it to this certification, permitting participation in the transaction despite an inability to make certifications 1 through 4.

   It further certifies that it has not and will not knowingly enter into any agreements in connection with the transaction with any individual or entity that has been subject to 1, 2 or 3 above.

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2. it will complete and submit **Form-LLL**, Disclosure Form to Report Lobbying if, to the best of its knowledge and belief, **any funds have been paid or will be paid** to any person in connection with this application for influencing or attempting to influence:
   a) an officer or employee of any U.S. Government agency, or
   b) a Member of Congress or a Member's employee, or
   c) an officer or employee of Congress.

3. corrupt payments made in connection with Bank supported transactions may be a violation of the **Foreign Corrupt Practices Act of 1977** (15 USC 78dd-1, et. seq.) which provides for civil and criminal penalties against individuals who directly or indirectly make or facilitate corrupt payments to foreign officials to obtain or keep business.

4. a) the information being requested is done so under authority of the **Export-Import Bank Act of 1945** (12 USC 635 et. seq.);
   b) providing the information is mandatory. **Failure to do so** may result in the Bank being unable to determine eligibility for the Insurance Program. The information provided will be reviewed to determine if the broker meets the Bank's legislative requirements under the program
   c) the Bank may not require the information and applicants are not required to respond unless a currently valid OMB control number is displayed on this form (see upper right of each page);
   d) the information provided will be held confidential subject to the **Freedom of Information Act** (5 USC 552) and the **Privacy Act of 1974** (5 USC 552a), except as required to be disclosed under applicable laws;
   e) the Bank shall have a right to transfer to another U.S. Government authority any financial records included in this certification or other correspondence as necessary to process, service, foreclose or collect on an insured debt. No other transfer of records to private parties or another U.S. Government authority will be authorized except as permitted under the **Right of Financial Privacy Act of 1978** (12 USC 3401).
   f) the **public burden** reporting for this collection of information is estimated to average ½ hour per response, including reviewing instructions, searching data sources, gathering information, completing, and reviewing the application. Send **comments** regarding the burden estimate, including suggestions for reducing it, to Office of Management and Budget, Paperwork Reduction Project OMB# 3048-0009, Washington, D.C. 20503.

5. the representations made and the facts stated by it in these certifications and its attachments **are true, to the best of its knowledge and belief, and it has not misrepresented or omitted any material facts**. It further understands that these certifications are subject to the penalties for fraud against the U.S. Government (18 USC 1001).

Signature:_____ Print Name:_____

Title: _____ Date: _____

Send this application to Attn: Assistant Director for Broker Relations, Insurance Division, Ex-Im Bank, 811 Vermont Avenue, NW, Washington, D.C. 20571 or an Ex-Im Regional Office.
The Ex-Im Bank website is <http://www.exim.gov>

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INSURANCE BROKERS STANDARDS OF SERVICE

1. To act in a professional, reasonable, prudent and forthright manner in all dealings with your client and Ex-Im Bank.

2. To stay knowledgeable about not only Ex-Im Bank export credit insurance but alternatives, including other Ex-Im Bank programs, other U.S. government programs, and private sector products as well, in order to provide the best options to your clients.

3. To educate your clients about Ex-Im Bank's Insurance Program and policies, its' benefits and proper usage.

4. To serve as your clients' primary contact for any questions concerning the policies and the servicing of a policy.

5. To review all applications and issuances of policies, actions under policies, renewals of policies and credit limits, and claims, for timeliness, completeness, accuracy and reasonableness.

6. To review correspondence from Ex-Im Bank with your clients, including quotes and credit limits, to assist them in understanding the coverage and their responsibilities.

7. To assist your clients to comply with the Agreements of the Insured including shipment reports, premium payment and reports of overdue accounts, and to advise Ex-Im Bank of any potential claims.

8. To report policy cancellations and submit a premium reconciliation to Ex-Im Bank.

9. To provide as much assistance to the policyholder as is possible in order to maximize the benefits of the policy.

I have read the above standards, agree that they are reasonable, and will comply with these standards.

I understand and agree that substantial failure by me to comply with these standards could result in withdrawal from the list of registered insurance brokers published by Ex-Im Bank and cancellation of eligibility for commission payments under Ex-Im Bank export credit insurance policies.

_____	_____	_____
Name of Brokerage	Signature of Broker	Date

_____
Print Name

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EXPORT-IMPORT BANK OF THE UNITED STATES

AUTHORIZATION FOR AUTOMATED DEPOSITS (ACH CREDITS)

I hereby authorize the Export-Import Bank of the United States hereinafter called Ex-Im Bank, to initiate credit entries to my [ ] **CHECKING** [ ] **SAVINGS account** ☑ ***(check one)*** indicated below and the depository named below, hereinafter called DEPOSITORY, to credit the same to such account.

DEPOSITORY NAME _____

BRANCH _____

CITY _____ STATE ___ ZIP_____

TRANSIT/ABA NUMBER: [ ][ ][ ][ ] - [ ][ ][ ][ ] - [ ]

ACCOUNT NUMBER: _____

This authority is to remain in full force and effect until Ex-Im Bank has received written notification from me of its termination in such time and in such manner as to afford Ex-Im Bank a reasonable opportunity to act on it.

BROKER NAME _____
(please print)

BROKER NO. _____ TAX ID NUMBER _____

SIGNATURE _____ DATE _____

PLEASE ATTACH A VOIDED CHECK FOR THE ACCOUNT NAMED ABOVE

FOR EX-IM BANK USE ONLY

DATE RECEIVED _____

PROCESSED BY _____

Return to: Export-Import Bank of the United States
Director - Broker Relations
811 Vermont Avenue, N.W.
Washington, DC 20571

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EXPORT-IMPORT BANK OF THE UNITED STATES (EX-IM BANK)
BROKER COMMISSION SCHEDULE
FOR EXPORT CREDIT INSURANCE POLICIES

Effective: October 1, 1994

BROKER ELIGIBILITY

Insurance brokers and agents are eligible for commission payments under Ex-Im Bank export credit insurance policies if the broker or agent is **registered** with Ex-Im Bank and is **appointed** as broker-of-record by the policyholder. The policyholder reserves the right to appoint, delete or change the broker of record at any time. Brokers of record are entitled to any commissions due on premiums paid prior to a change in the broker of record.

COMMISSION RATES

Commission rates paid by Ex-Im Bank are based on the type of policyholder to which the policy is issued, as shown in the chart below:

Type of Policyholder	Commission Rate (percentage of premium)
Financial Institutions	**8%**
Exporters	
Small Business	**30%***
Multi-Buyer Policyholders	**12%**
Single-Buyer Policyholders	**10%**
Administrators	
Umbrella Policy	**30%***
Trade Association Policy	**10%**
Lessors	
(whether a financial institution or an exporter)	
Operating Lease Policy	**20%**
Financing Lease Policy	**10%**

*At Ex-Im Bank's discretion, this percentage will increase to 40% for those brokers who meet certain criteria regarding support of small business.

COMMISSION PAYMENTS

- The full amount of all premiums are due at the appropriate lockbox on or before the date specified in the policy. Insurance brokers should not remit premiums "net" of commission.
- Commission payments will be made monthly.
- No commission payments will be made on advance premium.

BROKER CHANGES ON EXISTING POLICIES

Ex-Im Bank policyholders may appoint or change their insurance broker at any time. Insurance brokers appointed after a policy is issued will be recognized on the first day of the next month after the receipt of the policyholder's written notice appointing an insurance broker of record.

Acknowledgment by Ex-Im Bank of a policyholder's appointed insurance broker is made by means of a policy endorsement. Insurance brokers acknowledged by Ex-Im Bank are eligible for commissions with respect to transactions occurring after the effective date of the endorsement.

WHO TO CONTACT: For additional information, please contact a Regional Office or:

EXPORT-IMPORT BANK OF THE U.S., INSURANCE DIVISION
811 VERMONT AVENUE, N.W., WASHINGTON, D.C. 20571
TEL NO (202) 565-3630 or 1-800-565-EXIM FAX NO. (202) 565-3675 INTERNET http://www.exim.gov
Regional Offices: MID ATLANTIC (202) 565-3940 MIDWEST (312) 353-8041
NORTHEAST (202) 466-2950 SOUTHEAST (305) 526-7425
SOUTHWEST (281) 721-0465 WEST: Long Beach (562) 980-4580, San Jose (415) 705-2285

EIB-92-79 (7/01) Page 5 of 5

[FR Doc. 02–6708 Filed 3–20–02; 8:45 am]
BILLING CODE 6690–01–C

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 96–45; DA 02–602]

Petition To Redefine the Service Area of Century Tel of the Southwest, Inc. in the State of New Mexico

AGENCY: Federal Communications Commission.

ACTION: Notice; solicitation of comments.

SUMMARY: In this document, the Common Carrier Bureau sought comment on Smith Bagley's petition requesting the Commission's consent to the New Mexico Public Regulation Commission's proposed ''service area'' definition for areas served by the Century Tel of the Southwest, Inc. (Century Tel) within New Mexico.

DATES: Comments are due on or before April 4, 2002. Reply comments are due on or before April 15, 2002.

ADDRESSES: See Supplementary Information section for where and how to file comments.

FOR FURTHER INFORMATION CONTACT: Richard D. Smith (202) 418–7400, TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: On March 1, 2002, Smith Bagley filed with the Commission a petition, pursuant to section 54.207 of the Commission's rules, requesting the Commission's consent to the New Mexico Public Regulation Commission's (New Mexico Commission) proposed ''service area'' definition for areas served by Century Tel of the Southwest, Inc. (Century Tel) within New Mexico. The New Mexico Commission proposes to define Smith Bagley's service area as an area different from the study area of Century Tel for the purpose of determining federal universal service obligations and support mechanisms. Specifically, the New Mexico Commission proposes to modify Smith Bagley's service area to include the Zuni, Ramah, and Fence Lake wire centers and Smith Bagley's existing service contour within the Pine Hill, Vanderwagn, Gallup, and Grants wire centers. The New Mexico Commission recommended that Century Tel's noncontiguous Pecos exchange be delineated as its own service area and that the exchanges served by Smith Bagley be grouped together as a second separate service area.

If the Commission does not act on the petition within 90 days of the release of this Public Notice, the definition proposed by the New Mexico Commission will be deemed approved by the Commission and shall take effect in accordance with state procedures.

The Petition: On February 19, 2002, the New Mexico Commission issued an order designating Smith Bagley as an eligible telecommunications carrier (ETC), under section 214(e) of the Communications Act of 1934, as amended (the Act), to receive federal universal service support for service provided in areas of New Mexico. In so doing, the New Mexico Commission concluded that it was in the public interest to designate Smith Bagley as an ETC in the study area of Century Tel, a rural telephone company.

The New Mexico Commission conditioned Smith Bagley's ETC designation upon confirmation of its proposed service area designation by this Commission. In compliance with the request of the New Mexico Commission, Smith Bagley has filed a petition with the Commission seeking approval of the proposed modified service area definition.

Commission Rules: For areas served by a rural telephone company, section 214(e)(5) provides that the company's service area will be its study area ''unless and until the Commission and the States, after taking into account the recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.'' Section 54.207 of the Commission's rules and the *Universal Service Order,* 62 FR 32962, June 17, 1997, set forth the procedures for consideration of petitions seeking to designate service areas for rural telephone companies that are different from such companies' study areas.

Section 54.207(c)(3) of the Commission's rules provides that the Commission may initiate a proceeding to consider a petition to redefine the service area of a rural telephone company within ninety days of the release date of a Public Notice. If the Commission initiates a proceeding to consider the petition, the proposed definition shall not take effect until both the state commission and the Commission agree upon the definition of a rural service area, in accordance with section 214(e)(5). If the Commission does not act on the petition within 90 days of the release date of the Public Notice, the definition proposed by the state commission will be deemed approved by the Commission and shall take effect in accordance with state procedures. Under § 54.207(e) of the Commission's rules, the Commission delegates its authority under § 54.207(c) to the Chief of the Common Carrier Bureau.

An original and four copies of all comments must be filed with William F. Caton, Acting Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., TW–B204, Washington DC 20554. In addition, four copies of each comment must be delivered to Sheryl Todd, Common Carrier Bureau, 445 12th Street, SW., Room 5–A520, Washington, DC 20554, and one copy to Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington DC, 20554. In accordance with the Commission's earlier Public Notice announcing that hand-delivered or messenger-delivered filings are no longer accepted at the Commission's headquarters, hand-delivered or messenger-delivered filings must be delivered to 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.

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 a.m. to 7 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 a.m. to 5:30 p.m.).

If you are sending this type of document or using this delivery method—	It should be addressed for delivery to—
United States Postal Service first-class mail, Express Mail, and Priority Mail .	445 12th Street, SW., Washington, DC 20554.

In addition to filing paper comments, parties are encouraged also to file comments electronically using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Document in Rulemaking Proceedings,* 63 FR 24121, May 1, 1998. Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e.-file/ecfs.html.* Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, postal mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by the Internet e-mail. To receive instructions, send an email to *ecfs@fcc.gov* and 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.

Pursuant to § 1.1206 of the Commission's rules, 47 CFR. 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which *ex parte* communications are permitted subject to disclosure.

Federal Communications Commission.

Anita Cheng,

Assistant Chief, Accounting Policy Division.

[FR Doc. 02–6773 Filed 3–20–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2540]

Petitions for Reconsideration of Action in Rulemaking Proceeding

March 15, 2002.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Qualex International (202) 863–2893. Oppositions to these petitions must be filed by April 5, 2002. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: In the Matter of 2000 Biennial Regulatory Review; Spectrum Aggregation Limits for Commercial Mobile Radio Services (WT Docket No. 01–14).

Number of Petitions Filed: 2.

William F. Caton,

Acting Secretary.

[FR Doc. 02–6771 Filed 3–20–02; 8:45 am]

BILLING CODE 6712–01–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 April 4, 2002.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Marilyn Myers Bouziden, Alva, Oklahoma; to acquire up to 43.47 percent of the voting shares of Myers Bancshares, Inc., Alva, Oklahoma, and thereby indirectly acquire voting shares of The Central National Bank of Alva, Alva, Oklahoma.

Board of Governors of the Federal Reserve System, March 15, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–6782 Filed 3–20–02; 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 April 15, 2002.

A. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Country Square Bancshares, Inc., Meriden, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of The State Bank of Meriden, Meriden, Kansas.

Board of Governors of the Federal Reserve System, March 15, 2002.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 02–6783 Filed 3–20–02; 8:45 am]

BILLING CODE 6210–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

Agency Information Collection Activities; Submission for OMB Review; Comment Request; National Outcome Measures Surveys of Older Americans Act (OAA) Clients

AGENCY: Administration on Aging, HHS.

ACTION: Notice.

SUMMARY: The Administration on Aging (AoA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by April 22, 2002.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Allison Herron Eydt, Desk Officer for AoA.

FOR FURTHER INFORMATION CONTACT: David Bunoski, Office of Evaluation, Administration on Aging, Room 344G, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 260–0669.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, AoA has submitted the following proposed collection of information to OMB for review and clearance.

Title of Information Collection: National Outcome Measures Surveys of Older Americans Act (OAA) Clients.

Type of Request: New information collection.

Use: Consumer assessment data will be collected in this initial set of surveys to initiate national program outcome assessment consistent with the requirements of the Government Performance and Results Act and the Older Americans Act.

Frequency: One-time.

Respondents: Elderly individuals who have received selected services under Title 3 of the Older Americans Act.

The Administration on Aging is submitting to the Office of Management and Budget for approval the National Outcome Measures Surveys of Older Americans Act (OAA) Clients, pursuant to requirements set forth by congressional statute. Through a contract with WESTAT, Inc., AoA will draw samples of individuals served through Area Agencies on Aging across the country for the purpose of obtaining OAA program service assessments from these individuals. The surveys will utilize information collection instruments and methods developed and tested by experts in the field of gerontology and by State and local entities that administer OAA programs. The surveys will include assessments from among the following service categories: nutrition, transportation, caregiver support, home-care, and information and assistance.

AoA estimates the burden of this collection of information as follows:

Estimated Number of Responses: 3,500.

Total Estimated Burden Hours: 2,000.

In the **Federal Register** of December 3, 2001, Volume 66, Number 3232, Page 60214, the agency requested comments on the proposed collection of information. Two comments from one commenter were received.

In a letter dated January 22, 2002, Patricia P. Pine, Ph.D., Director of the New York State Office for the Aging, made the following recommendations:

Comment: ''We strongly recommend that the Performance Outcomes Measures project demonstrations funded by the AoA be extended for at least one more year. This would allow the participating state and area agencies on aging to collect more information and to address validity and reliability issues that have emerged or could emerge during the current demonstrations.''

Response: The Administration on Aging has not yet made a decision regarding additional funding for the current fiscal year, but is reviewing options that will include such funding.

Comment: ''The proposed national survey instruments should retain only those measures that are relevant to each service category. This would minimize the burden on frail elderly clients. For example, the social functioning measure should be applied to clients who are in the relevant service populations, although this measure does not appear to be relevant to home-care clients.''

Response: As part of the normal review of performance measures each year, the nutrition workgroup has begun to address the issue of the pertinence of particular measures of social functioning to the population being surveyed. For example, we are revising the social functioning questionnaire for use with clients who receive home-delivered meals. While we will still ask several questions about individuals' frequency of social contacts, we will no longer ask other questions of home-bound individuals concerning their activities outside the house. When this task is completed, a modified social functioning questionnaire, appropriate for home-care clients, will be available.

Dated: March 13, 2002.

Josefina G. Carbonell,

Assistant Secretary for Aging.

[FR Doc. 02–6785 Filed 3–20–02; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Environmental Assessment and Receipt of an Application for an Incidental Take Permit for the Strawberry Tierra, Inc., Property, Douglas County, CO

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: This notice advises the public that Strawberry Tierra, Inc. (Applicant) has applied to the Fish and Wildlife Service (Service) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 as amended. The Service proposes to issue a 3-year permit to the Applicant that would authorize the incidental take of the Preble's meadow jumping mouse (Preble's) (*Zapus hudsonius preblei*), federally listed as threatened, and loss and modification of its habitat associated with the construction of retail development in Parker, Douglas County, Colorado. Construction of the project will result in the permanent loss of up to 0.10 acres of willow copse that provides potential foraging and hibernation habitat for the mouse, and temporary loss of 5.37 acres of ruderal grassland that provides potential foraging and hibernation habitat for the mouse. The permit application includes a combined Environmental Assessment/Habitat Conservation Plan (EA/HCP), which is available for public review and comment. The HCP fully describes the proposed project and the measures the Applicant would undertake to minimize and mitigate project impacts to the Preble's.

The Service requests comments on the EA/HCP for the proposed issuance of the incidental take permit. We provide this notice pursuant to section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations (40 CFR 1506.6). All comments on the EA and permit application will become part of the administrative record and will be available to the public.

DATES: Written comments on the permit application and EA/HCP should be received on or before May 20, 2002.

ADDRESSES: Persons wishing to review the permit application or the EA/HCP, may obtain a copy by writing to LeRoy Carlson, Field Supervisor, Fish and Wildlife Service, Colorado Field Office, 755 Parfet Street, Suite 361, Lakewood, Colorado 80215, or by calling (303) 275–

2370 to request a copy. Documents also will be available for inspection, by appointment, during normal business hours at the address above. Written data or comments should be submitted to the above address. Comments also may be sent by facsimile to (303) 275–2371. Please reference permit number TE–053241 in any comments submitted.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen Linder, Fish and Wildlife Biologist, Colorado Field Office, telephone (303) 275–2370.

SUPPLEMENTARY INFORMATION:

Background

Section 9 of the Endangered Species Act and Federal regulations prohibit the ''take'' of a species listed as endangered or threatened (take is defined under the Endangered Species Act as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct). However, the Service may issue permits to authorize ''incidental take'' (defined by the Endangered Species Act as take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity) of listed species under limited circumstances. Regulations governing permits for threatened species are promulgated in 50 CFR 17.32. Regulations governing permits for endangered species are promulgated in 50 CFR 17.22.

The proposed action is the issuance of a permit under section 10(a)(1)(B) of the Endangered Species Act to allow the incidental take of Preble's during the construction of a proposed retail development. The proposed project will permanently affect 0.10 acres and temporarily affect 5.37 acres of potential habitat for Preble's. An HCP has been developed as part of the preferred alternative. The proposed HCP will allow for the incidental take of the Preble's by permitting construction of a retail development in an area that may be periodically used as foraging or hibernation habitat. Proposed construction will result in about 0.10 acres of permanent habitat loss and another 5.37 acres of temporary effects to the habitat associated with this localized disturbance.

Alternatives considered in addition to the proposed action were—building at an alternate location, and no action. The draft EA analyzes the onsite, offsite, and cumulative impacts of the proposed project and all associated development and construction activities and mitigation activities on the Preble's, other threatened or endangered species, vegetation, wildlife, wetlands, geology/soils, land use, water resources, air and water quality, or cultural resources. None of the proposed impacts occur within the riparian corridor. The majority of impacts are in upland areas outside the 100-year floodplain. The Applicant, using the Service's definition of Preble's habitat, has determined that the proposed project would impact approximately 5.47 acres of potential Preble's habitat. The mitigation for the identified impacts will provide a net increase of 2.06 acres to the Preble's and other wildlife by improving potential mouse habitat through revegetation with native grasses, forbs, shrubs, and trees.

The Preble's is the only known Federally listed species that occurs on site and has the potential to be directly affected by the proposed project. The Applicant has agreed to implement the following measures to minimize and mitigate impacts that may result from incidental take of Preble's; in order to compensate for the loss of Preble's habitat, a total of 7.53 acres adjacent to the 100-year floodplain of Cherry Creek will be preserved and enhanced at a ratio of greater than 1.5:1 through seeding and planting native species.

Dated: March 4, 2002.

John Blankenship,

Deputy Regional Director.

[FR Doc. 02–6809 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of an Application for an Incidental Take Permit for the Lenox Village Development Site, Nashville, Davidson County, Tennessee

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

Regent Development (Applicant) seeks an incidental take permit (ITP) from the Fish and Wildlife Service (Service) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (Act), as amended. The ITP would authorize incidental take of the endangered Nashville crayfish (*Orconectes shoupi*) from a 5-acre lake, incidental to lake draining for residential development in Nashville, Davidson County, Tennessee. The Applicant's Habitat Conservation Plan (HCP) describes the mitigation and minimization measures proposed to address the effects of the Project to the Nashville crayfish. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below. The Service has determined that the Applicant's proposal, including the proposed mitigation and minimization measures, will individually and cumulatively have a minor or negligible effect on the species covered in the HCP. Therefore, the ITP is a ''low-effect'' project and would qualify as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of Interior Manual (516 DM2, Appendix 1 and 516 DM 6, Appendix 1).

The Service announces the availability of the HCP for the incidental take application. Copies of the HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice is provided pursuant to Section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the federal action. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR Parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE049322–0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''*david_dell@fws.gov*''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**).

Due to Court order, the Department of Interior has temporarily lost access to the internet and may not regain it by the time this notice is published. Commentors are encouraged to submit comments by mail or express courier, or to call (see **FURTHER INFORMATION**) to confirm whether our internet capability has been restored.

Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor

such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, 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.

DATES: Written comments on the ITP application and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before April 22, 2002.

ADDRESSES: Persons wishing to review the application, supporting documentation, and HCP may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permit Coordinator), or Field Supervisor, U.S. Fish and Wildlife Service, 446 Neal Street, Cookeville, Tennessee 38501. Written data or comments concerning the application or HCP should be submitted to the Regional Office. Requests for the documentation must be in writing to be processed. Please reference permit number TE049322–0 in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679–7313; or Ms. Tyler Sykes, Fish and Wildlife Biologist, Cookeville Field Office, (see **ADDRESSES**), telephone 931/528–6481.

SUPPLEMENTARY INFORMATION: Nashville crayfish are limited to the Mill Creek watershed in Davidson and Williamson counties, Tennessee, near metropolitan Nashville. This species has been collected in both pool (adults only) and riffle areas (adults and juveniles). The crayfish take cover under flattened limestone slabs and rocks of varying sizes on the predominately gravel and limestone bedrock substrate found in Mill Creek and its tributaries. Habitat degradation from road and bridge construction, stream channel modifications, and point and non-point source runoff threatens the continued survival of the Nashville crayfish in this restricted range.

The Applicant, Regent Development, requests a permit for incidental take of Nashville crayfish which would occur from the draining of a 5-acre lake at Lenox Village, a proposed development site in Davidson County, Tennessee. The lake is being drained to provide suitable substrate for construction of houses. If the Applicant decided not to build in this area, the lake would still be drained to either remove or repair the dam that is currently holding back the water. The dam has been deemed unsafe by the Tennessee Department of Environment and Conservation and the Applicant has been instructed to either remove the dam or repair it.

Under section 9 of the Act and its implementing regulations, ''taking'' of endangered and threatened wildlife is prohibited. However, the Service, under limited circumstances, may issue permits to take such wildlife if the taking is incidental to and not the purpose of otherwise lawful activities. The Applicant has developed an HCP as required for their incidental take permit application.

The HCP describes measures the Applicant will take to minimize and mitigate taking at the Project site. To minimize impacts to the Nashville crayfish from the draining of Resha Lake, the Applicant will:

1. Install proper erosion control measures prior to draining of the lake to insure minimal loss of sediment to the downstream channel during the draining process.

2. Conduct a sweep of the lake prior to initiation of the lake draining process to remove Nashville crayfish. These crayfish will be relocated to area(s) designated by the Service.

3. Conduct periodic sweeps throughout the entire lake draining process to ensure removal of all Nashville crayfish.

To mitigate for any Nashville crayfish that may be taken, the applicant will provide the following:

1. Reconstruction of the stream channel:

a. The channel will be placed in the lake bed and will mirror the up- and down-stream portions of the existing stream channel.

b. Slabrocks will be placed in the reconstructed channel to provide habitat for Nashville crayfish recolonizing the channel.

c. Native vegetation will be planted in buffer zones along the stream bank.

d. The reconstructed stream channel will be designated as greenspace in perpetuity.

2. Installation of wet cells:

Retention basins (wet cells) will be strategically located throughout the property to collect runoff to allow materials harmful to aquatic species to settle out before that water is released to the stream.

3. Education:

a. Informational signs discussing the Nashville crayfish and its habitat will be installed along the reconstructed stream channel.

b. Informational flyers will be distributed through the Homeowners Association to all residents of Lenox Village discussing the Nashville crayfish and ways that residents can protect the species' habitat.

As stated above, we have determined that the HCP is a low-effect plan that is categorically excluded from further NEPA analysis, and does not require the preparation of an EA or EIS. This preliminary information may be revised due to public comment received in response to this notice. Low-effect HCPs are those involving: (1) Minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Applicant's HCP qualifies for the following reasons:

1. Approval of the HCP would result in minor or negligible effects on the Nashville crayfish and its habitat. We do not anticipate significant direct or cumulative effects on this species as a result of this project, but rather expect the species to benefit.

2. Approval of the HCP would not have adverse effects on known geographic, historic, or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the HCP would not result in any significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a federal, state, local, or tribal law or requirement imposed for protection of the environment.

5. Approval of the HCP would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that those requirements are met, the ITP will be issued for the incidental take of Nashville crayfish on the Applicant's project site. The Service will also evaluate whether issuance of the section

10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: March 7, 2002.

David P. Flemming,

Acting Regional Director.

[FR Doc. 02–6811 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for an Incidental Take Permit for Residential Development in Collier County, Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Vestcor Fund XV, Limited (Applicant) requests an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973 (U.S.C. 1531 *et seq.*), as amended (Act). The Applicant anticipates taking red-cockaded woodpeckers (*Picoides borealis*) (RCWs) associated with the clearing of 18.3 acres of foraging habitat incidental to the construction of a multi-family housing development in Collier County, Florida.

The Applicants' Habitat Conservation Plan (HCP) describes the mitigation measures proposed to address the effects of the Project to the protected species. These measures are outlined in the **SUPPLEMENTARY INFORMATION** section below. The Service has determined that the Applicant's proposal, including the proposed mitigation measures, will individually and cumulatively have a minor or negligible effect on these species covered in the HCP. Therefore, the ITP is a ''low-effect'' project and would qualify as a categorical exclusion under the National Environmental Policy Act (NEPA), as provided by the Department of Interior Manual (516 DM2, Appendix 1 and 516 DM 6, Appendix 1).

The Service announces the availability of the HCP for the incidental take application. Copies of the HCP may be obtained by making a request to the Regional Office (see **ADDRESSES**). Requests must be in writing to be processed. This notice is provided pursuant to Section 10 of the Endangered Species Act and NEPA regulations (40 CFR 1506.6).

The Service specifically requests information, views, and opinions from the public via this Notice on the federal action. Further, the Service specifically solicits information regarding the adequacy of the HCP as measured against the Service's ITP issuance criteria found in 50 CFR parts 13 and 17.

If you wish to comment, you may submit comments by any one of several methods. Please reference permit number TE042708–0 in such comments. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''*david_dell@fws.gov*''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**).

Due to Court order, the Department of Interior has temporarily lost access to the internet and may not regain it by the time this notice is published. Commentors are encouraged to submit comments by mail or express courier, or to call (see **FURTHER INFORMATION**) to confirm whether our internet capability has been restored.

Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, 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.

DATES: Written comments on the permit application, Determination of Low Effect and HCP should be sent to the Service's Regional Office (see **ADDRESSES**) and should be received on or before April 22, 2002.

ADDRESSES: Persons wishing to review the application, HCP, and supporting documentation may obtain a copy by writing the Service's Southeast Regional Office, Atlanta, Georgia. Documents will also be available for public inspection by appointment during normal business hours at the Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Endangered Species Permits), or Field Supervisor, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, Florida 32960–3559. Written data or comments concerning the application, HCP, or supporting documents should be submitted to the Regional Office. Requests for the documentation must be in writing to be processed. Please reference permit number TE042708–0 in such comments, or in requests of the documents discussed herein.

FOR FURTHER INFORMATION CONTACT: Mr. David Dell, Regional Permit Coordinator, (see **ADDRESSES** above), telephone: 404/679–7313, facsimile: 404/679–7081; or Mr. Michael Jennings, Fish and Wildlife Biologist, South Florida Ecological Services Field Office (see **ADDRESSES** above), telephone: 561/562–3909 extension 225.

SUPPLEMENTARY INFORMATION: The RCW is a territorial, non-migratory cooperative breeding bird species. RCWs live in social units called groups which generally consist of a breeding pair, the current year's offspring, and one or more helpers (normally adult male offspring of the breeding pair from previous years). Groups maintain year-round territories near their roost and nest trees. The RCW is unique among the North American woodpeckers in that it is the only woodpecker that excavates its roost and nest cavities in living pine trees. Each group member has its own cavity, although there may be multiple cavities in a single pine tree. The aggregate of cavity trees is called a cluster. RCWs forage almost exclusively on pine trees and they generally prefer pines greater than 10 inches diameter at breast height. Foraging habitat is contiguous with the cluster. The number of acres required to supply adequate foraging habitat depends on the quantity and quality of the pine stems available. The RCW is endemic to the pine forests of the southeastern United States and was once widely distributed across 16 states. The species evolved in a mature fire-maintained ecosystem. The RCW has declined primarily due to the conversion of mature pine forests to young pine plantations, agricultural fields, and

residential and commercial developments, and to hardwood and exotic species encroachment in existing pine forests due to fire suppression and hydrological alteration. The species is still widely distributed (presently occurs in 13 southeastern States), but remaining populations are highly fragmented and isolated. Presently, the largest known populations occur on federally owned lands such as military installations and national forests.

In southwest Florida, there are an estimated 85 active RCW clusters; 51 percent are on Federal lands, 35 percent are on State lands, and 14 percent are on private lands. The known RCW populations on public lands are periodically monitored and the status of birds on these lands range from increasing to decreasing. Effective land management actions are currently ongoing in the Florida Fish and Wildlife Conservation Commission's Cecil Webb Wildlife Management Area where 27 known active RCW clusters occur. This population is about 40 miles north of the project area and the RCW population is considered stable. Big Cypress National Preserve is about 25 miles southeast of the project area and contains 43 clusters that are actively managed and this population is increasing. In relation to the project site, the closest public land (within two miles) that supports RCWs is the Picayune Strand State Forest where three active clusters exist. This population has been in decline for several decades, but much of the decline resulted from lack of habitat management prior to acquisition by the State of Florida. Recent implementation of aggressive land management actions within the State forest is likely to stabilize this population in the near future and result in long-term increases in the number of active clusters.

The Applicant's project lies within the urban boundary of Naples. Areas surrounding the project site are represented by a mosaic of urban uses and undeveloped property. The location of RCWs on private lands in the Naples area has never been well documented because of a lack of access for survey purposes. Based largely on anecdotal information, observations from roadsides, and limited information gathered from onsite observations in the 1980s and early 1990s, about 12 active clusters are thought to exist on private lands west of the Picayune Strand State Forest and dense urban areas further to the west.

Of the 12 RCW clusters on private lands, two historic localities are known from private lands near the project site. Application of a one-half mile radius circle around these cluster sites indicates that the project site may be within the home range of one, and possibly both of these clusters. However, due to construction time constraints, and lack of access to neighboring properties, adequate RCW foraging habitat surveys could not be conducted on the project site to determine definitively whether RCWs forage in the area. Preliminary habitat assessments looked for, but did not find, active or inactive nest trees. Much of the project area consists of hydric pine flat woods that are relatively undisturbed. Lacking sufficient time to conduct foraging surveys, and the apparent suitability of the project site as foraging habitat and the proximity of RCW clusters, the Applicant opted to consider the entire project area to be RCW foraging habitat.

The Service worked with the Applicant in the design of the mitigation measures. To mitigate for loss of RCW foraging habitat, the Applicant will purchase a minimum of 18.3 acres of suitable RCW foraging habitat within (e.g., inholdings) or adjacent to the Belle Meade tract of the Picayune Strand State Forest. The Applicant will, in cooperation with the Florida Division of Forestry, develop a habitat management plan for the mitigation parcel(s), conduct any initial management actions required to restore acquired mitigation parcels, and contribute sufficient funds into a management endowment to ensure future management of the mitigation parcels. Except for avoidance of RCWs observed during construction, no project minimization measures were proposed by the Applicant because the property was acquired prior to the realization that RCWs may forage on the site. Accordingly, the smallest acreage necessary to construct the proposed multi-family units was acquired. Thus, the existing 18.3 acres will accommodate the proposed development, but does not provide sufficient area to create buffers or to otherwise minimize impacts to foraging habitat. The Applicant has indicated that downsizing the proposed development will not be economically viable. From a biological perspective, onsite preservation is not likely to result in conservation benefits to RCWs in this increasingly urban landscape. On-site preserves established for RCWs during previous section 7 consultations in this area have proven ineffective because they have become surrounded by urban development. The concept of on-site preserves for RCWs may be appropriate for large-scale developments that provide ample open space and sufficient residual habitat, particularly when the preserves are adjacent to actively managed public lands. However, habitat preserves set aside within relatively small development projects of southwest Florida tend to result in small, fragmented parcels of habitat that become increasingly hostile to RCWs as urban development encroaches. In such cases, RCWs often abandoned these small, isolated preserves because sufficient habitat is not available.

As stated above, we have determined that the HCP is a low-effect plan that is categorically excluded from further NEPA analysis, which does not require the preparation of an EA or EIS. Low-effect HCPs are those involving: (1) Minor or negligible effects on federally listed or candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Applicant's HCP qualifies for the following reasons:

1. Approval of the HCP would result in minor or negligible effects on the red-cockaded woodpecker and its habitat. We do not anticipate significant direct or cumulative effects on this species as a result of this project.

2. Approval of the HCP would not have adverse effects on known geographic, historic, or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the HCP would not result in any significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a federal, state, local, or tribal law or requirement imposed for protection of the environment.

5. Approval of the HCP would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. If it is determined that those requirements are met, the ITP will be issued for the incidental take of RCWs on the Applicant's project site. The Service will also evaluate whether the issuance of a section 10(a)(1)(B) permit complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of the Biological Opinion, in combination with the above findings, will be used in the final analysis to determine whether or not to issue the ITP.

Dated: February 27, 2002.

Kemper M. McMaster,

Acting Regional Director.

[FR Doc. 02–6812 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Southern Idaho Ground Squirrel Candidate Conservation Agreement With Assurances

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Soulen Livestock, Inc. (Soulen Livestock) has applied to the Fish and Wildlife Service (Service) for an enhancement of survival permit pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended. The permit application includes a proposed Southern Idaho Ground Squirrel Candidate Conservation Agreement with Assurances (Agreement) between Soulen Livestock, the Service, the Idaho Department of Fish and Game, and the Idaho Governor's Office of Species Conservation.

Under the proposed Agreement, the parties would implement conservation measures for southern Idaho ground squirrels (*Spermophilus brunneus endemicus*) over approximately 43,145 acres of Soulen Livestock's land in Washington and Payette Counties, western Idaho. The intent of the Agreement is to conserve southern Idaho ground squirrels by protecting and enhancing ground squirrel habitat and populations, and reintroducing ground squirrels into currently unoccupied suitable habitat, in a manner that is consistent with Soulen Livestock's farming and ranching operations. The proposed term of the Agreement and the permit is 20 years. The Service has prepared an Environmental Assessment for approval of the Agreement and issuance of the permit.

We request comments from the public on the permit application, Agreement, and the Environmental Assessment. All comments we receive, including names and addresses, will become part of the administrative record and may be released to the public.

DATES: Written comments should be received on or before April 22, 2002.

ADDRESSES: Comments should be addressed to Dennis Mackey, Project Biologist, Fish and Wildlife Service, 1387 S. Vinnell Way, Room 368, Boise, Idaho 83709, (facsimile: 208/378–5262).

FOR FURTHER INFORMATION CONTACT: Dennis Mackey at the above address or telephone 208/378–5267.

SUPPLEMENTARY INFORMATION:

Document Availability

You may obtain copies of the documents for review by contacting the individual named above. You also may make an appointment to view the documents at the above address during normal business hours.

Background

Under a Candidate Conservation Agreement with Assurances, participating landowners voluntarily implement conservation activities on their property to benefit unlisted species that are proposed or candidates for listing under the Endangered Species Act, or other sensitive species. Candidate Conservation Agreements with Assurances encourage private and other non-Federal property owners to implement conservation efforts, and reduce threats to unlisted species by assuring landowners that they will not be subjected to increased property use restrictions, beyond those identified in the agreement, if the species is listed in the future under the Endangered Species Act. Application requirements and issuance criteria for enhancement of survival permits through Candidate Conservation Agreements with Assurances are found in 50 CFR 17.22(d) and 17.32(d).

On October 30, 2001, the Service formally identified the southern Idaho ground squirrel as a candidate for listing under the Endangered Species Act (66 FR 54807). Southern Idaho ground squirrels are currently found within an approximately 518,000-acre area comprised of lower elevation shrub/steppe habitat in the Weiser River Basin, in southwest, Idaho. The species appears to have undergone a substantial population decline throughout its range since 1985. Southern Idaho ground squirrels are largely dependent on private lands: 85 percent of the occupied ground squirrel sites are located on private lands, mostly ranches and farms; 12 percent are under federal management by the Bureau of Land Management; and 3 percent of the sites are on lands managed by the Idaho Department of Lands. Conservation measures implemented on private lands are important for the long-term survival of the species.

Landowners may be willing to implement measures that enhance populations of sensitive species on their property, but reluctant to do so because of potential land-use restrictions that could occur should the species eventually be listed under the Endangered Species Act. As a result of this potential regulatory concern, Soulen Livestock developed the Southern Idaho Ground Squirrel Candidate Conservation Agreement with Assurances, in cooperation with the agencies, and is applying to the Service for a permit under section 10(a) of the Endangered Species Act, authorizing incidental take of southern Idaho ground squirrels.

Under the proposed Agreement and permit, Soulen Livestock and the agencies would implement various conservation measures over the 43,145 acres of Soulen Livestock's property depending on present and future occupancy of sites by southern Idaho ground squirrels and the location of ground squirrel reintroduction/translocation sites. The proposed conservation measures can be described in three categories: (1) Measures to be applied on all 43,145 acres; (2) measures that would occur on currently occupied ground squirrel sites (30 acres); and (3) measures on 43,115 acres where ground squirrel occupancy and habitat suitability is currently unknown. On all 43,145 acres of enrolled lands, Soulen Livestock would not authorize the shooting, trapping, or poisoning of southern Idaho ground squirrels and would allow agency personnel access to these lands to conduct ground squirrel surveys. Currently, three sites, covering 30 acres have been identified in the site-specific plan as occupied by southern Idaho ground squirrels and specific conservation measures have been identified at these sites to protect ground squirrels from activities that may have adverse affects to individual ground squirrels or their habitat. The ground squirrel conservation measures on the 30 acres include: (1) Continue reintroduction efforts, (2) monitor ground squirrel populations and habitat characteristics to identify habitat enhancement/rehabilitation measures; (3) implement habitat enhancement measures such as seeding native or non-native vegetation species, fertilizing vegetation, prescribed burning, and providing escape cover; (4) minimize direct mortality from ground disturbing activities; (5) provide supplemental feeding, if necessary; (6) prohibit shooting, trapping, or poisoning of ground squirrels; and (7) control Columbian ground squirrels and badgers. Columbian ground squirrels compete with southern Idaho ground squirrels for food and burrow sites. Badgers can cause severe impacts on prey species, especially if they are at critically low numbers. The remaining

43,115 acres have not been surveyed for ground squirrel occupancy, and no site-specific conservation measures have been identified on these lands. On these unsurveyed lands, both individual ground squirrels and their habitat will be protected from land use activities that may have adverse effects at any sites identified in the future as occupied by southern Idaho ground squirrels, or sites identified by the agencies as reintroduction/translocation sites. The permit would authorize incidental take of southern Idaho ground squirrels as a result of Soulen Livestock's land use activities: crop cultivation and harvesting, livestock grazing and production, farm equipment operation, and recreational activities.

We provide this notice pursuant to section 10(c) of the Endangered Species Act and implementing regulations for the National Environmental Policy Act (40 CFR 1506.6). We will evaluate the permit application, associated documents, and comments submitted thereon to determine whether the permit application meets the requirements of section 10(a) of the Endangered Species Act and National Environmental Policy Act regulations. If we determine that the requirements are met, we will sign the Agreement and issue an enhancement of survival permit under section 10(a)(1)(A) of the Endangered Species Act to Soulen Livestock for take of southern Idaho ground squirrels incidental to otherwise lawful activities in accordance with the terms of the Agreement. We will not make our final decision until after the end of the 30-day comment period and will fully consider all comments received during the comment period.

Dated: March 1, 2002.

Rowan W. Gould,

Deputy Regional Director, Fish and Wildlife Service, Portland, Oregon.

[FR Doc. 02–6810 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–020–034–1010–02]

Closure of Public Lands to Camping and Off-Highway Vehicle Use

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure of public lands to camping and off-highway vehicle use.

SUMMARY: Notice is hereby given that the following described lands are temporarily closed until further notice to camping and off-highway vehicle use for the protection of public health and safety under the provisions of 43 CFR 8364.1 and the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701). Persons with authorization to utilize the area by BLM regulations, contracts, leases or permits, may use the area described in accordance with those authorizations. Nothing in this closure effects the exercise of valid existing rights created by a contract, right-of-way, lease, permit or mining claim that is carried out in accordance with the regulations under which the rights were established. The closure will remain in effect until rescinded or modified by the Phoenix Field Manager.

Gila and Salt River Meridian, Arizona

T. 1 N., R. 7 E.,
Sec. 18, Lots 6, 13, 15–19, 21, N½SE¼, SE¼ SE¼.
T. 2 N., R. 1 W.,
Sec. 13, SW¼SE¼;
Sec. 24, NW¼NE¼.

EFFECTIVE DATE: This order is effective upon the signature of the authorized officer.

SUPPLEMENTARY INFORMATION: The public lands involved (approximately 301 acres), located at University Drive/Sossman Road and Camelback Road/Agua Fria River, are adjacent to areas of expanding urban development. Unregulated and extended overnight camping and off-highway vehicle use is not consistent with the orderly growth of the communities and presents health, safety and law enforcement problems.

Fugitive dust resulting from operation of off-highway vehicles in air quality non-attainment areas is a growing and continuing problem. Landowner compliance with Maricopa County and State of Arizona dust abatement and management regulations is becoming critical in the urban areas of Maricopa County. BLM is subject to these rules, especially Maricopa County Rules 301, 302, and 310.01. Air quality issues include considerable PM10 dust from the operation of off-highway vehicles, extensive PM10 accumulations from OHV activities during late afternoons and on weekends, and significant numbers of complaints from concerned citizens.

Increasing levels of local law enforcement time have been allocated to answering disturbance calls from residents and property owners adjacent to these public lands. Law enforcement service calls included OHV-related dust, noise, trespass, random gunfire, drug and alcohol violation arrests, fireworks use, suspicious circumstance calls, illegal dumping of dirt, debris and trash and other illicit activities.

This closure will be monitored and enforced by BLM, the Maricopa County Sheriff's Department and other law enforcement agencies. The following persons, operating within the scope of their official duties, are exempt from the provisions of these closures: BLM employees, state or federal law enforcement and fire protection personnel.

Because of prior existing rights, the following parties (and their representatives) will be allowed access to the above described lands:

(1) USDI, Bureau of Reclamation—(AZA–453, AZA–18823, AZA–19991, AZPHX–086506, AZPHX–86777and Secretarial Orders dated July 2, 1902 and August 21, 1909)
U.S. West—(AZA–10994, AZAR–035574)
City of Mesa—(AZA–17277, AZA–31058)
Maricopa County DOT—(AZAR–035348)
(2) Salt River Project—(AZA–166)
Tucson Electric Power Co.—(AZA–7274, AZA–7872)
Arizona Public Service Co.—(AZA–18635)
Maricopa County DOT—(AZA–19098)
Maricopa County FCD—(AZA–23639)

Order: Notice is hereby given that effective the date of a signature by the authorized officer of this notice, the above described lands are closed to camping and off-highway vehicle use until further notice. Any person who fails to comply with a closure or restriction order issued under 43 CFR 8364 is subject to the penalties provided in 43 CFR Subpart 8360.0–7.

FOR FURTHER INFORMATION CONTACT: Michael A. Taylor, Field Manager, Phoenix Field Office, 21605 North 7th Avenue, Phoenix, Arizona 85027, (623) 580–5500.

Dated: December 19, 2001.

Michael A. Taylor,

Field Manager.

[FR Doc. 02–6776 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–31–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–033–02–1230–EA]

Temporary Closure of Public Lands—Recreation Special Events: Nevada, Carson City Field Office

AGENCY: Bureau of Land Management, Interior Department.

ACTION: Temporary closure of affected public lands in Lyon, Storey, Churchill, Carson, Douglas, Mineral and Washoe Counties on and adjacent to permitted special events such as: Motorized Off Highway Vehicle, Mountain Bike, Horse Endurance competitive event sites and routes.

Competitive events (races) are conducted along dirt roads, trails, washes and areas approved for such use through the Special Recreation Use Permit application process. Events occur from April through November, 2002. Closure period is from 6 a.m. race day until race finish or until the event has cleared between affected Check Point locations; approximately 2 to 24 hour periods. The general public will be advised of each event and Closure specifics via local newspapers and mailed public letters within seven (7) to thirty (30) days prior to the running of an event. Event maps and information will be posted at the Carson City Field Office.

Locations most commonly used for permitted events include, but are not limited to:

1. Lemmon Valley MX Area—Washoe Co., T21N R19E S8.
2. Hungry Valley Off Highway Vehicle Area—Washoe Co., T21–23N R20E.
3. Pine Nut Mountains—Carson, Douglas & Lyon Counties: T11–16N R20–24E.
4. Virginia City/Jumbo Areas—Washoe & Storey Counties: T16–17N R20–21E.
5. Yerington/Weeks Areas—Lyon Co.: T12–16N R23–27E.
6. Fallon Area (Including Sand Mtn.)—Churchill Co.: T14–18N R27–32E.
7. Hawthorne Area—Mineral County: T5–14N R31½–36E.

SUMMARY: The Assistant Manager, Non-Renewable Resources announces the temporary closure of selected public lands under his administration. Persons with authorization to utilize the area by BLM regulations, contracts, leases or permits, may use the area described in accordance with those authorizations. Nothing in this closure affects the exercise of valid existing rights created by a contract, right of way, lease, permit of mining claim that is carried out in accordance with the regulations under which the rights were established. This action is taken to provide for public and participant safety and to protect adjacent natural and cultural resources during the conduct of permitted special recreation events.

EFFECTIVE DATES: April through November, 2002. Events may be canceled or rescheduled at short notice.

FOR FURTHER INFORMATION CONTACT: Fran Hull, Outdoor Recreation Planner, Carson City Field Office, Bureau of Land Management, 5665 Morgan Mill Road, Carson City, Nevada 89701, Telephone: (775) 885–6161.

SUPPLEMENTARY INFORMATION: Bureau lands to be temporarily closed to public use include the width and length of those roads and trails identified as the race route by colorful flagging, chalk arrows in the dirt and directional arrows attached to wooden stakes. The authorized applicants or their representatives are required to post warning signs, control access to, and clearly mark the event routes during closure periods.

Public uses generally affected by a Temporary Closure include: road and trail uses, camping, shooting of any kind of weapon including paint ball, and public land exploration.

Spectator and support vehicles may be driven on open roads only. Spectators may observe the races from specified locations as directed by event and agency officials.

A map and schedule of each closure area may be obtained at the contact address.

Exemptions: Closure restrictions do not apply to race officials, medical/rescue, law enforcement and agency personnel monitoring the event.

Authority: 43 CFR part 8364 and 43 CFR part 8372.

Penalty: Any person failing to comply with the closure orders may be subject to imprisonment for not more than 12 months, or a fine in accordance with the applicable provisions of 18 USC 3571, or both.

Dated: February 11, 2002.

Charles P. Pope,

Acting Assistant Manager, Non-renewable Resources.

[FR Doc. 02–6780 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–160–1220–PG]

Meeting of the Central California Resource Advisory Council

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Meeting of the Central California Resource Advisory Council.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and the Federal Land Policy and Management Act of 1976 (sec. 309), the Bureau of Land Management Resource Advisory Council for Central California will meet in Bakersfield.

DATES: Friday and Saturday, April 12–13, 2002.

ADDRESSES: Red Lion Hotel, 2400 Camino Del Rio Court, Bakersfield, California.

SUPPLEMENTARY INFORMATION: The 12 member Central California Resource Advisory Council is appointed by the Secretary of the Interior to advise the Bureau of Land Management on public land issues. On Friday and Saturday beginning at 8 a.m., the Council will meet to discuss public land issues. The meetings are open to the public. Agenda items include a briefing on current issues and future planning by the four Field Managers of the central California region of the BLM, and an information session on healthy rangelands. There will be a Friday afternoon field trip to the Carrizo Plain National Monument. The public is welcome on the field trip, but must supply their own transportation. There will be public comment periods at 11:30 a.m. on Friday, April 12, and 1 p.m. on Saturday, April 13, at which time the Council will hear comments on any public land issue. Written comments will also be accepted, either at the meeting or at the address below.

FOR FURTHER INFORMATION CONTACT: Larry Mercer, Public Affairs Officer, Bureau of Land Management, 3801 Pegasus Drive, Bakersfield, CA 93308, telephone 661-391–6010.

Dated: February 22, 2002.

Ron Fellows,

Bakersfield Field Manager.

[FR Doc. 02–6775 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–910–01–0777–30]

Northeastern Great Basin Resource Advisory Council Meeting Location and Time

AGENCY: Bureau of Land Management, Interior.

ACTION: Resource Advisory Council's meeting location and time.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM), Council meetings will be held as indicated below. The agenda for this meeting includes: A field tour to Crescent Valley to view/discuss grazing and mining issues, approval of minutes of the previous meetings, Off-Highway Vehicle Draft Guidelines, Vegetation Draft Guidelines, 3809 Guidelines, Field Managers' and District Ranger's reports.

All meetings are open to the public. The public may present written comments to the Council. Each formal

Council meeting will also have time allocated for hearing public comments. The public comment period for the Council meeting is listed below. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided below.

DATES, TIMES, PLACE: The time and location of the meeting is as follows: Northeastern Great Basin Resource Advisory Council, BLM Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, Nevada, 89820; Field Tour April 24, 2002, beginning at 9 a.m. and returning at 5 p.m.; Business Meeting April 25, 2002 beginning at 9 a.m., public comment period 1:30 p.m.; tentative adjournment at 5 p.m.

FOR FURTHER INFORMATION CONTACT: Mike Brown, Public Affairs Specialist, Elko Field Office, 3900 E. Idaho Street, Elko, NV 89801, telephone (775) 753–0386.

SUPPLEMENTARY INFORMATION: The purpose of the Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues, associated with the management of the public lands.

David Stout,

Associate Field Manager, Elko Field Office.

[FR Doc. 02–6778 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR110–5880–PB; HAG02–0128]

Medford District Resource Advisory Committee; Notice of Meeting

AGENCY: Medford District Office, Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Medford District Resource Advisory Committee will meet in Medford. Agenda topics include review of last meeting minutes, role of alternates, presentations on proposed fiscal year 2002 Title II projects, and discussion regarding proposed projects.

DATES: April 11, 2002. The meeting will begin at 10 a.m. A public comment period will be held from 2 p.m. to 2:30 p.m. The meeting is expected to adjourn at 4 p.m.

ADDRESSES: The meeting will be held at the Medford District Office, located at 3040 Biddle Road, Medford, Oregon.

FOR FURTHER INFORMATION CONTACT: Karen Gillespie, Medford District Office (541–618–2424).

Dated: February 22, 2002.

Ron Wenker,

District Manager.

[FR Doc. 02–6779 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–310–1820–AE]

Notice of Resource Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committees Act (Pub. L. 92–463) and the Federal Land Policy and Management Act (Pub. L. 94–579), the U. S. Bureau of Land Management's Northwest California Resource Advisory Council will meet Wednesday and Thursday, April 24 and 25, 2002, in Arcata, CA, for a field tour and business meeting. The tour and meeting are open to the public, but anyone participating in the tour must provide their own transportation and lunch.

SUPPLEMENTARY INFORMATION: The meeting begins at 10 a.m. Wednesday, April 24, at the BLM Arcata Field Office, 1695 Heindon Rd., Arcata. Members will convene, then depart immediately for field tour of sites managed by the Arcata Field Office. On Thursday, April 25, the council will convene a business meeting at 8 a.m. in the Conference Room of the BLM Arcata Field Office. Agenda topics will include discussion of a community forest proposal in Trinity County, a status report on planning for the Headwaters Forest Reserve, and a status report on a proposed amendment to the BLM Redding Field Office Resource Management Plan. Council members will also hear status reports from the managers of the BLM's Arcata, Redding and Ukiah field offices.

Time will be set aside for public comments. Depending on the number of persons wishing to speak, a time limit may be established.

FOR ADDITIONAL INFORMATION: Contact Lynda J. Roush, BLM Arcata Field Manager, at (707) 825–2300; or Public Affairs Officer Joseph J. Fontana at (530) 257–5381.

Joseph J. Fontana,

Public Affairs Officer.

[FR Doc. 02–6781 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–010–1430–ET; FL–ES–051481]

Notice of Proposed Withdrawal Modification and Transfer of Jurisdiction; Florida

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Veterans Affairs has filed an application to transfer jurisdiction of 49.83 acres of public land withdrawn for the Department of the Navy, Pensacola Naval Air Station. The land is needed for expansion of the Barrancas National Cemetery. The land has been and would remain closed to surface entry and mining, but not from leasing under the mineral leasing laws.

DATES: Comments must be received by June 19, 2002.

ADDRESSES: Comments should be sent to the Field Manager, BLM, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39206.

FOR FURTHER INFORMATION CONTACT: Duane Winters, Jackson Field Office, 601–977–5403.

SUPPLEMENTARY INFORMATION: The Department of Veterans Affairs has filed an application to transfer jurisdiction of the following described public lands, which were withdrawn from all forms of appropriation under the general land laws, including the mining laws, subject to valid existing rights for the Department of Navy, Pensacola Naval Air Station:

Tallahassee Meridian

T. 3 S., R. 30W.,
Tract 6.

The area described contains 49.83 acres in Escambia County.

The Department of Navy has determined that this land is no longer needed for the Pensacola Naval Air Station and has agreed to a transfer of the land to the Department of Veterans Affairs for expansion of the Barrancas National Cemetery.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments,

suggestions, or objections in connection with the proposed transfer of jurisdiction may present their views in writing to the Jackson Field Office of the Bureau of Land Management at the above address.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

Bruce Dawson,

Field Manager.

[FR Doc. 02–6777 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–GJ–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Workshop on Transferring Responsibility for Inspection and Enforcement of U.S. Coast Guard Regulations for Fixed Facilities on the Outer Continental Shelf to the Minerals Management Service

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of workshop.

SUMMARY: The MMS and the U.S. Coast Guard (USCG) will jointly hold a workshop to discuss the transfer of responsibility to MMS for inspection and enforcement of USCG regulations for fixed facilities on the Outer Continental Shelf.

DATES: The workshop will be held on Friday, April 12, 2002, from 8:30 a.m. to 12 noon. Written questions you wish to discuss at the workshop must reach MMS by close of business on March 22, 2002.

ADDRESSES: The workshop will be held at the Sheraton North Houston Hotel's Amphitheater at George Bush International Airport, 15700 John F. Kennedy Boulevard, Houston, Texas; telephone (281) 442–5100. Please submit your written questions by mail or fax to the following:

(1) By mail to Staci Atkins, Minerals Management Service, 381 Elden Street, MS 4023, Herndon, Virginia 20170; or,

(2) By Fax to Staci Atkins at (703) 787–1575.

FOR FURTHER INFORMATION CONTACT: Staci Atkins, telephone (703) 787–1620.

SUPPLEMENTARY INFORMATION: On February 7, 2002, the USCG published a final rule in the **Federal Register** (67 FR 5912) authorizing MMS to perform fixed facility inspections on behalf of the USCG. Based on comments we received on the proposed rulemaking, we are aware that industry has questions on how the agreement between the two agencies will be implemented. This workshop will inform industry and the public of the implementation of the MMS inspection program.

The agenda for the meeting on April 12, 2002, is as follows:

- General welcome and overview;
- Presentation of the rulemaking history;
- Overviews of the current MMS and USCG inspection programs;
- Presentation of the integrated inspection program; and
- Question and answer session.

The MMS and USCG encourage you to submit questions and attend the workshop. We will consider your questions submitted in advance in preparing our presentations so that the workshop can focus on key topics. You may also pose questions during the question and answer session at the workshop.

To obtain information on facilities or services for individuals with disabilities or to request that we provide special assistance at the meeting, please contact Staci Atkins as soon as possible.

Dated: February 20, 2002.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 02–6797 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

National Park Service

General Management Plan, Final Environmental Impact Statement, Devils Tower National Monument, Crook County, Wyoming

AGENCY: National Park Service, Department of the Interior.

ACTION: Availability of Final Environmental Impact Statement and General Management Plan for Devils Tower National Monument.

SUMMARY: Pursuant to section 102 (2) (c) of the National Environmental Policy Act of 1969, the National Park Service announces the availability of a final Environmental Impact Statement and General Management Plan (FEIS/GMP) for Devils Tower National Monument, Wyoming.

DATES: The Draft EIS/GMP was on public review from July 2, through September 30, 2001. Responses to public comment are addressed in the FEIS/GMP. A 30-day no-action period will follow the Environmental Protection Agency's Notice of Availability of the FEIS/GMP.

ADDRESSES: Copies of the FEIS/GMP are available from the Superintendent, Devils Tower National Monument, P.O. Box 10, Devils Tower, WY 82714. Public reading copies of the FEIS/GMP will be available for review at the following locations:

Office of the Superintendent, Devils Tower National Monument, P.O. Box 10, Devils Tower, WY 82714, Telephone: (307) 467–5283 x 14.

Planning and Environmental Quality, Intermountain Support Office—Denver, National Park Service, P.O. Box 25287, Denver, CO 80225–0287, Telephone: (303) 969–2851 or (303)969–2377.

Office of Public Affairs, National Park Service, Department of the Interior, 18th and C Streets NW, Washington, DC 20240, Telephone: (202) 208–6843.

FOR FURTHER INFORMATION CONTACT: Superintendent, Devils Tower National Monument, (307) 467–5282 x 14.

SUPPLEMENTARY INFORMATION: The FEIS/GMP analyzes five alternatives to manage natural and cultural resources, visitor use and access, general development and park operations. The alternatives address issues including the following. The national monument is subject to visitor congestion, including vehicular circulation and parking, and crowded visitor facilities. None of the four buildings where park staff works has adequate space for office requirements, storage, meetings, or breaks. The space available for the cooperating association's offices and bookstore is inadequate. Congestion and inadequate facilities limit the staff's ability to offer orientation and interpretation that would ensure visitor understanding of the monument's significance and allow visitors to make the best use of their time. Flood control structures on the Belle Fourche River inside and outside the monument have severely damaged the riparian woodland system. Modern recreational use, developments, and climbing on the Tower are sometimes in conflict with American Indian traditional cultural values. High levels of development, visitor use, and crowding at the base of the Tower are not consistent with the spiritual nature of the area. Alternative 1, the no action alternative represents the continuation of existing conditions and management at the monument. Alternative 2 would reduce overall development to improve the monument's natural setting, institute a reservation system during periods of peak visitation, and convert the parking area at the base of the Tower to a pedestrian plaza. Alternative 3, the NPS preferred alternative, would institute a shuttle system for use during peak

visitation periods, construct a shuttle staging area and visitor orientation facilities within the monument, and convert the parking area at the base of the Tower to a pedestrian plaza. Alternative 4 would also institute a shuttle system, but would construct/relocate staging and visitor orientation facilities, along with headquarters and maintenance facilities, outside the monument boundaries. Alternative 5 would continue to offer visitor experiences similar to those presently available, but would expand, pave, and upgrade parking areas and roads, and/or add facilities to reduce visitor congestion.

The FEIS/GMP in particular evaluates the environmental consequences of the proposed action and the other alternatives on the prairie dog (a candidate for listing as threatened by the Fish and Wildlife Service), wetlands, floodplains, ethnographic and historic resources, visitors' experience of monument resources, visitor access and freedom to go at one's own pace, access to orientation and interpretation, visitor safety, businesses and neighbors, and local and regional economy.

Dated: December 7, 2001.

R. Everhart,

Acting Director, Intermountain Region, National Park Service.

[FR Doc. 02–6610 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Valley Forge National Historical Park General Management Plan, Environmental Impact Statement

AGENCY: National Park Service, Department of the Interior

ACTION: Notice of Intent to prepare an Environmental Impact Statement for the Valley Forge National Historical Park General Management Plan.

SUMMARY: Under the provisions of the National Environmental Policy Act, the National Park Service is preparing an Environmental Impact Statement for the Valley Forge National Historical Park General Management Plan. This Environmental Impact Statement will be approved by the Northeast Regional Director.

Valley Forge National Historical Park was authorized by Congress, Public Law 94–337, on July 4, 1976. As required, a General Management Plan was prepared and released in September 1982. NPS policy requires that such plans be prepared every 15–20 years. The 1982 plan has numerous deficiencies and left the park without appropriate management tools for resources and recreational use.

The park lies at the center of the wealthiest and most urbanized region of Pennsylvania, just beyond Philadelphia. Its visitation is mostly regional, and it is treasured more as an outstanding recreational and open space resource than as a cultural resource. Its 3400 acres lie in two counties and five municipalities; each jurisdiction has a distinct governance, planning, and zoning structure. The GMP process will begin in FY 02. It will address the following:

- The public's lack of understanding and appreciation for the cultural resources and values of the park, and of the park's mission;
- The need for consensus on defining and managing recreational use in the park;
- A strategic approach to management of the park's cultural resources, including landscapes, earthworks and structures:
- Mitigation of pressures on the park resources resulting from rapid residential and commercial development of areas surrounding the park; and
- Strategies for appropriate partnership opportunities that can enhance the park's visitor services.

A scoping meeting will be scheduled, and notice will be made of the meeting through a broad public mailing and publication of meeting notices in local newspapers. A newsletter introducing the project to the public will be done. Copies of the newsletter will be available by request to the Superintendent, Valley Forge National Historical Park at the phone number below or by email to *VAFO_Superintendent@nps.gov.*

FOR FURTHER INFORMATION, CONTACT: Contact Superintendent, Valley Forge National Historical Park, 610–783–1000 or at *VAFO_Superintendent@nps.gov.*

Dated: January 11, 2002.

Marie Rust,

Regional Director, Northeast Region.

[FR Doc. 02–6609 Filed 3–20–02; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Under 28 CFR 50.7, notice is hereby given that on March 13, 2002, a proposed Consent Decree in *United States* v. *Boise Cascade Corporation,* (Civil No. CV 02–311ST), was lodged with the United States District Court for the District of Oregon. The Consent Decree resolves claims on behalf of the United States Environmental Protection Agency (''EPA'') and the State of Louisiana against the Boise Cascade Corporation (''Boise Cascade''). The Complaint, which was filed simultaneously with the lodging of the Decree, alleged violations of the Prevention of Significant Deterioration (''PSD'') requirements of Part C of the Clean Air Act (the ''CAA''), 42 U.S.C. 7470–7492, and the regulations promulgated thereunder at 40 CFR 52.21 (the ''PSD Rules'') at eight plywood and particle board plants operated by Boise Cascade.

Under the Consent Decree, Boise Cascade is required to install state-of-the-art air pollution control equipment over the next three years at its Medford and Elgin, Oregon operations, and the Florien and Oakdale plants in Louisiana. In addition, the company must select one of three pollution control options to reduce volatile organic compound emissions (VOCs) from its particle board facility in Island City, Oregon. The company will spend an estimated $15 million to implement these compliance measures. The company will also pay $4.35 million in civil penalties and, under the settlement, Boise Cascade will be installing another $2.9 million in supplemental controls to reduce emissions at the Yakima and Kettle Falls, Washington plants, and to control certain units at the Medford, Oregon plywood facility. The state of Louisiana joined in the settlement and will receive a $250,000 share in the penalties.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044–7611, and refer on its face to *United States* v. *Boise Cascade Corporation,* D.J. Ref. 90–5–2–1–06414.

The Consent Decree may be examined at the Office of the United States Attorney, District of Oregon, 1000 SW. Third Ave., Suite 600, Portland, OR 97204–2902, and at EPA Region 10, Office of Air Quality, 1200 Sixth Avenue OAQ–107, Seattle, Washington. A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, D.C. 20044–7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514–

0097, phone confirmation number (202) 514–1547. In requesting a copy, please enclose a check in the amount of $9.50 (25 cents per page reproduction cost) payable to the U.S. Treasury. The check should refer to *United States and the State of Louisiana* v. *Boise Cascade Corporation,* D.J. Ref. 90–5–2–1–06414.

Robert Maher,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 02–6800 Filed 3–20–02; 8:45 am]

BILLING CODE 4410–15–M

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, Office of Workers' Compensation Programs (OWCP) is soliciting comments concerning the following proposed collections: (1) FECA Medical Report Forms and Claim for Compensation (CA–16b, CA–17b, CA–20, CA–1090, CA–1303, CA–1305, CA–1306, CA–1314, CA–1316, CA–1331, CA–1332, CA–1336, OWCP–5a, OWCP–5b, OWCP–5c, and CA–7); and (2) Rehabilitation Action Report (OWCP–44). A copy of the proposed information collection requests can be obtained by contacting the office listed below in the addressee section of this Notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before May 20, 2002.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., N.W., Room S–3201, Washington, D.C. 20210, telephone (202) 693–0339, fax (202) 693–1451, EMail pforkel@feix2.dol-esa.gov. Please use only one method of transmission for comments (mail, fax, or e-mail).

SUPPLEMENTARY INFORMATION:

FECA Medical Report Forms (CA–16b, CA–17b, CA–20, CA–1090, CA–1303, CA–1305, CA–1331, CA–1332, QCM letters, OWCP–5a, OWCP–5b, OWCP–5c), and Claim for Compensation (CA–7)

I. Background

The Federal Employees' Compensation Act (FECA) provides for the payment of benefits for wage loss and/or for permanent impairment to a scheduled member, arising out of a work related injury or disease. Before compensation may be paid, the case file must contain medical evidence showing that the claimant's disability is causally related to the claimant's federal employment. As a particular claim ages, there is continuing need for updated information to support continuing benefits. The FECA Medical Report Forms collect medical information from physicians which is necessary to determine entitlement to benefits under the Act. Form CA–7, Claim for Compensation, requests information from the injured worker regarding pay rate, dependents, earnings, dual benefits, and third-party information. This information collection is approved by the Office of Management and Budget for use through August 2002.

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 of this information collection request in order to carry out its statutory responsibility to compensate injured employees under the provisions of the Act. The OWCP has carefully reviewed usage of these forms and has determined that three forms formerly included as part of this OMB clearance number, (CA–1306, CA–1314, and CA–1316,) have not been used in the past year and are obsolete. These forms have been eliminated. The CA–1336 formerly approved as part of this information collection request has been replaced by the QCM Letters. In addition, the CM–1090, the OWCP 5a, 5b, and 5c have been revised.

Type of Review: Revision.

Agency: Employment Standards Administration.

Title(s): Claim for Compensation, FECA Medical Reports.

OMB Number: 1215–0103.

Agency Number(s): CA–16b, CA–17b, CA–20, CA–1090, CA–1303, CA–1305, CA–1331, CA–1087, QCM letters, OWCP–5a, OWCP–5b, OWCP–5c), and Claim for Compensation (CA–7).

Affected Public: Individuals or households; businesses or other for-profit; Federal government.

Frequency: As needed.

Form	No. of respondents	Average minutes per response	Burden hours
CA–7	400	13	87
CA–16b	130,000	5	10,833
CA–17b	60,000	5	5,000
CA–20	65,000	5	5,417
CA–1090	200	10	34
CA–1303	2,000	20	667
CA–1305	10	20	3
CA–1331	200	5	17

Form	No. of respondents	Average minutes per response	Burden hours
CA–1332	200	30	100
QCM letters	1,000	5	83
OWCP–5a	7,000	15	1,750
OWCP–5b	5,000	15	1,250
OWCP–5c	15,000	15	3,750

Total Responses: 286,010.

Estimated Total Burden Hours: 28,991.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $105,824.

Rehabilitation Action Report (OWCP 44)

I. Background

The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act. Section 8104(a) of the Act provides that eligible injured workers are furnished vocational rehabilitation services. The costs of these services are paid from the Employees' Compensation Fund. The Rehabilitation Action Report (OWCP–44) is submitted by a rehabilitation counselor to report transition periods in the vocational rehabilitation process and to request prompt adjudicatory action. The form gives prompt notification of key events requiring action in the vocational rehabilitation process. The form is currently approved by the Office of Management and Budget OMB for use through August 2002.

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 an extension of approval to collect this information in order to gather information to enable OWCP to make timely, informed decisions about rehabilitation services for an injured worker. There is no change to the form since the last approval.

Type of Review: Extension.

Agency: Employment Standards Administration.

Title: Rehabilitation Action Report.

OMB Number: 1215–0182.

Agency Number: OWCP–44.

Affected Public: Businesses or other for-profit; individuals or households.

Frequency: On occasion.

Total Respondents: 7,000.

Time per Response: 30 minutes.

Estimated Total Burden Hours: 3,500.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operation/maintenance): $0.

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: March 15, 2002.

Gary D. Thayer,

Director, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 02–6866 Filed 3–20–02; 8:45 am]

BILLING CODE 4510–CH–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of existing safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Solid Rock Construction, Inc.

[Docket No. M–2002–007–C]

Stamper Technical Service, Inc., 45 Stamper Lane, Pikeville, Kentucky 41501 has filed a petition for Solid Rock Construction, Inc., No. 1 Mine (I.D. No. 15–16643) located in Pike County, Kentucky, to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors). The petitioner proposes to use permanently installed, spring-loaded locking devices to secure battery plugs on mobile battery-powered machines to prevent unintentional loosening of the battery plugs from battery receptacles, and to eliminate the potential hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that using padlocks to secure battery plugs would result in diminution of safety to the miners.

2. Aaron Coal Company, L.L.C.

[Docket No. M–2002–008–C]

Stamper Technical Service, Inc., 45 Stamper Lane, Pikeville, Kentucky 41501 has filed a petition for the Aaron Coal Company, L.L.C., No. 2 Mine (I.D. No. 15–17813) located in Pike County, Kentucky, to modify the application of 30 CFR 75.503 (Permissible electric face equipment; maintenance) and 30 CFR 18.41(f) (Plug and receptacle-type connectors). The petitioner proposes to use permanently installed, spring-loaded locking devices to secure battery plugs on mobile battery-powered machines to prevent unintentional loosening of the battery plugs from battery receptacles, and to eliminate the potential hazards associated with difficult removal of padlocks during emergency situations. The petitioner asserts that using padlocks to secure battery plugs would result in diminution of safety to the miners.

3. M & H Coal Company

[Docket No. M–2002–009–C]

M & H Coal Company, P.O. Box 559, Hegins, Pennsylvania 17938 has filed a petition to modify the application of 30 CFR 75.1100–2(a) (Quantity and location of firefighting equipment) to its Mercury Slope Mine (I.D. No. 36–01920) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the standard to permit use of only portable fire extinguishers to

replace existing requirements where rock dust, water cars, and other water storage equipped with three (3) ten quart pails is not practical. The petitioner proposes to use two (2) fire extinguishers near the slope bottom and an additional portable fire extinguisher within 500 feet of the working face for equivalent fire protection for the Mercury Slope Mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

4. White County Coal, LLC

[Docket No. M–2002–010–C]

White County Coal, LLC, 1525 County Road 1300 N, P.O. Box 457, Carmi, Illinois 62821 has filed a petition to modify the application of 30 CFR 75.701 (Grounding metallic frames, casings, and other enclosures of electric equipment) to its Pattiki II Mine (I.D. No. 11–03058) located in White County, Illinois. The petitioner proposes to use a 200KW, 480-volt, diesel powered generator set with an approved diesel drive engine to move equipment in, out, and around the mine and to perform work in areas outby section loading points where equipment is not required to be maintained permissible. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

5. Hobet Mining, Inc.

[Docket No. M–2002–011–C]

Hobet Mining, Inc., P.O. Box 305, Madison, West Virginia 25130 has filed a petition to modify the application of 30 CFR 77.206(c) (Ladders; construction; installation and maintenance) to its Beth Station No. 79 Preparation Plant (I.D. No. 46–05398) located in Boone County, West Virginia. The petitioner proposes to use a SAF–T–CLIMB fall prevention system on its counterweight tower structure for the overland system at the Beth Station No. 9 Preparation Plant in lieu of using a vertical ladder. The petitioner states that the counterweights are located inside the framework of a structure that is approximately 30 feet high, that the use of the SAF–T–CLIMB system would ensure the safety of individuals working around the counterweights, and that the SAF–T–CLIMB system would be installed so that it would be in compliance with OSHA regulations 29 CFR 1910.27. The petitioner asserts that application of the existing standard would result in a diminution of safety to the miners.

6. Energy West Mining Company

[Docket No. M–2002–012–C]

Energy West Mining Company, P.O. Box 310, Huntington, Utah 84528 has filed a petition to modify the application of 30 CFR 75.350 (Air courses and belt haulage entries) to its Deer Creek Mine (I.D. No. 42–00121) located in Emery County, Utah. The petitioner requests that Item IV(d)(3) & (4) of the proposed decision and order for its previously granted petition for modification, docket number M–1999–044–C be amended to allow the use of a non-approved diesel grader in the two-entry section with miners inby for maintenance purposes only. The petitioner asserts that the specific terms and conditions listed in this petition would be met before implementing its proposed amendments and that the proposed alternative method would provide at least the same measure of protection as the existing standard.

7. Snyder Coal Company

[Docket No. M–2002–013–C]

Snyder Coal Company, 66 Snyder Lane, Hegins, Pennsylvania 17938 has filed a petition to modify the application of 30 CFR 75.1100–2(a) (Quantity and location of firefighting equipment) to its N & L Slope Mine (I.D. No. 36–02203) located in Northumberland County, Pennsylvania. The petitioner requests a modification of the standard to permit use of only portable fire extinguishers to replace existing requirements where rock dust, water cars, and other water storage equipped with three (3) ten quart pails is not practical. The petitioner proposes to use two (2) fire extinguishers near the slope bottom and an additional portable fire extinguisher within 500 feet of the working face for equivalent fire protection for the N & L Slope Mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as the existing standard.

Request for Comments

Persons interested in these petitions are encouraged to submit comments via e-mail to *comments@msha.gov,* or on a computer disk along with an original hard copy to the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Room 627, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 22, 2002. Copies of these petitions are available for inspection at that address.

Dated at Arlington, Virginia this 15th day of March 2002.

Marvin W. Nichols, Jr.,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 02–6796 Filed 3–20–02; 8:45 am]

BILLING CODE 4510–43–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–029]

Yankee Atomic Electric Company, Yankee Nuclear Power Station (ROWE); Exemption

1.0 Background

The Yankee Atomic Electric Company (YAEC or the licensee) is the holder of Possession Only License No. DPR–3, which authorizes possession and maintenance of the Yankee Nuclear Power Station (YNPS or plant). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC or the Commission) now or hereafter in effect. The facility is a permanently shutdown pressurized-water reactor (PWR) currently in the process of decommissioning and is located on the licensee's site in Franklin County, Massachusetts.

On February 27, 1992, the licensee submitted written certifications to the Commission that it had decided to permanently cease operations at YNPS and that all fuel had been permanently removed from the reactor. The NRC in a license amendment dated August 5, 1992, modified License No. DPR–3 to a Possession Only License (POL). The license is conditioned so that YAEC is not authorized to operate the reactor and fuel may not be placed in the reactor vessel, thus formalizing the YAEC commitment to permanently cease power operations. The YNPS spent nuclear fuel is currently being stored in the spent fuel pool, which is protected by a physical protection system meeting the requirements of 10 CFR 73.55, ''Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage,'' with exemptions as previously issued by the NRC. To complete the plant site decommissioning process, the spent fuel will be removed from the spent fuel pool and transferred to an onsite independent spent fuel storage installation (ISFSI) for interim storage.

Pursuant to 10 CFR part 72, ''Licensing Requirements for the Independent Storage of Spent Nuclear

Fuel and High-Level Radioactive Waste,'' an ISFSI may be licensed either under a general or a specific license. Under a general license, a licensee can construct and operate an ISFSI in accordance with the requirements of 10 CFR 72.212, ''Conditions of general license issued under § 72.210 [,''General license issued''],'' without staff approval. Pursuant to 10 CFR 72.212(b)(5), a licensee must protect the spent fuel at the ISFSI against the design basis threat (DBT) of radiological sabotage in accordance with the same provisions and requirements as are set forth in the licensee's 10 CFR 73.55 physical security plan, with additional conditions and exceptions.

Alternatively, an ISFSI can be constructed under a 10 CFR part 72 specific license, which requires a licensee to develop a detailed security plan in accordance with 10 CFR 73.51, ''Requirements for the physical protection of stored spent nuclear fuel and high-level radioactive waste.'' The design objective of 10 CFR 73.51 is to protect against a loss of control of the facility that could be sufficient to cause radiation exposure exceeding the dose as described in 10 CFR 72.106, ''Controlled area of an ISFSI or MRS (monitored retrievable storage).''

In an August 21, 2000, **Federal Register** notice (65 FR 50606), the Commission clarified portions of 10 CFR part 72, stating that the requirements of 10 CFR 72.106 apply to ISFSIs with either general or specific licenses. The offsite dose limits of 10 CFR 72.106 are defined such that any individual on or beyond the nearest boundary of the controlled area may not receive from any design basis accident the more limiting of a total effective dose equivalent of 0.05 Sv (5 rem) or the sum of the deep-dose equivalent and the committed dose equivalent to any individual organ or tissue of 0.5 Sv (50 rem).

2.0 Request

Pursuant to 10 CFR 72.212(b)(5), licensees who store their spent fuel under the provisions of 10 CFR part 72, subpart K, ''General License for Storage of Spent Fuel at Power Reactor Sites,'' as YAEC proposes to do, are required to ''Protect the spent fuel against the design basis threat of radiological sabotage in accordance with the same provisions and requirements as are set forth * * *'' in 10 CFR 73.55.

By letter dated September 28, 2000, as supplemented by letters dated October 12, 2000, April 18, 2001, May 29, 2001, June 28, 2001, and March 4, 2002, the licensee requested an exemption from certain requirements of 10 CFR 73.55. YAEC proposed alternative approaches to meet the provisions of portions of 10 CFR 73.55(b) through (h) related to the security organization, physical barriers, access requirements, detection aids, communications, and response requirements. By this same correspondence, the licensee also requested a license amendment that would revise Facility Operating License No. DPR–3 to reference the revisions of the Physical Security Plan, Guard Training and Qualification Plan, and Safeguards Contingency Plan, and made available a copy of the YAEC plans to assist the staff in its review of the exemption and amendment requests.

3.0 Discussion

Pursuant to 10 CFR 72.7, ''Specific exemptions,'' and 10 CFR 73.5, ''Specific exemptions,'' the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of the regulations that it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest. Pursuant to 10 CFR 73.55(a), the Commission may authorize a licensee to provide measures for protection against radiological sabotage other than those specified in the regulations if the licensee demonstrates that the measures have the same high assurance objective as specified in 10 CFR 73.55(a) and that the overall level of system performance provides protection against radiological sabotage equivalent to that which could be provided by paragraphs (b) through (h) of 10 CFR 73.55.

The staff has reviewed the proposed YAEC ISFSI and Fuel in Transit (FIT) Physical Protection Programs against the requirements of each section of 10 CFR 73.55 to determine whether the alternative measures that YAEC proposed should be authorized pursuant to 10 CFR 73.55(a), or whether specific exemptions should be granted from the requirements of these regulations. As part of its review, the staff evaluated the offsite dose that would result from unimpeded access by the DBT of radiological sabotage without protracted loss of control of the facility. On the basis of YAEC's plan in the ISFSI Physical Protection Program to maintain the boundary of its controlled area at a minimum of 300 meters from the dry cask storage installation and provisions in the ISFSI Physical Protection Program that provide the capability to summon off-site local law-enforcement agency response forces to preclude a protracted loss of control of the facility, the staff concluded that the DBT of radiological sabotage would result in an offsite dose well below the 10 CFR 72.106(b) limits. The staff therefore concluded that the alternative measures proposed by YAEC are authorized pursuant to 10 CFR 73.55(a), with one exception. With regard to the requirements of 10 CFR 73.55(d)(5), the staff concluded that the measures proposed by YAEC did not meet the criteria of 10 CFR 73.55(a) to be authorized as alternative measures. However, the staff concluded that pursuant to 10 CFR 72.7 and 10 CFR 73.5, the proposed alternatives to the requirements of 10 CFR 73.55(d)(5) that YAEC requested could be granted as an exemption. A detailed discussion of the staff's evaluation is contained in the safety evaluation supporting these findings dated March 13, 2002, which safeguards information in accordance with 10 CFR 73.21 and therefore, is not available to the public.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 72.7 and 10 CFR 73.5, exemption from the requirements of 10 CFR 73.55(d)(5) related to access requirements is authorized by law, will not endanger life or property or the common defense and security, and are otherwise in the public interest.

Pursuant to 10 CFR 51.32, ''Finding of no significant impact,'' the Commission has previously determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 48720, dated September 21, 2001).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 13th day of March 2002.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–6814 Filed 3–20–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Public Meeting on an Overview of Recent Activities Related to the Potential High-Level Waste Repository at Yucca Mountain, Nevada

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public meetings in Beatty, Tonopah, and Ely, Nevada.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff will hold three public meetings on regulation of a potential high-level waste repository at Yucca Mountain. The meetings are intended to foster a common understanding among the stakeholders on safety and regulatory issues, should the U.S. Department of Energy (DOE) submit a license application to the NRC for a possible geologic repository at Yucca Mountain, Nevada. All meetings will be facilitated by Francis X. Cameron, Special Counsel for Public Liaison, Office of the General Counsel, NRC.

The meetings are primarily to acquaint the public with the NRC oversight of a potential high-level waste repository at Yucca Mountain. It will begin with an overview of NRC's responsibilities, include a discussion of NRC's regulations and preparations for evaluating a potential U.S. Department of Energy (DOE) license application, and conclude with an overview of the NRC's role with respect to the transportation of high-level waste. Several opportunities for questions will be provided. In addition, members of the NRC staff will be available for discussion with members of the public. The dates, times, and locations of the public meetings are shown below.

Date/Time: Monday, April 8, 2002, from 6:30 p.m.—9:00 p.m. (Pacific time). Tuesday, April 9, 2002, from 6:30 p.m.—9:00 p.m. (Pacific time). Wednesday, April 10, 2002, from 6:30 p.m.—9:00 p.m. (Pacific time).

Place: Beatty Senior Center, 150 A Avenue South, Beatty, Nevada. Tonopah Convention Center, 301 West Brougher Avenue, Tonopah, Nevada. Holiday Inn Prospector Inn & Casino, 1501 E. Aultman Street, Ely, Nevada/

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Special Counsel for Public Liaison, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by telephone: (301) 415–1642 or e-mail: *fxc@nrc.gov.*

Dated at Rockville, Maryland, this 14th day of March, 2002.

For the Nuclear Regulatory Commission.

Janet R. Schlueter,

Chief, High-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 02–6813 Filed 3–20–02; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27498]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

March 15, 2002.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 9, 2002, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After April 9, 2002, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Xcel Energy, Inc., et al. (70–10059)

Xcel Energy, Inc., (''Xcel''), a registered holding company, and its wholly owned subsidiary, NRG Acquisition Company, LLC (''Acquisition Company,'' and together with Xcel, ''Applicants''), both located at 800 Nicollet Mall, Minneapolis, Minnesota 55402, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 11, 12(b), 32 and 33 of the Act and rules 51, 53, 54 and 58 under the Act.

Applicants propose to commence a tender or exchange offer (''Exchange Offer'') for Xcel to acquire the outstanding common stock of NRG Energy, Inc. (''NRG''),[1] a Delaware corporation and a majority owned indirect subsidiary of Xcel,[2] under the terms of a plan approved by Xcel's board of directors on February 14, 2002. In the Exchange Offer, Xcel proposes to acquire the outstanding publicly held shares of NRG, representing approximately a 26 percent minority interest, by exchanging NRG common stock for .4846 shares of Xcel common stock in the Exchange Offer in a tax-free exchange. Applicants also propose to acquire the balance of the shares of NRG's common stock not tendered in the Exchange Offer by means of a short-form merger permitted under Delaware law (''Short-Form Merger''). Xcel proposes to issue up to 24.7 million shares of its common stock in exchange for NRG's common stock obtained in the Exchange Offer and Short-Form Merger.[3]

Under the terms of the Exchange Offer, in order to be successful, enough shares of NRG common stock will need to be tendered so that Xcel's ownership level of NRG reaches 90 percent. If the Exchange Offer results in 90 percent ownership, Wholesale will contribute enough shares of NRG common stock to Acquisition Company to permit Xcel to own at least 90 percent of NRG. Subsequently, Acquisition Company will merge through the Short-Form Merger with and into NRG. Each outstanding share of NRG common stock not acquired in the Exchange Offer will be converted in the Short-Form Merger into the right to receive 0.4846 shares of Xcel in the Exchange Offer. After completion of the Exchange Offer and the Short-Form Merger, Xcel will own NRG as an indirect, wholly owned subsidiary. Xcel states that its investment in NRG will be included as part of Xcels's investment in exempt wholesale generators and foreign investment companies for purposes of sections 32 and 33 of the Act.

[1] NRG is an independent power producer and a leading global energy company, primarily engaged in the acquisition, development, ownership and operation of power generation facilities and the sale of energy, capacity and related products. NRG's common stock is publicly traded and listed on the New York Stock Exchange under the symbol ''NRG.''

[2] Xcel indirectly owns shares of NRG's common stock through its wholly owned subsidiary, Xcel Energy Wholesale Group, Inc. (''Wholesale''). Xcel owns 147,604,500 shares of NRG's Class A Common Stock, each of which is convertible at any time into one share of NRG's Common Stock. The Class A Common Stock represents 74.3% of all of the outstanding shares of both classes of NRG's common shares combined. Because each share of Class A Common Stock entitles Xcel to ten votes, Xcel currently holds 96.7% of the combined voting power of all of NRG's outstanding common shares.

[3] The shares of Xcel's common stock to be issued in the Exchange Offer and the Short-Form Merger will come from Xcel's authorized but unissued shares.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–6799 Filed 3–20–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45560; File No. SR–NSCC–2001–18]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Permitting Data Services Only Members to Access Fund/Serv

March 14, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 26, 2001, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change permits Data Services Only Members to access Fund/Serv to process non-NSCC settling mutual fund purchase and redemption transactions and related instructions.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Data Services Only Members are permitted access only to those services which are specifically enumerated under NSCC's Rules and which do not involve money settlement through NSCC's facilities. The proposed rule permits Data Services Only Members to access Fund/Serv, provided as part of NSCC's Mutual Fund Services, to process non-NSCC settling mutual fund purchase and redemption transactions and related instructions. The proposed rule also extends this processing only functionality to those Settling Members and Fund Members who wish to utilize it.

The ability of Data Services Only Members and Settling Members to utilize Fund/Serv for processing only is being added at the request of NSCC Fund Members and the Investment Company Institute (''ICI'') in order to permit broker-dealers and their financial planner representatives to be able to transmit transaction data to funds in an automated format. Such transmissions are currently being handled manually which is extremely time-intensive.[3]

Accordingly, NSCC's Rule 52 (Mutual Fund Services), Section A (Fund/Serv) is being amended (1) to make Data Services Only Members eligible to utilize the service for the limited purpose of processing (but not settling through NSCC) transactions and related instructions and (2) to enable Settling Members to process transactions and related instructions through Fund/Serv that will settle outside of NSCC. Historically, Fund Members have always had the right to designate parameters within which their orders will be processed. Clarifying language is now being added to set forth this right explicitly. Accordingly, the functionality allowing Data Services Only Members and Settling Members to input transactions for Fund/Serv processing that will settle outside of NSCC will be available to the extent those parameters are selected by Fund Members.

This rule change will increase automation of mutual fund transaction processing between Fund Members, broker-dealers, and other entities and thus facilitates the prompt and accurate clearance and settlement of securities transactions. The proposed rule change is therefore consistent with the requirements of the Act and the rules and regulations thereunder.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. NSCC has, however, worked closely with the ICI and a representative group of mutual fund industry participants in developing this functionality, and all concur with the proposed changes. NSCC will notify the Commission of any written comments it receives.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [4] and Rule 19b–4(f)(4) [5] promulgated thereunder because the proposal effects a change in an existing service of NSCC that (A) does not adversely affect the safeguarding of securities or funds in the custody or control of NSCC or for which it is responsible and (B) does not significantly affect the respective rights or obligations of NSCC or persons using the service because the proposed rule change will allow entities to process transactions on an automated basis that are currently processed manually and does not involve the settlement of funds through NSCC. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors,

[3] Pursuant to Securities Exchange Act Release No. 44960 (October 19, 2001), 66 FR 56383 (October 25, 2001) [File No. SR–NSCC–2001–14], Data Services Only Members may utilize Mutual Fund Services' Networking in order to access and make inquiries regarding their customer accounts in an automated format. This inquiry functionality utilizes a communications-translation interface (in Extensible Markup Language or XML) that will also be used to transmit transaction data to Fund/Serv that will settle on a participant to participant basis. This functionality and the XML communications interface used to transmit transaction data to Fund/Serv will be collectively marketed to participants under the name Fund/SPEED. The proposed Fund/SPEED fees, as well as the fees for transactions submitted through Fund/Serv that settle on a participant to participant basis, will be the subject of a separate rule filing. Until such time, these services will be provided without charge.

[4] 15 U.S.C. 78s(b)(3)(*A*)(iii).

[5] 17 CFR 240.19b–4(f)(4).

or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NSCC. All submissions should refer to the File No. SR–NSCC–2001–18 and should be submitted by April 11, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–6828 Filed 3–20–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45561; File No. SR–NSCC–2002–02]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Revising NSCC's Fee Schedule

March 14, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 25, 2002, the National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of revisions to NSCC's fee schedule.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. NSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to (i) establish fees for the XML-based account inquiry feature of NSCC's Mutual Fund Services (''MFS''), (ii) establish fees for the XML-based communications interface that transmits fund transaction data to NSCC's Fund/SERV for processing, (iii) establish base participation fees for those Fund Members and Mutual Fund Processors[3] using these XML-communication interface features, and (iv) standardize the descriptions, under the name ''Fund/*SPEED*,'' of such MFS features and communications in NSCC's fee schedule.

In addition to and in conjunction with these changes, the proposed rule change provides for Fund/SERV fees for Fund/SERV Processing Only transactions that will settle on a participant to participant basis outside of NSCC.

All of the proposed fees are payable by the applicable Fund Member or Mutual Fund Processor. Pursuant to this rule change, the Fund/*SPEED* fee for account inquiry will be $0.005 per request and fund response (''Account Inquiry''). The Fund/*SPEED* fee for the XML-interface transmission of fund transaction data (other than a new account transaction) to Fund/SERV will be $.50 per item (''Subsequent Trade Transmission'') and will be $.75 per item for transmission of transaction data involving a new account (''New Account Trade Transmission.'') All of these fees will be payable with respect to services provided from and after April 1, 2002.

In addition, participating Fund Members and Mutual Fund Processors will be charged a monthly membership fee to use these services determined as follows: $250 per month for such members with less than twenty-five eligible mutual funds and/or eligible investment funds (identified by CUSIP) on Fund/SERV; $1,000 per month for such members with between twenty five and ninety nine eligible mutual funds/investment funds on Fund/SERV; and $2,500 per month for such members with one hundred or more eligible mutual funds/investment funds on Fund/SERV. These fees will be effective from and after February 1, 2002.

Finally, this rule change provides that the Fund/SERV fees payable with respect to Fund/SERV Processing Only transactions will be $.175 per side, and the fee for both sides will be charged to and payable by the applicable Fund Member or Mutual Fund Processor, effective with respect to such services provided on and after April 1, 2002.

NSCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder, since it provides for the equitable allocation of dues, fees, and other charges among NSCC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. NSCC has notified participants who use MFS of the Fund/*SPEED* changes. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes and changes fees imposed by NSCC, it has become effective pursuant

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[6] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] As defined in NSCC's Rule 52, a Mutual Fund Processor is a settling member that is acting in the capacity of a Fund Member in connection with the issuance or redemption of fund shares.

to Section 19(b)(3)(A)(ii) of the Act[4] and Rule 19b–4(f)(2)[5] promulgated thereunder. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NSCC. All submissions should refer to the File No. SR–NSCC–2002–02 and should be submitted by April 11, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–6829 Filed 3–20–02; 8:45 am]

BILLING CODE 8010–01–P

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b–4(f)(2).

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45557; File No. SR–OCC–2001–17]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Establishing Financial Reporting Standards for Clearing Futures Commission Merchants That Are Not Fully Registered With the Commission as Broker-Dealers

March 14, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on November 9, 2001, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends OCC Rule 306 to facilitate financial reporting by clearing members that are FCMs not fully registered with the Commission as broker-dealers.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

As a result of the Commodity Futures Modernization Act, entities registered with the Commodity Futures Trading Commission (''CFTC'') as futures commission merchants (''FCMs'') are allowed to trade in security futures upon notice registration with the Commission.[3] These entities are not subject to the full panoply of Commission regulation, and in particular, they are not required to file reports of financial condition under Rule 17a–5. As a result of amendments to OCC's Rules that were approved by the Commission in File No. SR–OCC–2001–07 (adopting rules for the clearance and settlement of security futures), such entities are now allowed to become clearing members of OCC.[4] OCC has also filed an application with the Commission and the CFTC seeking authority to clear futures on broad-based indexes and options thereon.[5] These products are regulated exclusively by the CFTC, and OCC's proposed rules would permit it to admit clearing members that are regulated exclusively by the CFTC and not registered as broker-dealers at all.

The purpose of this rule change is to facilitate financial reporting by clearing members that are FCMs not fully registered with the Commission as broker-dealers while providing OCC with the same level of financial oversight that OCC has with respect to other clearing members. Such FCMs will be permitted to file their monthly financial reports with OCC using the CFTC's Form 1–FR–FCM. However, notwithstanding the provisions of CFTC Regulation 1.10(b) generally requiring such reports to be filed with the CFTC on a quarterly basis, OCC will require such reports to be filed with OCC monthly. OCC believes that monthly reporting is conducive to the protection of OCC, its clearing members, and the public.

OCC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act and the regulations thereunder because it protects investors and the public interest by ensuring the availability of adequate financial information to OCC regarding clearing members.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commissiion has modified parts of these statements.

[3] Section 15(b)(11)(A) of the Securities Exchange Act of 1934.

[4] Securities Exchange Act Release No. 44727, (August 20, 2001), 66 FR 45351.

[5] The CFTC granted OCC's application for registration as a derivatives clearing organization on December 12, 2001. The Commission has published notice of OCC's filing. Securities Exchange Act Release No. 45152, (December 12, 2001), 66 FR 65770.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(i) of the Act[6] and Rule 19b–4(f)(1)[7] thereunder because it constitutes a stated policy, practice or interpretation with respect to the meaning, enforcement or administration of an existing rule. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

VI. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the File No. SR–OCC–2001–17 and should be submitted by April 11, 2002.

[6] 15 U.S.C. 78s(b)(3)(A)(i).

[7] 17 CFR 240.19b–4(f)(1).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–6826 Filed 3–20–02; 8:45 am]

BILLING CODE 8010–01–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–45558; File No. SR–OCC–2002–01]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Eliminating Clearing Fees

March 14, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 11, 2002, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends OCC's fee schedule to eliminate certain fees for discontinued or soon to be discontinued services.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of this rule change is to amend OCC's fee schedule in two respects. First, OCC is eliminating ONN Fees, effective January 1, 2002. ONN is an electronic bulletin board service operated by OCC for clearing members and other subscribers to access pertinent information posted by OCC and the options exchanges.[3] Information posted on ONN includes information memos on contract adjustments, other notices to clearing members, statistical and volume information, and certain reports. Most of the information made available via ONN is now available on OCC's public web site, *www.optionsclearing.com.* Other information not currently available on OCC's web site will be made available via MyOCC,™ a new web site portal that OCC is creating for use by clearing members and other subscribers. When MyOCC™ is launched, ONN will no longer be offered and MyOCC™ will become the principal vehicle for disseminating options related information. At this time, OCC has determined not to charge fees to access MyOCC,™ and it would be inconsistent with that policy to continue to charge fees for ONN in the meantime.

Second, OCC is eliminating off-site microfiche retrieval charges. In 1996, OCC converted the media on which historical reports were made available to subscribing clearing members from microfiche to CD–ROM and amended its fee schedule to reflect the associated charges.[4] As stated in Filing SR–OCC–96–14, microfiche charges were to be eliminated after the conversion was completed. The conversion was finished some time ago, and accordingly, OCC is updating its fee schedule.

OCC believes the proposed rule change is consistent with Section 17A of the Act because it eliminates fees charged to clearing members and other subscribers for discontinued or soon to be discontinued services.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified parts of these statements.

[3] Securities Exchange Act Release No. 28669 (December 3, 1990), 55 FR 50793 [Filed No. SR–OCC–09–12].

[4] Securities Exchange Act Release No. 37993 (November 27, 1996), 61 FR 64407 [File No. SR–OCC–96–14].

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change eliminates fees charged clearing members by OCC, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [5] and Rule 19b–4(f)(2) [6] thereunder. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the File No. SR–OCC–2002–01 and should be submitted by April 11, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–6827 Filed 3–20–02; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–4(f)(2).

[7] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3939]

Bureau of Human Resources, Office of Recruitment; 30-Day Notice of Proposed Information Collection: Form DS–3091, Thomas R. Pickering Foreign Affairs Fellowship Program

ACTION: Notice.

SUMMARY: The Department of State has submitted the following information collection request to the Office of Management and Budget (OMB) for approval in accordance with the Paperwork Reduction Act of 1995. Comments should be submitted to OMB within 30 days of the publication of this notice.

The following summarizes the information collection proposal submitted to OMB:

Type of Request: New collection.

Originating Office: HR/REE/REC.

Title of Information Collection: Thomas R. Pickering Foreign Affairs Fellowship Program.

Frequency: Annual.

Form Number: DS–3091.

Respondents: College students.

Estimated Number of Respondents: 250.

Average Hours Per Response: 15.

Total Estimated Burden: 3,750.

Public comments are being solicited to permit the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including through the use of automated collection techniques or other forms of technology.

FOR FURTHER ADDITIONAL INFORMATION: Copies of the proposed information collection and supporting documents may be obtained from Richard Esper, Chief of Student Programs, Office of Recruitment, Bureau of Human Resources, U.S. Department of State, 2401 E Street, NW, Room H–518, Washington, DC 20522; 202–261–8924. Public comments and questions should be directed to the State Department Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20530, who may be reached on 202–395–3897.

Dated: February 26, 2002.

Ruben Torres,

Executive Director, Bureau of Human Resources, Department of State.

[FR Doc. 02–6862 Filed 3–20–02; 8:45 am]

BILLING CODE 4710–15–P

DEPARTMENT OF STATE

[Public Notice 3913]

Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union; Notice of Meeting

The Department of State announces that the Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union (Title VIII) will convene on Friday, April 19, 2002, beginning at 10 a.m. in Room 1107, U.S. Department of State, 2201 C Street, NW, Washington, DC.

The Advisory Committee will recommend grant recipients for the FY 2002 competition of the Program for the Study of Eastern Europe and the Independent States of the Former Soviet Union in connection with the ''Research and Training for Eastern Europe and the Independent States of the Former Soviet Union Act of 1983, as amended.'' The agenda will include opening statements by the Chairman and members of the Committee and, within the Committee, discussion, approval, and recommendation that the Department of State negotiate grant agreements with certain ''national organizations with an interest and expertise in conducting research and training concerning the countries of Eastern Europe and the independent states of the former Soviet Union,'' based on the guidelines contained in the call for applications published in the **Federal Register** on November 23, 2001. Following committee deliberation, interested members of the public may make oral statements concerning the Title VIII program in general.

This meeting will be open to the public; however, attendance will be limited to the seating available. Entry into the Department of State building is controlled and must be arranged in advance of the meeting. Those planning to attend should notify Susan Nelson, INR/RES, U.S. Department of State, (202) 736–4610 by Tuesday, April 16, 2002, providing their date of birth, Social Security number, and any requirements for special needs. All attendees must use the 2201 C Street,

NW, entrance to the building. Visitors who arrive without prior notification and without a photo ID will not be admitted.

Dated: March 8, 2002.

Kenneth E. Roberts,

Executive Director, Advisory Committee for the Study of Eastern Europe and the Independent States of the Former Soviet Union, Department of State.

[FR Doc. 02–6861 Filed 3–20–02; 8:45 am]

BILLING CODE 4710–32–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Public Comments on Twenty-Three Accessions to the World Trade Organization and on U.S. Participation in Negotiations for the Terms of These Accessions: Algeria, Andorra, Azerbaijan, the Bahamas, Belarus, Bhutan, Bosnia and Herzegovina, Cambodia, Cape Verde, Kazakhstan, Laos, Lebanon, Former Yugoslav Republic of Macedonia, Nepal, Samoa, the Seychelles, Sudan, Tajikistan, Tonga, Uzbekistan, Vietnam, Yemen, and Yugoslavia

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: As a Member of the World Trade Organization (WTO), the United States participates in negotiations for the terms of accession for new Members to the WTO. The Trade Policy Staff Committee (TPSC) is requesting written comments from the public concerning U.S. commercial interests and other issues related to the accessions of 23 countries seeking to join the WTO, and to assist the United States Trade Representative (USTR) in participation in negotiations for the terms of those accessions. These countries are the Azerbaijan Republic (Azerbaijan), Bosnia and Herzegovina, the Commonwealth of The Bahamas (The Bahamas) the Democratic and Popular Republic of Algeria (Algeria), the Federal Republic of Yugoslavia (Yugoslavia), Former Yugoslav Republic of Macedonia, the Independent State of Samoa (Samoa), the Republic of the Sudan (Sudan), the Kingdom of Bhutan (Bhutan), the Kingdom of Cambodia (Cambodia), the Kingdom of Nepal (Nepal), the Kingdom of Tonga (Tonga), the Lao Democratic People's Republic (Laos), the Lebanese Republic (Lebanon), Principality of Andorra (Andorra), the Republic of Belarus (Belarus), the Republic of Cape Verde (Cape Verde), the Republic of Kazakhstan (Kazakhstan), the Republic of Seychelles (the Seychelles), the Republic of Tajikistan (Tajikistan), the Republic of Uzbekistan (Uzbekistan), the Republic of Yemen (Yemen), and the Socialist Republic of Vietnam (Vietnam). With respect to Vietnam, comments may take into consideration submissions made in response to previous requests for written comments in the context of Vietnam's WTO accession and the negotiation of a Bilateral Trade Agreement.

Public comments should include, but not be limited to, information concerning those countries' current trade policies and practices which affect market access for U.S. exports, e.g., tariffs, non-tariff measures; trade and investment in services; other aspects of the trade regime affecting U.S. trade interests subject to WTO provisions; and other conditions or practices that impair the ability of these countries to grant the benefit of WTO provisions to their trading partners. Comments received will be considered in developing U.S. positions and objectives for the multilateral and bilateral negotiations that will determine the terms of WTO accession for Algeria, Andorra, Azerbaijan, The Bahamas, Belarus, Bhutan, Bosnia and Herzegovina, Cambodia, Cape Verde, Kazakhstan, Laos, Lebanon, Former Yugoslav Republic of Macedonia, Nepal, Samoa, the Seychelles, the Sudan, Tajikistan, Tonga, Uzbekistan, Vietnam, Yemen, and Yugoslavia.

DATES: Public comments should be received by noon on Wednesday, May 15, 2002.

ADDRESSES: Public comment should be submitted to: Gloria Blue, Executive Secretary, TPSC, Office of the USTR, 1724 F Street, NW., Washington, DC 20508. Attention: Office of WTO and Multilateral Affairs

FOR FURTHER INFORMATION CONTACT: Cecilia Leahy Klein, USTR Director for WTO Accessions (202–395–3063) concerning the WTO accession process and issues related to WTO rules; Paul Moore (*pmoore@ustr.gov*), USTR Director for Market Access and Sarah Sipkins (*ssipkins@ustr.gov*), USTR Director for Tariffs (202–395–5097) concerning issues related to goods market access negotiations; Sharon Sheffield (*ssheffield@ustr.gov*), Director for Agricultural Trade Policy (202–395–6127) concerning issues related to trade in agricultural products or agricultural support; or Christina Lund (*clund@ustr.gov*), USTR Senior Advisor for Services and Intellectual Property Rights and Paul Burkhead (*pburkhead@ustr.gov*), USTR Director for Services Trade Affairs (202–395–4510) concerning issues related to services market access. Procedural inquiries concerning the public comment process should be directed to Gloria Blue, Executive Secretary, Trade Policy Staff Committee, Office of the United States Trade Representatives, (202) 395–3475.

SUPPLEMENTARY INFORMATION: The countries of Algeria, Andorra, Azerbaijan, The Bahamas, Belarus, Bhutan, Bosnia and Herzegovina, Cambodia, Cape Verde, Kazakhstan, Laos, Lebanon, Former Yugoslav Republic of Macedonia, Nepal, Samoa, the Seychelles, the Sudan, Tajikistan, Tonga, Uzbekistan, Vietnam, Yemen, and Yugoslavia have applied for accession to the WTO. Article XII of the Marrakesh Agreement Establishing the World Trade Organization states that the terms of WTO Membership for these countries will be negotiated with current WTO Members bilaterally and in meetings of the Working Parties established by the Members of the WTO to conduct the negotiations. The results of these negotiations will include a Working Party report and Protocol of Accession, specifying how the applicants for accession will implement WTO Agreements, and Schedules of specific commitments and concessions on market access for imported goods and services, which will be annexed to the Protocol.

The Chairman of the Trade Policy Staff Committee invites written comments from the public on trade and other measures currently applied by Algeria, Andorra, Azerbaijan, The Bahamas, Belarus, Bhutan, Bosnia and Herzegovina, Cambodia, Cape Verde, Kazakhstan, Laos, Lebanon, Former Yugoslav Republic of Macedonia, Nepal, Samoa, the Seychelles, the Sudan, Tajikistan, Tonga, Uzbekistan, Vietnam, Yemen, and Yugoslavia that could be subject to the provisions of the WTO, particularly tariffs applied to imports, and other market access issues for goods and services, or practices or measures that could affect the competitiveness of U.S. goods and services in those markets. All comments received will be considered in developing U.S. positions and objectives for participation in these negotiations.

Market access issues for goods of interest to the TPSC include, but are not limited to: (a) Comments on possible tariff reductions and the removal of restrictive border measures such as quotas or import licensing requirements; (b) uniform application of the trading system; (c) the provision of national

treatment and nondiscriminatory treatment for imported goods, especially in the area of domestic taxation and requirements for and restrictions on the right to import and export goods; (d) transparency in application of trade laws and regulations; (e) right of appeal in cases involving application of trade laws and other laws relating to WTO provisions, such as protection and enforcement of intellectual property rights (IPR) and services; (f) customs processing issues, such as document certification prior to export, fees, customs valuation, and certification requirements for imports; (g) industrial export and domestic subsidies; (h) agricultural export subsidies and domestic supports and incentives; (i) safeguard and unfair trade practice procedures applied to imports; (j) plant, animal, and human health and safety requirements, including sanitary and phytosanitary requirements; (k) technical barriers to trade; (l) utilization of preshipment inspection services; (m) application of rules of origin; (n) activities of state trading enterprises, including restrictions and other trade-distorting practices made effective through state trading; (o) price controls and policies; (p) foreign exchange controls that act as barriers to trade and investment; (q) preferential trade arrangements, including membership in free trade arrangements or customs unions; (r) government procurement practices; (s) policies concerning trade in civil aircraft; (t) the trade-related aspects of investment policies; and (u) the protection and enforcement of intellectual property rights.

Market access issues for services of interest to the TPSC include, but are not limited to, (a) transparency in application of trade laws and regulations and the right of appeal in cases involving foreign service suppliers; (b) the right to establish a commercial presence in a foreign market to supply services; (c) the right to travel across national borders to make use of a service; (d) the ability to supply services when neither the supplier nor consumer travel, for example, via electronic means; and (e) the right to enter a foreign market temporarily to provide services.

Information on products or practices subject to these negotiations should include, whenever appropriate or possible, the import or export tariff classification number used for the product concerned, the CPC number used for classification of the services sector concerned, or the official citation of the law or regulation being discussed.

Persons submitting written comments should provide a statement, in twenty (20) copies, by noon, Wednesday, May 15, 2002, to Gloria Blue, Executive Secretary, TPSC, Office of the U.S. Trade Representative, 1724 F Street, NW., Washington, DC 20508. Where possible, please supplement written comments with a computer disk of the submission containing as much of the technical details as possible. The disk should have a label identifying the software used and the name of the respondent. Written comments submitted, except for information granted ''business confidential'' status pursuant to 15 CFR 2003.6, will be available for public inspection in the USTR Reading Room (Room 101) at the address noted above. An appointment to review the file may be made by calling the Reading Room at (202) 395–6186. The Reading Room is open to the public from 10 a.m. to 12 noon, and from 1 p.m. to 4 p.m. Monday through Friday.

Business confidential information, including any information submitted on disks, will be subject to the requirements of 15 CFR 2003.6. Any business confidential material must be clearly marked as such on the cover letter or page and each succeeding page, and must be accompanied by a non-confidential summary thereof. If the submission contains business confidential information, twenty copies of a public version that does not contain confidential information must be submitted. A justification as to why the information contained in the submission should be treated confidentially must be included in the submission. In addition, any submissions containing business confidential information must be clearly marked ''Confidential'' at the top and bottom of the cover page (or letter) and each succeeding page of the submission. The version that does not contain confidential information should also be clearly marked, at the top and bottom of each page, ''public version'' or ''non-confidential.''

Carmen Suro-Bredie,

Chairman, Trade Policy Staff Committee.

[FR Doc. 02–6865 Filed 3–20–02; 8:45 am]

BILLING CODE 3190–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2002–11722]

Agency Information Collection Activities; Request for Comments; Clearance of a New Information Collection; Public Knowledge of Highway Programs

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection. The collection involves a small business research study that is looking into the potential for a national public education program on various highway programs. During a small-scale trial the public will be asked via the web and mailings to comment on local construction issues and proposals. The information collected will be used solely to determine if response levels and public involvement would justify developing the approach across a larger cross-section of the United States population. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by May 20, 2002.

ADDRESSES: You may mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590; telefax comments to 202/493–2251; or submit electronically at *http://dmses.dot.gov/submit.* All comments should include the docket number in this notice's heading. All comments may be examined and copied at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you desire a receipt you must include a self-addressed stamped envelope or postcard or, if you submit your comments electronically, you may print the acknowledgment page.

FOR FURTHER INFORMATION CONTACT: Ms. Kathleen Bergeron, 415–744–2613, Marketing Specialist, Department of Transportation, Federal Highway Administration, Western Resource Center, Suite 2100, 201 Mission Street, San Francisco, CA 94105 or e-mail to *kathleen.bergeron@fhwa.dot.gov.* Office hours are from 7:00 a.m. to 4:30 p.m., p.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Public Knowledge of Highway Programs.

Background: Following a study performed under the DOT Small Business Innovative Research initiative, the FHWA plans to test some of the proposed ideas for increasing public education and awareness of various highway programs. These include involvement of the public early in the planning process by disseminating accurate and understandable information through a combination of Web sites and regular updates sent to local media, schools and colleges. We do not anticipate using every method in all instances, but will use a series of small-scale demonstrations to evaluate the effectiveness of each approach. Respondents will be asked for views and opinions about any local FHWA initiatives by using media coverage of local projects, Web site information, local mass mailings, or coverage on local cable television channels. We anticipate making maximum use of web-based e-learning and visualization technologies to present the information. We will evaluate which approaches are best.

Respondents: Approximately 200, including the general public, metropolitan planning organizations, various state transportation departments, local/municipal planning departments, schools and colleges.

Frequency: This is a one-time survey for the purposes of this study only.

Estimated Average Burden per Response: 30 minutes per questionnaire.

Estimated Total Annual Burden Hours: 100.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burdens could be minimized, including use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Electronic Access: Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov.* It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at telephone number 202–512–1661. Internet users may reach the **Federal Register's** home page at *http://www.nara.gov/fedreg* and the Government Printing Office's database at *http://www.access.gpo.gov/nara.*

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: March 15, 2002.

James R. Kabel,

Chief, Management Programs, and Analysis Division.

[FR Doc. 02–6821 Filed 3–20–02; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the ''Nature of Application'' portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before April 22, 2002.

ADDRESSES: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION: Copies of the applications (See Docket Number) are available for inspection at the New Docket Management Facility, PL–401, at the U.S. Department of Transportation, Nassif Building, 400 7th Street, SW., Washington, DC 20590 or at *http://dms.dot.gov.*

This notice of receipt of applications for new exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Dated: Issued in Washington, DC, on March 15, 2002.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Exemptions and Approvals.

NEW EXEMPTIONS

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12941–N	.....	The Neiman Marcus Group, Longview, TX.	49 CFR 172, subparts C, D, E.	To authorize the transportation in commerce of certain limited quantities of class 3 material that meet the definition of ''consumer commodities'' to be transported without marking, labeling and shipping papers. (Modes 1, 2, 3, 4, 5.)
12943–N	.....	Nitrochem LLC, Newell, PA.	49 CFR 172.203(a), 173.31(c)(1), 179.13.	To authorize the transportation in commerce of certain Class 8 materials in DOT Class 120J tank cars with a maximum gross weight on rail greater than 263,000 pounds but not greater than 286,000 pounds. (Mode 2.)
12944–N	.....	Wabash Alloys, L.L.C., Wabash, IN.	49 CFR 174.67(i) & (j) ...	To authorize rail cars to remain connected while standing without the physical presence of an unloader. (Mode 2.)

NEW EXEMPTIONS—Continued

Application No.	Docket No.	Applicant	Regulation(s) affected	Nature of exemption thereof
12945–N		Duratek, Columbia, SC	49 CFR 173.403, 173.427.	To authorize the one-time transportation in commerce of one pressurizer and five steam generators to be classed as surface contaminated objects with radioactive material, Class 7. (Modes 1, 3.)
12946–N		Baker Atlas, Houston, TX	49 CFR 173.304, 173.40	To authorize the one-time transportation in commerce of 60 non-DOT specification cylinders for disposal containing chlorine trifluoride, Division 2.3, subsidiary hazards 5.1, 8 PIH Zone B. (Mode 1.)
12949–N		Railway Progress Institute, Inc., Alexandria, VA.	49 CFR 172.302(c), 173.203(a), 173.22(a) & (b), 179.100–20(a), 179.200–24(a) & (b), 179.201–10(a), 179.220–25.	To authorize the transportation in commerce of rail cars with alternative specification plates for use in transporting various hazardous materials. (Mode 2.)
12950–N		Walnut Industries, Inc., Bensalem, PA.	49 CFR 172.203(a), 172.301(c), 176.76(a)(4).	To authorize the manufacture, marking, sale and use of metal or plastic 55 gallon drums of various hazardous materials overpacked in freight container of transport vehicle using a fabric restraint dunnage system. (Mode 3.)
12951–N		Borden Chemical Co., Missoula, MT.	49 CFR 174.67(i) & (j)	To authorize rail cars to remain connected while standing without the physical presence of an unloader. (Mode 2.)
12953–N	RSPA–02–11835	Westinghouse Electric Company, Pittsburgh, PA.	49 CFR 173.453(d)	To authorize the transportation in commerce of packages of fissile material that exceed the quantities presently authorized. (Modes 1, 2.)
12955–N		Air Cruisers Company, Belmar, NJ.	49 CFR 172.301(c), 173.219(b)(1).	To authorize the transportation in commerce of life-saving appliances containing a compressed gas cylinder that is filled in excess of its marked service pressure. (Modes 1, 4, 5.)
12956–N	RSPA–02–11834	Frazee Industries, Incorporated, San Diego, CA.	49 CFR 172.200	To authorize the transportation in commerce of combination packagings of 1 gallon and 5 gallon steel containers without overpac or shipping papers from the manufacturing facility to the distribution center. (Mode 1.)
12960–N	RSPA–02–11832	International Fuel Cells, South Windsor, CT.	49 CFR 172.200, 172.300, 172.400.	To authorize the transportation in commerce of fuel cells containing small amount of hazardous materials to be shipped without being subject to the HMR. (Modes 1, 4.)

[FR Doc. 02–6822 Filed 3–20–02; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Applications for Modification of Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for modification of exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Safety has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier Federal Register publications, they are not repeated here. Requests for modifications of exemptions (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) are described in footnotes to the application number. Application numbers with the suffix ''M'' denote a modification request. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before April 5, 2002.

ADDRESSES: Records Center, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. In confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption number.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Records Center, Nassif Building, 400 7th Street SW., Washington, DC or at *http://dms.dot.gov.*

This notice of receipt of applications for modification of exemptions is published in accordance with Part 107 of the Federal hazardous materials transportation law (49 U.S.C. 5117(b); 49 CFR 1.53(b)).

Issued in Washington, DC, on March 15, 2002.

R. Ryan Posten,

Exemptions Program Officer, Office of Hazardous Materials Exemptions and Approvals.

Application No.	Docket No.	Applicant	Modification of exemption
4453–M		Dyno Nobel, Inc., Salt Lake City, UT (See Footnote 1)	4453
7765–M		Carleton Technologies, Inc., Orchard Park, NY (See Footnote 2)	7765
8439–M		Kidde Aerospace, Wilson, NC (See Footnote 3)	8439
8451–M		Olin Corporation, Winchester Group, East Alton, IL (See Footnote 4)	8451
8495–M		Kidde Aerospace, Wilson, NC (See Footnote 5)	8495
8723–M		Dyno Nobel, Inc., Salt Lake City, UT (See Footnote 6)	8723
10427–M		Astrotech Space Operations, Inc., Titusville, FL (See Footnote 7)	10427
10751–M		Dyno Nobel, Inc., Salt Lake City, UT (See Footnote 8)	10751
10929–M		Ashland Inc., Columbus, OH (See Footnote 9)	10929
11401–M		Agilent Technologies, Inc., Santa Clara, CA (See Footnote 10)	11401
11579–M		Dyno Nobel, Inc., Salt Lake City, UT (See Footnote 11)	11579
12102–M	RSPA–98–4005	Clean Harbors Environmental Services, Inc., Braintree, MA (See Footnote 12)	12102
12818–M	RSPA–01–10519	HRD Aero Systems Inc., Valencia, CA (See Footnote 13)	12818

[1] To modify the exemption to authorize the transportation of additional Division 1.5D liquid blasting explosives in non-DOT specification bulk cargo tanks, trailers and motor vehicles.
[2] To modify the exemption to authorize the use of an additional non-DOT specification cylinder bottle assembly unit for the transportation of Division 2.2 materials.
[3] To modify the exemption to authorize the transportation of an additional Division 2.2 material in non-DOT specification cylinders.
[4] To modify the exemption to authorize an alternative outer packaging for the transportation of not more than 25 grams of explosive or pyrotechnic materials classed as Division 1.4E.
[5] To modify the exemption to authorize an alternate maintenance and inspection program for the non-DOT specification cylinders to permit a 14-year hydrostatic test period.
[6] To modify the exemption to authorize the transportation of additional Division 1.5D liquid blasting explosives in non-DOT specification bulk cargo tanks, trailers and motor vehicles.
[7] To modify the exemption to authorize two additional launch vehicles that will utilize their fairing for packaging of spacecrafts during transport and a quantity increase of several hazardous materials contained in the ''flight-ready'' spacecraft.
[8] To modify the exemption to authorize the transportation of Division 1.5D liquid blasting explosives in non-DOT specification bulk cargo tanks, trailers and motor vehicles.
[9] To modify the exemption to authorize the transportation of additional Class 3 materials in DOT Specification tank cars.
[10] To modify the exemption to authorize an increase from 6 grams to a maximum of 9 grams of cesium in the inner cylinder device.
[11] To modify the exemption to authorize the transportation of additional Division 1.5D liquid blasting explosives in non-DOT specification cargo tanks.
[12] To modify the exemption to authorize for-hire contract carriers the ability to transport certain unapproved Class 1 desensitized explosive materials by motor vehicle and cargo vessel.
[13] To reissue the exemption originally issued on an emergency basis for the transportation of certain foreign non-DOT specification steel cylinders used as components (fire extinguishers) in aircraft.

[FR Doc. 02–6823 Filed 3–20–02; 8:45 am]
BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–6 (Sub–No. 392X]

The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Flathead County, MT

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a verified notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon a 3.60-mile line of railroad between milepost 1227.58 and milepost 1231.18, in Kalispell, Flathead County, MT. (line). The line traverses United States Postal Service Zip Code 59901.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic to be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government agency acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 20, 2002,[1] unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 1, 2002. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 10, 2002, with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to BNSF's representative: Michael Smith, Esq., Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, IL 60606–6677. If the verified notice contains false or misleading information, the exemption is void *ab initio.*

[1] While BNSF initially indicated a proposed consummation date of April 19, 2002, consummation may not take place prior to April 20, 2002 (50 days after the March 1, 2002 filing date of the verified notice). BNSF's representative has subsequently confirmed that consummation cannot occur before April 20, 2002.

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1,000. *See* 49 CFR 1002.2(f)(25). This fee is scheduled to increase to $1,100, effective April 8, 2002.

BNSF has filed a separate environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. SEA will issue an environmental assessment (EA) by March 26, 2002. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423–0001) or by calling SEA, at (202) 565–1552. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by March 21, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: March 12, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–6594 Filed 3–20–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–6 (Sub-No. 391X)]

The Burlington Northern and Santa Fe Railway Company—Abandonment Exemption—in Gage County, NE

The Burlington Northern and Santa Fe Railway Company (BNSF) has filed a notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon and discontinue service over a 9.46-mile line of railroad between milepost 32.70 in Beatrice and milepost 42.16 in Wymore, in Gage County, NE. The line traverses United States Postal Service Zip Codes 68310, 68318 and 68466.

BNSF has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 20, 2002,[1] unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[2] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[3] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 1, 2002. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 10, 2002, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423. A copy of any petition filed with the Board should be sent to applicant's representative: Michael Smith, Freeborn & Peters, 311 S. Wacker Dr., Suite 3000, Chicago, IL 60606–6677.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

[1] While the applicant initially indicated a proposed consummation date of April 19, 2002, consummation may not take place prior to April 20, 2002 (50 days after the March 1, 2002 filing date of the verified notice). Applicant's representative has subsequently confirmed that consummation cannot occur before April 20, 2002.

[2] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[3] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25). This fee is scheduled to increase to $1,100, effective April 8, 2002.

BNSF has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 26, 2002. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1552. [TDD for the hearing impaired is available at 1–800–877–8339.] Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by March 21, 2003, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: March 13, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–6736 Filed 3–20–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8848

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8848, Consent to Extend the Time To

Assess the Branch Profits Tax Under Regulations Sections 1.884–2(a) and (c).

DATES: Written comments should be received on or before May 20, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, or through the Internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Consent To Extend the Time To Assess the Branch Profits Tax Under Regulations Sections 1.884–2(a) and (c).

OMB Number: 1545–1407.

Form Number: 8848.

Abstract: Form 8848 is used by foreign corporations that have (a) completely terminated all of their U.S. trade or business within the meaning of temporary regulations sections 1.884–2T(a) during the tax year or (b) transferred their U.S. assets to a domestic corporation in a transaction described in Code section 381(a), if the foreign corporation was engaged in a U.S. trade or business at that time.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Time Per Respondent: 5 hours, 46 minutes.

Estimated Total Annual Burden Hours: 28,800.

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: March 13, 2002.

Glenn P, Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 02–6874 Filed 3–20–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue; Availability of Report of 2001 Closed Meetings

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of availability of report on closed meetings of the Art Advisory Panel.

SUMMARY: The report is now available.

Pursuant to 5 U.S.C. app. I section 10(d), of the Federal Advisory Committee Act; and 5 U.S.C. 552b, the Government in the Sunshine Act: A report summarizing the closed meeting activities of the Art Advisory Panel during 2001, has been prepared. A copy of this report has been filed with the Assistant Secretary of the Treasury for Management and is now available for public inspection at: Internal Revenue Service, Freedom of Information Reading Room, Room 1621, 1111 Constitution Avenue, NW., Washington, DC 20224.

Requests for copies should be addressed to: Director, Disclosure Operations Division, Attn: FOI Reading Room, Box 388, Benjamin Franklin Station, Washington, DC 20224, Telephone (202) 622–5164, (Not a toll free telephone number).

The Commissioner of Internal Revenue has determined that this document is not a major rule as defined in Executive Order 12291 and that a regulatory impact analysis therefore is not required. Neither does this document constitute a rule subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

FOR FURTHER INFORMATION CONTACT: Karen Carolan, C:AP:ART, Internal Revenue Service/ Appeals, 1099 14th Street, NW., Washington, DC 20005, Telephone (202) 694–1861, (Not a toll free telephone number).

Charles O. Rossotti,

Commissioner of Internal Revenue.

[FR Doc. 02–6774 Filed 3–20–02; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–209484–87]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–209484–87 (TD 8814), Federal Insurance Contributions Act (FICA) Taxation of Amounts Under Employee Benefit Plans (§ 31.3121(v)(2)–1).

DATES: Written comments should be received on or before May 20, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Allan Hopkins, (202) 622–6665, or through the Internet (*Allan.M.Hopkins@irs.gov*) Internal Revenue Service, room 6407, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Federal Insurance Contributions Act (FICA) Taxation of Amounts Under Employee Benefits Plan.

OMB Number: 1545–1643.

Regulation Project Number: REG–209484–87.

Abstract: This regulation provides guidance as to when amounts deferred under or paid from a nonqualified deferred compensation plan are taken into account as wages for purposes of the employment taxes imposed by the Federal Insurance Compensation Act (FICA).

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and not-for-profit institutions.

Estimated Number of Respondents: 2,500.

Estimated Time Per Respondent: 5 hrs.

Estimated Total Annual Burden 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: March 13, 2001.

Glenn Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 02–6872 Filed 3–20–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[GL–238–88]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, GL–238–88 (TD 8549), Preparer Penalties—Manual Signature Requirement (§ 1.6695–1(B)).

DATES: Written comments should be received on or before May 20, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation be directed to Carol Savage, (202) 622–3945, or through the Internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Preparer Penalties—Manual Signature Requirement (§ 1.6695–1(B)).

OMB Number: 1545–1385.

Regulation Project Numbers: GL–238–88.

Abstract: This regulation provides that persons who prepare U.S. Fiduciary income tax returns for compensation may, under certain conditions, satisfy the manual signature requirements by using a facsimile signature. However, they will be required to submit to the IRS a list of the names and identifying numbers of all fiduciary returns which are being filed with a facsimile signature.

Current Actions: There is no change to this existing regulation.

Type of review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 20,000.

Estimated Time Per Respondent: 1 hour, 17 minutes.

Estimated Total Annual Burden Hours: 25,825.

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: March 14, 2002.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 02–6873 Filed 3–20–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Change in State of Incorporation—Gulf Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 17 to the Treasury Department Circular 570; 2001 Revision, published July 2, 2001, at 66 FR 35024.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6779.

SUPPLEMENTARY INFORMATION: Gulf Insurance Company has redomesticated from the state of Missouri to the state of Connecticut effective October 1, 2001. The Company was last listed as an acceptable surety on Federal bonds at 66 FR 35041, July 2, 2001.

Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 2001 revision, on page 35041 to reflect this change.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570/index.html.* A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 769–004–04067–1.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Funds Management Division, Surety Bond Branch, 3700 East-West Highway, Room 6F44, Hyattsville, MD 20782.

Dated: March 14, 2002.

Wanda J. Rogers,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 02–6784 Filed 3–20–02; 8:45 am]

BILLING CODE 4810–35–M

Federal Register

Thursday,
March 21, 2002

Part II

Federal Communications Commission

47 CFR Parts 0, et al.

Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau, and Other Organizational Changes; Final Rules

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 21, 22, 27, 32, 43, 51, 53, 54, 61, 65, 68, and 90

[FCC 02–10]

Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau, and Other Organizational Changes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to reflect the new organizational structure of the Federal Communications Commission, identifying their functions and appointed delegated authority.

DATES: Effective March 25, 2002.

FOR FURTHER INFORMATION CONTACT: Contact Mary Beth Richards, Office of the Chairman, Room 8–C750, 202/418–1514 or Yvette Barrett, Office of the Managing Director, Room 1–C828, 202/418–0603, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

SUPPLEMENTARY INFORMATION: This Order adopted January 16, 2001 and released March 14, 2002 by the Commission amends its rules to make conforming changes reflecting the reorganization of the Commission. In order to promote a more efficient, effective and responsive organizational structure, the Federal Communications Commission created: the Media Bureau, Wireline Competition Bureau and Consumer and Governmental Affairs Bureau; reorganized the International Bureau; and consolidated enforcement and consumer information functions. Functions of the Media Bureau will include policy, licensing, and industry analysis as it relates to broadcast and cable services. The current Common Carrier Bureau will be reconfigured and renamed the Wireline Competition Bureau, which realigns functions in the wireline common carrier area and consolidates the technical and economical analysis with the new bureau. The Consumer Information Bureau will be reconfigured and renamed the Consumer and Governmental Affairs Bureau, which aligns like functions to enhance its policy role and increase its involvement with other government entities. The International Bureau will realign functions into one existing Division relating to satellites and two new Divisions: the Policy Division and the Strategic Analysis and Negotiations Division. In this Order, the Commission will amend its rules to reflect the new structure, describe their functions and delegated authority, and make other conforming organizational changes.

Authority for the adoption of the foregoing revisions is contained in sections 4(i), 4(j), 5(b), 5(c), 201(b) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 155(b), 201(b) and 303 (r).

The amendments adopted herein pertain to agency organization, procedure and practice. Consequently, the notice and comment provisions of the Administrative Procedure Act contained in 5 U.S.C. 553(b) is inapplicable.

Accordingly, *it is ordered* that parts 0, 1, 21, 22, 27, 32, 43, 51, 52, 53, 54, 61, 64, 65, 68, and 90 of the Commission Rules, set forth in Title 47 of the Code of Federal Regulations, are amended as set forth in the rule changes, to be effective March 25, 2002.

List of Subjects

47 CFR Part 0

Organization and functions, Reporting and recordkeeping requirements.

47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Radio, Reporting and recordkeeping requirements, Satellite, Telecommunications, Television.

47 CFR Part 21

Communications common carriers, Reporting and recordkeeping requirements, Television.

47 CFR Part 22

Radio, Reporting and recordkeeping requirements, Rural areas.

47 CFR Part 27

Communications common carriers.

47 CFR Part 32

Communications common carriers, Uniform systems of account.

47 CFR Part 43

Communications common carriers, Reporting and recordkeeping requirements.

47 CFR Part 51

Communications common carriers, Telecommunications.

47 CFR Part 52

Communications common carriers, Reporting and recordkeeping requirements.

47 CFR Part 53

Accounting, Reporting and recordkeeping requirements.

47 CFR Part 54

Communications common carriers, Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications.

47 CFR Part 61

Communications common carriers, Reporting and recordkeeping requirements.

47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications.

47 CFR Part 65

Communications common carriers, Reporting and recordkeeping requirements.

47 CFR Part 68

Administrative practice and procedures, Communications common carriers, Reporting and recordkeeping requirements, Telecommunications.

47 CFR Part 90

Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 0, 1, 21, 22, 27, 32, 43, 51, 52, 53, 54, 61, 64, 65, 68, and 90 as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. Section 0.5 is amended by revising paragraph (a) to read as follows:

§ 0.5 General description of Commission organization and operations.

(a) *Principal staff units.* The Commission is assisted in the performance of its responsibilities by its staff, which is divided into the following principal units:

(1) Office of Managing Director.

(2) Office of Engineering and Technology.

(3) Office of General Counsel.

(4) Office of Plans and Policy.

(5) Office of Media Relations.

(6) Office of Legislative Affairs.
(7) Office of Inspector General.
(8) Office of Communications Business Opportunities.
(9) Office of Administrative Law Judges.
(10) Office of Workplace Diversity
(11) Wireline Competition Bureau.
(12) Wireless Telecommunications Bureau.
(13) International Bureau.
(14) Media Bureau.
(15) Enforcement Bureau.
(16) Consumer and Governmental Affairs Bureau.

* * * * *

3. Section 0.11 is amended by revising paragraphs (a)(5) and (a)(8) to read as follows:

§ 0.11 Functions of the Office.

(a) * * *

(5) Plan and administer the Commissions performance review system. Assure that objections, priorities, and action plans established by Bureau and Offices are consistent with overall Commission objectives and priorities.

* * * * *

(8) Plan and manage the administrative affairs of the Commission with respect to the functions of personnel and position management; labor-management relations; training; budget and financial management; information management and processing; organization planning; management analysis; procurement; office space management and utilization; administrative and office services; supply and property management; records management; personnel and physical security; and international telecommunications settlements.

* * * * *

4. Section 0.15 is amended by revising paragraph (e) to read as follows:

§ 0.15 Functions of the Office.

* * * * *

(e) Maintain liaison with the Consumer and Governmental Affairs Bureau on press and media issues concerning consumer assistance and information including informal consumer complaints.

5. Section 0.17 is amended by revising paragraphs (c) and (g) to read as follows:

§ 0.17 Functions of the Office.

* * * * *

(c) Assist the Office of the Managing Director in preparation of the annual report to Congress, the Commission budget and appropriations legislation to Congress; assist the Office of Media Relations in preparation of the Commission's Annual Report.

* * * * *

(g) Coordinate with the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

6. Section 0.31 is amended by revising paragraph (n) to read as follows:

§ 0.31 Functions of the Office.

* * * * *

(n) To assist the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

7. Section 0.51 is amended by removing paragraph (q), by redesignating paragraphs (r) and (s) as paragraphs (q) and (r) and revising newly designated paragraph (r) to read as follows:

§ 0.51 Functions of the Bureau.

* * * * *

(r) To assist the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

8. Section 0.61 and the undesignated center heading which immediately precedes it are revised to read as follows:

Media Bureau

§ 0.61 Functions of the Bureau.

The Media Bureau develops, recommends and administers the policy and licensing programs for the regulation of media, including cable television, broadcast television and radio, and satellite services in the United States and its territories. The Bureau advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to multichannel video programming distribution, broadcast radio and television, direct broadcast satellite service policy, and associated matters. The Bureau will, among other things:

(a) Process applications for authorization, assignment, transfer and renewal of media services, including AM, FM, TV, the cable TV relay service, and related services.

(b) Conduct rulemaking proceedings concerning the legal, engineering, and economic aspects of media service.

(c) Conduct comprehensive studies and analyses concerning the legal, engineering, and economic aspects of electronic media services.

(d) Administer and enforce rules and policies regarding equal employment opportunity.

(e) Administer and enforce rules and policies regarding political programming and related matters.

(f) Administer and enforce rules and policies regarding:

(1) Radio and television broadcast industry services;

(2) Cable television systems, operators, and services, including those relating to rates, technical standards, customer service, ownership, competition to cable systems, broadcast station signal retransmission and carriage, program access, wiring equipment, channel leasing, and federal-state/local regulatory relationships. This includes: acting, after Commission assumption of jurisdiction to regulate cable television rates for basic service and associated equipment, on cable operator requests for approval of existing or increased rates; reviewing appeals of local franchising authorities' rate making decisions involving rates for the basic service tier and associated equipment, except when such appeals raise novel or unusual issues; evaluating basic rate regulation certification requests filed by cable system franchising authorities; periodically reviewing and, when appropriate, revising standard forms used in administering: the certification process for local franchising authorities wishing to regulate rates, and the substantive rate regulation standards prescribed by the Commission;

(3) Open video systems;

(4) Preemption of restrictions on devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, and direct broadcast satellite services;

(5) The commercial availability of navigational devices;

(6) The accessibility of video programming to persons with disabilities;

(7) Program access and carriage;

(8) The Satellite Home Viewer Improvement Act; and

(9) Post-licensing for satellite consumer broadcast services (DBS, DTH and DARS).

Note to paragraph (f): The Media Bureau's enforcement authority does not include enforcement in those areas assigned to the Enforcement Bureau. See 47 CFR 0.111.

(g) Conduct rulemaking and policy proceedings regarding pole attachments.

(h) Process and act on all applications for authorization, petitions for special relief, petitions to deny, waiver requests, requests for certification,

objections, complaints, and requests for declaratory rulings and stays regarding the areas listed.

(i) Assist the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

(j) Exercise authority to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of matters within the jurisdiction of the Media Bureau. Before issuing a subpoena, the Media Bureau shall obtain the approval of the Office of General Counsel.

(k) Carry out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to the Commission under § 0.283.

9. Section 0.91 and the undesignated center heading which immediately precedes it are revised to read as follows:

Wireline Competition Bureau

§ 0.91 Functions of the Bureau.

The Wireline Competition Bureau advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in all matters pertaining to the regulation and licensing of communications common carriers and ancillary operations (other than matters pertaining exclusively to the regulation and licensing of wireless telecommunications services and facilities). The Bureau will, among other things:

(a) Develop and recommend policy goals, objectives, programs and plans for the Commission in rulemaking and adjudicatory matters concerning wireline telecommunications, drawing on relevant economic, technological, legislative, regulatory and judicial information and developments. Overall objectives include meeting the present and future wireline telecommunications needs of the Nation; fostering economic growth; ensuring choice, opportunity, and fairness in the development of wireline telecommunications; promoting economically efficient investment in wireline telecommunications infrastructure; promoting the development and widespread availability of wireline telecommunications services; and developing deregulatory initiatives where appropriate.

(b) Act on requests for interpretation or waiver of rules.

(c) Administer the provisions of the Communications Act requiring that the charges, practices, classifications, and regulations of communications common carriers providing interstate and foreign services are just and reasonable.

(d) Act on applications for service and facility authorizations, including applications from Bell operating companies for authority to provide in-region interLATA services and applications from wireline carriers for transfers of licenses and discontinuance of service.

(e) Develop and administer rules and policies relating to incumbent local exchange carrier accounting.

(f) Develop and administer recordkeeping and reporting requirements for telecommunications carriers.

(g) Provide federal staff support for the Federal-State Joint Board on Universal Service and the Federal-State Joint Board on Jurisdictional Separations.

(h) Review the deployment of advanced telecommunications capability to ensure that such deployment is reasonable and timely, consistent with section 706 of the Act, and, where appropriate, recommend action to encourage such deployment.

(i) Provide economic, financial, and technical analyses of telecommunications markets and carrier performance.

(j) Interact with the public, local, state, and other governmental agencies and industry groups on wireline telecommunications regulation and related matters. Assist the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

(k) Review and coordinate orders, programs and actions initiated by other Bureaus and Offices in matters affecting wireline telecommunications to ensure consistency with overall Commission policy.

(l) Carry out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to the Commission under § 0.331.

§ 0.101 [Removed]

10. Section 0.101 is removed.

11. Amend § 0.111 as follows:

a. Revise the notes to paragraphs (a)(1), (a)(2), (a)(4), (a)(8) and (a)(11);

b. Revise paragraph (a)(3);

c. Redesignate paragraphs (a)(12) through (a)(20) as paragraphs (a)(14) through (a)(22);

d. Add new paragraphs (a)(12) and (a)(13); and

e. Revise newly designated paragraphs (a)(15) and (a)(19).

§ 0.111 Functions of the Bureau.

(a) * * *

(1) * * *

Note to paragraph (a)(1): The Consumer and Governmental Affairs Bureau has primary responsibility for informally resolving individual informal complaints from consumers against common carriers (wireline, wireless and international) and against other wireless licensees, and informal consumer complaints involving access to telecommunications services and equipment for persons with disabilities. The International Bureau has primary responsibility for complaints regarding international settlements rules and policies.

(2) * * *

Note to Paragraph (a)(2): The Consumer and Governmental Affairs Bureau has primary responsibility for informally resolving individual informal complaints from consumers against non-common carriers subject to the Commission's jurisdiction under Title II of the Communications Act and related provisions.

(3) Resolve formal complaints regarding accessibility to communications services and equipment for persons with disabilities, including complaints filed pursuant to sections 225 and 255 of the Communications Act.

(4) * * *

Note to Paragraph (a)(4): The Office of Engineering and Technology has shared responsibility for radiofrequency equipment and device complaints.

* * * * *

(8) * * *

Note to Paragraph (a)(8): The Media Bureau has responsibility for enforcement of these limits in the broadcast television renewal context.

* * * * *

(11) * * *

Note to Paragraph (a)(11): The Media Bureau has primary responsibility for complaints regarding children's television programming requirements, and for political and related programming matters and equal employment opportunity matters involving broadcasters, cable operators and other multichannel video programming distributors. The relevant licensing Bureau has primary responsibility for complaints involving tower siting and the Commission's environmental rules. The Media Bureau has primary responsibility for complaints regarding compliance with conditions imposed on transfers of control and assignments of licenses of Cable Antenna Relay Service authorizations.

(12) Resolve complaints regarding pole attachments filed under section 224 of the Communications Act.

(13) Resolve complaints regarding multichannel video and cable television service under part 76 of the Commission's rules.

Note to Paragraph (a)(13): The Media Bureau has primary responsibility for complaints regarding the following: subpart A (general), with the exception of § 76.11 of this chapter; subpart B (Registration Statements); subpart C (Federal-State/Local Relationships [Reserved]; subpart D (carriage of television broadcast signals); subpart E (equal employment opportunity requirements); subpart F (nonduplication protection and syndicated exclusivity); subpart G, §§ 76.205, 76.206 and 76.209 of this chapter (political broadcasting); subpart I (Forms and Reports); subpart J (ownership); subpart L (cable television access); subpart N, § 76.944 of this chapter (basic cable rate appeals), and §§ 76.970, 76.971 and 76.977 of this chapter (cable leased access rates); subpart O (competitive access to cable programming); subpart P (competitive availability of navigation devices); subpart Q (regulation of carriage agreements); subpart S (Open Video Systems); and subparts T, U and V to the extent related to the matters listed in this note.

* * * * *

(15) Identify and analyze complaint information, conduct investigations, conduct external audits and collect information, including pursuant to sections 218, 220, 308(b), 403 and 409(e) through (k) of the Communications Act, in connection with complaints, on its own initiative or upon request of another Bureau or Office.

* * * * *

(19) Provide information regarding pending complaints, compliance with relevant requirements and the complaint process, where appropriate and to the extent the information is not available from the Consumer and Governmental Affairs Bureau or other Bureaus and Offices.

* * * * *

12. Section 0.121 is amended by revising paragraph (b) to read as follows:

§ 0.121 Location of field installations.

* * * * *

(b) Protected field offices are located at the following geographical coordinates (coordinates are referenced to North American Datum 1983 (NAD83)):

Allegan, Michigan
42°36′20.1″ N. Latitude
85°57′20.1″ W. Longitude
Anchorage, Alaska
61°09′41.″ N. Latitude
150°00′03.0″ W. Longitude
Belfast, Maine
44°26′42.3″ N. Latitude
69°04′56.1″ W. Longitude
Canandaigua, New York
42°54′48.2″ N. Latitude
77°15′57.9″ W. Longitude
Douglas, Arizona
31°30′02.3″ N. Latitude
109°39′14.3″ W. Longitude
Ferndale, Washington
48°57′20.4″ N. Latitude
122°33′17.6″ W. Longitude
Grand Island, Nebraska
40°55′21.0″ N. Latitude
98°25′43.2″ W. Longitude
Kingsville, Texas
27°26′30.1″ N. Latitude
97°53′01.0″ W. Longitude
Laurel, Maryland
39°09′54.4″ N. Latitude
76°49′15.9″ W. Longitude
Livermore, California
37°43′29.7″ N. Latitude
121°45′15.8″ W. Longitude
Powder Springs, Georgia
33°51′44.4″ N. Latitude
84°43′25.8″ W. Longitude
Santa Isabel, Puerto Rico
18°00′18.9″ N. Latitude
66°22′30.6″ W. Longitude
Vero Beach, Florida
27°36′22.1″ N. Latitude
80°38′05.2″ W. Longitude
Waipahu, Hawaii
21°22′33.6″ N. Latitude
157°59′44.1″ W. Longitude

13. In § 0.131 paragraph (a) remove the words ''Common Carrier Bureau'' and add, in their places the words ''Wireline Competition Bureau'' and revise the last sentence in paragraph (i) to read as follows:

§ 0.131 Functions of the Bureau.

* * * * *

(i) * * * Also assists the Consumer and Governmental Affairs Bureau with informal consumer complaints and other general inquiries by consumers.

* * * * *

14. Section 0.141 and the undesignated center heading which immediately precedes it are revised to read as follows:

Consumer and Governmental Affairs Bureau

§ 0.141 Functions of the Bureau.

The Consumer and Governmental Affairs Bureau develops and administers the Commission's consumer and governmental affairs policies and initiatives to enhance the public's understanding of the Commission's work and to facilitate the Agency's relationships with other governmental agencies and organizations. The Bureau is responsible for rulemaking proceedings regarding general consumer education policies and procedures and serves as the primary Commission entity responsible for communicating with the general public regarding Commission policies, programs, and activities in order to facilitate public participation in the Commission's decision-making processes. The Bureau also performs the following functions:

(a) Advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in matters pertaining to consumers and governmental affairs. This includes policy development and coordination as well as adjudication and rulemaking.

(b) Collaborates with, and advises and assists, the public, state and local governments, and other governmental agencies and industry groups on consumer matters.

(c) Advises the Commission and other Bureaus and Offices of consumer and governmental affairs-related areas of concern or interest; initiates, reviews, and coordinates orders, programs and actions, in conjunction with other Bureaus and Offices, in matters regarding consumer education policies and procedures, and any other related issues affecting consumer policy; represents the Commission on consumer and governmental-related committees, working groups, task forces and conferences within and outside the Commission; and provides expert advice and assistance to Bureaus and Offices and consumers regarding compliance with applicable disability and accessibility requirements, rules, and regulations.

(d) Collects and analyzes information from industry, other Bureaus and Offices, and the media, as well as information received in the Bureau from informal consumer inquiries and complaints, rulemakings, and consumer forums; identifies trends that affect consumers; in consultation with the Office of the Managing Director, provides objectives and evaluation methods for the public information portion of the Commission's Government Performance and Results Act submissions and other Commission-wide strategic planning efforts.

(e) Researches, develops, and distributes materials to inform consumers about the Commission's rules, proposals, and events, and to promote consumer participation in Commission rulemakings and activities; maintains the Commission's Consumer Information Directory; develops a library of commonly requested materials on issues of interest to all consumers. Ensures that alternative translations of Commission materials are available to Commission employees, Bureaus, Offices, and members of the public.

(f) Advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in matters pertaining to persons with disabilities.

Provides expert advice and assistance, as required, to other Bureaus and Offices, consumers, industry, and others on issues relevant to persons with disabilities. Initiates rulemakings, where appropriate; reviews relevant agenda items and other documents and coordinates with Bureaus and Offices to develop recommendations and propose policies to ensure that communications are accessible to persons with disabilities, in conformance with existing disability laws and policies, and that they support the Commission's goal of increasing accessibility of communications services and technologies for persons with disabilities.

(g) Plans, develops, and conducts consumer outreach and education initiatives to educate the public about important Commission regulatory programs. In coordination with other Bureaus and Offices, establishes liaison(s) for information sharing purposes to ensure coordination on all consumer outreach projects. Ensures that alternative translations of Commission materials are available to Commission employees, Bureaus, Offices and members of the public.

(h) Serves as the official FCC records custodian for designated records, including intake processing, organization and file maintenance, reference services, and retirement and retrieval of records; manages the Electronic Comment Filing System and certifies records for adjudicatory and court proceedings. Maintains manual and computerized files that provide for the public inspection of public record materials concerning Broadcast Ownership, AM/FM/TV, TV Translators, FM Translators, Cable TV, Wireless, Auction, Common Carrier Tariff matters, International space station files, earth station files, DBS files, and other miscellaneous international files. Also maintains for public inspection Time Brokerage and Affiliation Agreements, court citation files, and legislative histories concerning telecommunications dockets. Provides the public and Commission staff prompt access to manual and computerized records and filing systems.

(i) Provides informal mediation and resolution of individual informal consumer inquiries and complaints consistent with Commission regulations. Resolves certain classes of informal complaints, as specified by the Commission, through findings of fact and issuance of orders. Receives, reviews, and analyzes responses to informal complaints; maintains manual and computerized files that permit the public inspection of informal consumer complaints; mediates and attempts to settle unresolved disputes in informal complaints as appropriate; and coordinates with other Bureaus and Offices to ensure that consumers are provided with accurate, up-to-date information. Develops and fosters partnerships with state regulatory entities to promote the sharing of information pertaining to informal complaint files maintained by the Bureau.

(j) Provides leadership to other Bureaus and Offices for dissemination of consumer information via the Internet.

(k) In coordination with other Bureaus and Offices, handles Congressional and other correspondence related to specific informal consumer complaints, or other specific matters within the responsibility of the Bureau, to the extent not otherwise handled by the Office of General Counsel or other Bureaus or Offices. Responds to and/or coordinates due diligence and other requests for information pertaining to informal inquiries and complaints under the responsibility of the Bureau with other Bureaus and Offices.

15. Section 0.182 is amended by revising paragraph (b) to read as follows:

§ 0.182 Chief, Enforcement Bureau.

* * * * *

(b) In coordination with the Office of Managing Director, which has responsibility for developing the Commission's Continuity of Operations Plan (COOP). Acts as Alternate Defense Coordinator in representations with other agencies with respect to planning for the continuity of the essential functions of the Commission under emergency conditions.

* * * * *

§ 0.241 [Amended].

16. In § 0.241 (d) remove the words ''Chief, Mass Media Bureau'' and add, in their place, the words ''Chief, Media Bureau.''

17. Section 0.261 is amended by revising paragraph (a)(3) to read as follows:

§ 0.261 Authority delegated.

(a) * * *

(3) To act upon applications for international telecommunications and services pursuant to part 23 of this chapter and relevant portions of part 63 of this chapter, and coordinate with the Wireline Competition Bureau as appropriate;

* * * * *

18. Section 0.283 and the undesignated center heading which immediately precedes it are revised to read as follows:

Chief, Media Bureau

§ 0.283 Authority delegated.

The Chief, Media Bureau, is delegated authority to perform all functions of the Bureau, described in § 0.61, provided that the following matters shall be referred to the Commission en banc for disposition:

(a) Notices of proposed rulemaking and of inquiry and final orders in such proceedings, with the exception of rulemaking proceedings involving the allotment of FM and television channels.

(b) Application for review of actions taken pursuant to delegated authority.

(c) Matters that present novel questions of law, fact or policy that cannot be resolved under existing precedents and guidelines.

(d) The imposition, reduction or cancellation of forfeitures pursuant to section 503(b) of the Communications Act of 1934, as amended, in amounts of more than $20,000.

§ 0.284 [Amended]

19. In § 0.284 paragraphs (a) introductory text and (b) remove the words ''Chief, Mass Media Bureau'' and add, in their place, the words ''Chief, Media Bureau'', remove paragraphs (a)(2), (a)(7) and (c); redesignate paragraphs (a)(3), (a)(4), (a)(5), (a)(6), (a)(8) and (a)(9) as paragraphs (a)(2) through (a)(7).

20. Section 0.285 is revised to read as follows:

§ 0.285 Record of actions taken.

The history card, the station file, and other appropriate files are designated to be the official records of action taken by the Chief of the Media Bureau. The official records of action are maintained in the Reference Information Center in the Consumer and Governmental Affairs Bureau.

21. The undesignated center heading preceding §0.291 is revised and § 0.291 is amended by removing the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau'' each place it appears, by removing paragraph (c), by redesignating paragraphs (d) through (j) as paragraphs (c) through (i), and by revising newly designated paragraphs (c) and (i)(2) to read as follows:

Chief, Wireline Competition Bureau

§ 0.291 Authority delegated.

* * * * *

(c) *Authority to designate for hearing.* The Chief, Wireline Competition Bureau shall not have authority to designate for hearing any applications except applications for facilities where the issues presented relate solely to whether the applicant has complied with outstanding precedents and guidelines.

* * * * *

(i) * * *

(2) The Chief, Wireline Competition Bureau, shall not have authority to act on petitions filed pursuant to part 69, subpart H, of this chapter for pricing flexibility involving common line and traffic sensitive services.

22. Section 0.302 is revised to read as follows:

§ 0.302 Record of actions taken.

The application and authorization files are designated as the Commission's official records of action of the Chief, Wireline Competition Bureau pursuant to authority delegated to the Chief. The official records of action are maintained in the Reference Information Center in the Consumer and Governmental Affairs Bureau.

23. Section 0.303 is revised to read as follows:

§ 0.303 Authority concerning registration of telephone terminal equipment.

Authority is delegated to the Chief of the Wireline Competition Bureau jointly in cooperation with the Chief Engineer to act upon applications for registration of equipment to be directly connected to the telephone network; *Provided, however,* That the Chief, Wireline Competition Bureau shall exercise overall policy direction of the program, with appropriate consultation with the Chief Engineer (For record of actions taken under this section, see § 0.247).

§ 0.304 [Amended]

24. In § 0.304 remove the words ''Chief, Common Carrier Bureau'' and add, in their place, the words ''Chief, Wireline Competition Bureau.''

25. Section 0.311 is amended by adding paragraph (a)(6) and by revising paragraph (c) to read as follows:

§ 0.311 Authority delegated.

* * * * *

(a) * * *

(6) Release of information pursuant to section 220(f) of the Communications Act, except for release of such information to a state public utility commission or in response to a Freedom of Information Act Request.

* * * * *

(c) Action on emergency requests for Special Temporary Authority during non-business hours shall be promptly reported to the responsible Bureau or Office.

Note to Paragraph (c): See also § 0.182 of this chapter.

26. Section 0.314 is amended by revising paragraphs (f), (g), (h), (i), and (j) to read as follows:

§ 0.314 Additional authority delegated.

* * * * *

(f) Issue notices and orders to operators of industrial, scientific, and medical (ISM) equipment, as provided in § 18.115 of this chapter.

(g) Act on requests for permission to resume operation of ISM equipment on a temporary basis, as provided by § 18.115 of this chapter, and requests for extensions of time within which to file final reports, as provided by § 18.117 of this chapter.

(h) Issue notices and orders to operators of part 15 devices, as provided in § 15.5 of this chapter.

(i) Issue notices and orders to suspend operations to multi-channel video programming distributors, as provided in § 76.613 of this chapter.

(j) Issue notices and orders to suspend operations to part 74 licensees, as provided in § 74.23 of this chapter.

§ 0.321 [Removed]

27. Section 0.321 is removed.

§ 0.325 [Removed]

28. Section 0.325 is removed.

§ 0.347 [Amended]

29. In § 0.347 remove the words ''Consumer Information Bureau'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau.''

§ 0.357 [Amended]

30. In § 0.357 remove the words ''Consumer Information Bureau'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau.''

31. The undesignated center heading preceding §0.361 is revised, and §0.361 is amended by revising the introductory text to read as follows:

Consumer and Governmental Affairs Bureau

§ 0.361 Authority delegated.

The Chief, Consumer and Governmental Affairs Bureau, is delegated authority to perform all functions of the Bureau, described in § 0.141, provided that the following matters shall be referred to the Commission en banc for disposition:

* * * * *

32. Section 0.387 is amended by revising paragraph (a) to read as follows:

§ 0.387 Other national security and emergency preparedness delegations; cross reference.

(a) For authority of the Chief of the Media Bureau to issue Emergency Alert System Authorizations (FCC Form 392), see §§ 0.284 (a) (4) and 73.913.

* * * * *

33. Section 0.401 is amended by revising paragraph (a)(5) to read as follows:

§ 0.401 Location of Commission offices.

* * * * *

(a) * * *

(5) The location of the Office of General Counsel is 445 12th Street, SW, Washington, DC 20554.

* * * * *

§ 0.423 [Amended]

34. In § 0.423 remove the words ''Consumer Information Bureau, Consumer Information Network Division'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau.''

§ 0.441 [Amended]

35. In § 0.441 remove the words ''Consumer Information Bureau'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau'' each place it appears.

36. Section 0.453 is amended by revising the introductory text, paragraphs (a) introductory text, (a)(2)(ii)(E), (b), (f), (g) introductory text, (i) introductory text and (j) and by removing paragraph (1) and redesignating paragraphs (m) through (o) as paragraphs (1) through (n) and by revising newly designated paragraph (m) to read as follows:

§ 0.453 Public reference rooms.

The Commission maintains the following public reference rooms at its offices in Washington, DC, and Columbia, Maryland. Much of the information available from the public reference rooms may also be retrieved from the Commission's WorldWide Website at *http://www.fcc.gov:*

(a) The Reference Information Center of the Consumer and Governmental Affairs Bureau.

(2) * * *

(ii) * * *

(E) All applications for common carrier authorizations acted upon by the Enforcement Bureau, and related files.

* * * * *

(b) *Reference Information Center.* Station files containing applications and

related materials for Remote Pickup, Aural STL/ICR, TV Auxiliary, and Low Power Auxiliary Stations in the mass media services.

* * * * *

(f) *The Media Bureau.* The Media Bureau maintains all cable operator requests for approval of existing or increased cable television rates for basic service and associated equipment over which the Commission had assumed jurisdiction, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to § 0.459 that such information not be made routinely available for public inspection.

(g) *The Wireline Competition Bureau.* Section 214 applications and related files, to the extent that they concern domestic communications facilities and services are available for inspection at this location.

* * * * *

(i) *The Wireline Competition Bureau, Industry Analysis Reference Room.* The following documents, files and records are available for inspection at this location.

* * * * *

(j) *The Wireline Competition Bureau, Tariff Review Reference Room.* Contains currently effective tariffs filed by Communications Common Carriers pursuant to various FCC Rules and Regulations. Also available for review and copying are recent revisions to tariff filings and the Public Reference Room Log, which is prepared daily and lists the tariff filings received the previous day.

* * * * *

(m) *The Media Bureau Reference Center.* The following documents, files and records are available for inspection at this location.

(1) All complaints regarding cable programming rates, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to § 0.459 that such information not be made routinely available for public inspection.

(2) All cable operator requests for approval of existing or increased cable television rates for basic service and associated equipment over which the Commission has assumed jurisdiction, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to § 0.459 that such information not be made routinely available for public inspection.

(3) Special relief petitions and files pertaining to cable television operations.

(4) Cable television system reports filed by operators pursuant to § 76.403 of this chapter.

* * * * *

37. Section 0.455 is revised to read as follows:

§ 0.455 Other locations at which records may be inspected.

Except as provided in §§ 0.453,0.457, and 0.459, records are routinely available for inspection in the Reference Information Center or the offices of the Bureau or Office which exercises responsibility over the matters to which those records pertain (see § 0.5), or will be made available for inspection at those office upon request. Upon inquiry to the appropriate Bureau or Office, persons desiring to inspect such records will be directed to the specific location at which the particular records may be inspected. A list of Bureaus and Offices and examples of the records available at each is set out below.

(a) *Media Bureau.* (1) Rulings under the Fairness Doctrine and section 315 of the Communications Act, and related materials.

(2) Ruling lists which contain brief summaries of rulings.

(3) Congressional correspondence and related materials.

(4) Correspondence and other actions and decisions relating to cable television services that are not filed in the FCC Reference Information Center, e.g. rate regulation files and related documents.

(b) *Wireline Competition Bureau.* (1) Reports of public coast station operators filed under § 43.71 of this chapter.

(2) Valuation reports filed under section 213 of the Communications Act, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213(f) of the Communications Act. See § 0.457(c)(2).

(3) Computer II files and related materials.

(c) *Office of Managing Director.* (1) All minutes of Commission actions, containing a record of all final votes, minutes of actions and internal management matters as provided in § 0.457 (b)(1) and (c)(1)(i). These records and files are available for inspection in the Agenda Group.

(2) Files containing information concerning the history of the Commission's rules. These files are available for inspection in the Publications Group.

(3) See § 0.443.

(4) Reports filed pursuant to subpart E of part 19 of this chapter and applications for inspection of such reports. See § 0.460(k).

(d) Office of Engineering and Technology which includes the Bureau's Technical Library containing technical reports, technical journals, and bulletins of spectrum management and related technical materials. Also files containing approved applications for Equipment Authorization (Type accepted, certified and notified) and related materials are available for review. These files are available in the Commission's Laboratory in Columbia, Maryland.

(1) Experimental application and license files.

(2) The Master Frequency Records.

(3) Applications for Equipment Authorization (type accepted, type approval, certification, or advance approval of subscription television systems), following the effective date of the authorization. See § 0.457(d)(1)(ii). (Application files, technical journals and other technical materials are maintained at the Commission's Laboratory at Columbia, Maryland.)

(e) *International Bureau.* The treaties and other international and bilateral agreements listed in § 73.1650 of this chapter are available for inspection in the office of the Chief, Strategic Analysis and Negotiations Division, International Bureau. Also contracts and other arrangements filed under § 43.51 and reports of negotiations regarding foreign communication matters filed under § 43.52 of this chapter, except for those kept confidential by the Commission pursuant to section 412 of the Communications Act. See § 0.457(c)(3). Also files relating to international settlements under part 64 of this chapter.

38. Section 0.465(a) is amended by revising the Note to Paragraph (a) to read as follows:

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(a) * * *

Note to Paragraph (a): The name, address, telephone number, and schedule of fees for the current duplication contractor are published at the time of contract award of renewal in a Public Notice and periodically thereafter. Questions regarding this information should be directed to the Reference Information Center of the Consumer and Governmental Affairs Bureau.

* * * * *

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e).

§ 1.4 [Amended].

40. In § 1.4(f) remove the words ''Mass Media Bureau'' and add, in their place, the words ''Media Bureau.''

41. Section 1.115 is amended by revising paragraph (e)(4) to read as follows:

§ 1.115 Application for review of action taken pursuant to delegated authority.

* * * * *

(e) * * *

(4) Applications for review of final staff decisions issued on delegated authority in formal complaint proceedings on the Enforcement Bureau's Accelerated Docket (see, e.g., § 1.730) shall be filed within 15 days of public notice of the decision, as that date is defined in § 1.4(b). These applications for review oppositions and replies in Accelerated Docket proceedings shall be served on parties to the proceeding by hand or facsimile transmission.

* * * * *

§ 1.221 [Amended]

42. In § 1.221 (b) remove the words ''Reference Operations Division of the Consumer Information Bureau'' and in paragraph (c) remove the words ''Reference Information Division of the Consumer Information Bureau'', and add, in their place, the words ''Reference Information Center of the Consumer and Governmental Affairs Bureau.''

43. Section 1.403 is revised to read as follows:

§ 1.403 Notice and availability.

All petitions for rule making (other than petitions to amend the FM, Television, and Air-Ground Tables of Assignments) meeting the requirements of § 1.401 will be given a file number and, promptly thereafter, a ''Public Notice'' will be issued (by means of a Commission release entitled ''Petitions for Rule Making Filed'') as to the petition, file number, nature of the proposal, and date of filing, Petitions for rule making are available at the Commission's Reference Information Center, 445 12th Street, SW, Washington, DC and may also be available electronically over the Internet at *http://www.fcc.gov/.*

§ 1.419 [Amended]

44. In § 1.419 (b) remove the words ''Information Office'' and add, in their place, the words ''Reference Information Center'' each place it appears.

§ 1.703 [Amended]

45. In § 1.703 (c) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Enforcement Bureau.''

§ 1.735 [Amended]

46. In § 1.735 (b)(3) remove the words ''Telecommunications Division'' and add, in their place, the words ''Policy Division.''

§ 1.742 [Amended]

47. In § 1.742 remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 1.743 [Amended]

48. In § 1.743 (e) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

49. Section 1.749 is revised to read as follows:

§ 1.749 Action on application under delegated authority.

Certain applications do not require action by the Commission but, pursuant to the delegated authority contained in subpart B of part 0 of this chapter, may be acted upon by the Chief of the Wireline Competition Bureau subject to reconsideration by the Commission.

50. Section 1.773 is amended by revising paragraphs (a)(2) introductory text, (a)(4) and (b)(3) to read as follows:

§ 1.773 Petitions for suspension or rejection of new tariff filings.

(a) * * *

(2) *When filed.* All petitions seeking investigation, suspension, or rejection of a new or revised tariff filing shall meet the filing requirements of this paragraph. In case of emergency and within the time limits provided, a telegraphic request for such relief may be sent to the Commission setting forth succinctly the substance of the matters required by paragraph (a)(1) of this section. A copy of any such telegraphic request shall be sent simultaneously to the Chief, Wireline Competition Bureau, the Chief, Pricing Policy Division, and the publishing carrier. Thereafter, the request shall be confirmed by petition filed and served in accordance with § 1.773(a)(4).

* * * * *

(4) *Copies, service.* An original and four copies of each petition shall be filed with the Commission as follows: the original and three copies of each petition shall be filed with the Secretary, FCC room TW–A325, 445 12th Street, SW, Washington, DC 20554; one copy must be delivered directly to the Commission's copy contractor. Additional, separate copies shall be served simultaneously upon the Chief, Wireline Competition Bureau; and the Chief, Pricing Policy Division. Petitions seeking investigation, suspension, or rejection of a new or revised tariff made on 15 days or less notice shall be served either personally or via facsimile on the filing carrier. If a petition is served via facsimile, a copy of the petition must also be sent to the filing carrier via first class mail on the same day of the facsimile transmission. Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on more than 15 days notice may be served on the filing carrier by mail.

(b) * * *

(3) *Copies, service.* An original and four copies of each reply shall be filed with the Commission, as follows: the original and three copies must be filed with the Secretary, FCC room TW–A325, 445 12th Street, SW, Washington, DC 20554; one copy must be delivered directly to the Commission's copy contractor. Additional separate copies shall be served simultaneously upon the Chief, Wireline Competition Bureau, the Chief, Pricing Policy Division and the petitioner. Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff made on 15 days or less notice shall be served on petitioners personally or via facsimile. Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff made on more than 15 days notice may be served upon petitioner personally, by mail or via facsimile.

51. Section 1.774 is amended by revising paragraph (e)(2)(ii) and in paragraph (f) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau'' to read as follows:

§ 1.774 Pricing flexibility.

* * * * *

(e) * * *

(2) * * *

(ii) Any interested party electing to file an opposition or comment in response to a pricing flexibility petition through a method other than ETFS must file an original and four copies of each opposition or comment with the Commission, as follows: the original and three copies of each pleading shall be filed with the Secretary, FCC, 445 12th Street, SW, Washington, DC,

20554; one copy must be delivered directly to the Commission's copy contractor. Additional, separate copies shall be served upon the Chief, Wireline Competition Bureau and the Chief, Pricing Policy Division.

* * * * *

§ 1.821 [Amended]

52. In § 1.821 remove the words ''Mass Media Bureau'' and add, in their place, the words ''Wireless Telecommunications Bureau.''

§ 1.924 [Amended]

53. In § 1.924 (c)(3) remove the words ''Compliance and Information Bureau'' and add, in their place, the words ''Enforcement Bureau.''

§ 1.1106 [Amended]

54. In § 1.1106 in the address column, remove the words ''Cable Services Bureau'' and add, in their place, the words ''Cable Services'' each place it appears.

55. Section 1.1163 is amended by revising paragraph (c)(1) to read as follows:

§ 1.1163 Adjustments to regulatory fees.

* * * * *

(c) * * *

(1) Be derived by determining the full-time equivalent number of employees performing enforcement activities, policy and rulemaking activities, user information services, and international activities within the Wireline Competition Bureau, Media Bureau, International Bureau and other offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities, including such factors as service coverage area, shared use versus exclusive use, and other factors that the Commission determines are necessary in the public interest:

* * * * *

56. Section 1.1202 (d) is amended by revising Note 4 to paragraph (d) to read as follows:

§ 1.1202 Definitions.

* * * * *

(d) * * *

Note 4 to Paragraph (d): listeners or viewers submitting comments regarding a pending broadcast application pursuant to § 1.1204(a)(8) will not become parties simply by service of the comments. The Media Bureau may, in its discretion, make such a commenter a party, if doing so would be conducive to the Commission's consideration of the application or would otherwise be appropriate.

* * * * *

57. Section 1.4000 is amended by revising the section heading and paragraph (h) to read as follows:

§ 1.4000 Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services.

* * * * *

(h) All allegations of fact contained in petitions and related pleadings before the Commission must be supported by affidavit of a person or persons with actual knowledge thereof. An original and two copies of all petitions and pleadings should be addressed to the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Copies of the petitions and related pleadings will be available for public inspection in the Reference Information Center, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Copies will be available for purchase from the Commission's contract copy center, and the Commission decisions will be available on the Internet.

58. Section 1.7001 is amended by revising paragraph (d) to read as follows:

§ 1.7001 Scope and content of filed reports.

* * * * *

(d) Respondents may make requests for Commission non-disclosure of provider-specific data contained in FCC Form 477 under § 0.459 of this chapter by so indicating on Form 477 at the time that the subject data are submitted. The Commission shall make all decisions regarding non-disclosure or provider-specific information, except that the Chief of the Wireline Competition Bureau may release provider-specific information to a state commission provided that the state commission has protections in place that would preclude disclosure of any confidential information.

* * * * *

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

59. The authority citation for part 21 continues to read:

Authority: Secs. 1, 2, 4, 201–205, 208, 215, 218, 303, 307, 313, 403, 404, 410, 602, 48 Stat. as amended, 1064, 1066, 1070–1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102, 47 U.S.C. 151, 154, 201–205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552, 554.

§ 21.305 [Amended]

60. In § 21.305 remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireless Telecommunications Bureau.''

61. Section 21.912 is amended by revising paragraph (d) to read as follows:

§ 21.912 Cable television company eligibility requirements and MDS/cable cross-ownership.

* * * * *

(d) The provisions of paragraphs (a) through (c) of this section will not apply to one MDS or MMDS channel used to provide locally-produced programming to cable headends. Locally-produced programming is programming produced in or near the cable operator's franchise area and not broadcast on a television station available within that franchise area. A cable operator will be permitted one MDS channel in an MMDS protected service area for this purpose, and no more than one MDS channel in an MMDS protected service area may be used by a cable television company or its affiliate or lessor pursuant to this paragraph. The licensee for a cable operator providing local programming pursuant to a lease must include in a notice filed with the Wireless Telecommunications Bureau a cover letter explicitly identifying itself or its lessees as a local cable operator and stating that the lease was executed to facilitate the provision of local programming. The first application or the first lease notification in an area filed with the Commission will be entitled to the exemption. The limitations on one MDS channel per party and per area include any cable/MDS operations grandfathered pursuant to paragraph (f) of this section or cable/ITFS operations grandfathered pursuant to § 74.931(e) of this chapter. The cable operator must demonstrate in its MDS/MMDS application that the proposed local programming will be provided within one year from the date its application is granted. Local programming service pursuant to a lease must be provided within one year of the date of the lease or one year of grant of the licensee's application for the leased channel, whichever is later. If an MDS license for these purposes is granted and the programming is subsequently discontinued, the license will be automatically forfeited the day after local programming service is discontinued.

* * * * *

§ 21.924 [Amended]

62. In § 21.924 (a) remove the words ''Consumer Information Bureau'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau.''

PART 22—PUBLIC MOBILE SERVICES

63. The authority citation for part 22 continues to read:

Authority: 47 U.S.C. 154, 222, 303, 309, and 332.

64. Section 22.757 is amended by revising paragraph (e) to read as follows:

§ 22.757 Channels for basic exchange telephone radio systems.

* * * * *

(e) Frequencies between 816–865 MHz are available for use on a coordinated basis by both commercial and private wireless licensees.

65. Section 22.947 is amended by revising paragraph (c) introductory text to read as follows:

§ 22.947 Five year build-out period.

* * * * *

(c) *System information update.* Sixty days before the end of the five year build-out period, the licensee of each cellular system authorized on each channel block in each cellular market must file, in triplicate, a system information update (SIU), comprising a full size map, a reduced map, and an exhibit showing technical data relevant to determination of the system's CGSA. Separate maps must be submitted for each market into which the CGSA extends, showing the extension area in the adjacent market. Maps showing extension areas must be labeled (i.e. marked with the market number and channel block) for the market into which the CGSA extends. SIUs must accurately depict the relevant cell locations and coverage of the system at the end of the five year build-out period. SIUs must be filed at the Wireless Telecommunications Bureau, Commercial Wireless Division, 445 12th Street SW, Room 4-C232, Washington, DC 20554. If any changes to the system occur after the filing of the SIU, but before the end of the five year build-out period, the licensee must file, in triplicate, additional maps and/or data as necessary to insure that the cell locations and coverage of the system as of the end of the five year build-out period are accurately depicted.

* * * * *

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICE

66. The authority for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 332, 336, and 337 unless otherwise noted.

67. Section 27.6 is amended by revising paragraph (a) introductory text to read as follows:

§ 27.6 Service areas.

(a) WCS service areas are Major Economic Areas (MEAs) and Regional Economic Area Groupings (REAGs) as defined in the Table immediately following paragraph (a)(1) of this section. Both MEAs and REAGs are based on the U.S. Department of Commerce's 172 Economic Areas (Eas). See 60 FR 13114 (March 10, 1995). In addition, the Commission shall separately license Guam and the Northern Mariana Islands, Puerto Rico and the United States Virgin Islands, American Samoa, and the Gulf of Mexico, which have been assigned Commission-created EA numbers 173–176, respectively. Maps of the EAs, MEAs, and REAGs and the **Federal Register** Notice that established the 172 EAs are available for public inspection and copying at the Reference Information Center, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554.

* * * * *

PART 32—UNIFORM SYSTEM OF ACCOUNTS FOR TELECOMMUNICATIONS COMPANIES

68. The authority citation for part 32 continues to read:

Authority: 47 U.S.C. 154(I), 154(j) and 220 as amended, unless otherwise noted.

69. Section 32.17 is revised to read as follows:

§ 32.17 Interpretation of accounts.

To the end that uniform accounting shall be maintained within the prescribed system, questions involving significant matters which are not clearly provided for shall be submitted to the Chief, Wireline Competition Bureau, for explanation, interpretation, or resolution. Questions and answers thereto with respect to this system of accounts will be maintained by the Wireline Competition Bureau.

§ 32.19 [Amended]

70. In § 32.19 remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 32.27 [Amended]

71. In § 32.27 (a) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

72. The authority citation for part 43 continues to read:

Authority: 47 U.S.C. 154; Telecommunications Act of 1996, Pub. L. 104–104, secs. 402(b)(2)(B), (c), 110 Stat. 56 (1996) as amended unless otherwise noted. 47 U.S.C. 211, 219, 220 as amended.

73. Section 43.21 is amended by revising the section heading and paragraphs (g) and (h) to read as follows:

§ 43.21 Transactions with affiliates.

* * * * *

(g) Each incumbent local exchange carrier for whom price cap regulation is mandatory and every incumbent local exchange carrier that elects to be covered by the price cap rules shall file, by April 1 of each year, a report designed to capture trends in service quality under price cap regulation. The report shall contain data relative to network measures of service quality, as defined by the Wireline Competition Bureau, from the previous calendar year on a study area basis.

(h) Each incumbent local exchange carrier for whom price cap regulation is mandatory shall file, by April 1 of each year, a report designed to capture trends in service quality under price cap regulation. The report shall contain data relative to customer measures of service quality, as defined by the Wireline Competition Bureau, from the previous calendar year a study area basis.

* * * * *

§ 43.61 [Amended]

74. In § 43.61 (a)(3) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

PART 51—INTERCONNECTION

75. The authority citation for part 51 continues to read:

Authority: Sections 1–5, 7, 201–05, 207–09, 218, 225–27, 251–54, 271, 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 151–55, 157, 201–05, 207–09, 218, 225–27, 251–54, 271, 332, unless otherwise noted.

76. Section 51.329 is amended by revising paragraph (c)(3) to read as follows:

§ 51.329 Notice of network changes: Methods for providing notice.

* * * * *

(c) * * *

(3) In addition, one paper copy and one diskette copy must be sent to the ''Chief, Wireline Competition Bureau, Federal Communications Commission, Washington, DC 20554.'' The diskette copy must be on a standard 3 1/2 inch diskette, formatted in IBM-compatible format to be readable by high-density floppy drives operating under MS DOS 5.X or later compatible versions, and shall be in a word-processing format designated, from time-to-time, in public notices released by the Bureau. The diskette must be submitted in ''read only'' mode, and must be clearly labeled with the carrier's name, the filing date, and an identification or the diskette's contents.

77. Section 51.333 is amended by revising paragraph (e) to read as follows:

§ 51.333 Notice of network changes: Short term notice.

* * * * *

(e) *Resolution.* If an objection is filed pursuant to paragraph (c) of this section, then the Chief, Wireline Competition Bureau, will issue an order determining a reasonable public notice period, provided however, that if an incumbent LEC does not file a response within the time period allotted, or if the incumbent LEC's response accepts the latest implementation date stated by an objector, then the incumbent LEC's public notice shall be deemed amended to specify the implementation date requested by the objector, without further Commission action. An incumbent LEC must amend its public notice to reflect any change in the applicable implementation date pursuant to § 51.329(b).

PART 52—NUMBERING

78. The authority citation for part 52 continues to read:

Authority: Sec. 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. 151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201–05, 207–09, 218, 225–7, 251–2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 153, 154, 201–05, 207–09, 218, 225, 251–2, 271 and 332 unless otherwise noted.

§ 52.15 [Amended]

79. In § 52.15(f)(6)(iii) and (i)(7) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 52.16 [Amended]

80. In § 52.16 (c) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 52.23 [Amended]

81. In § 52.23 (f) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 52.25 [Amended]

82. In § 52.25 (g) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau'' each place it appears.

§ 52.26 [Amended]

83. In § 52.26 (b)(3) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau'' each place it appears.

§ 52.32 [Amended]

84. In § 52.32 (b) and (c) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 52.109 [Amended]

85. In § 52.109 (c) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

PART 53—SPECIAL PROVISIONS CONCERNING BELL OPERATING COMPANIES

86. The authority citation for part 53 continues to read:

Authority: Sections 1–5, 7, 201–05, 218, 251, 253, 271–75, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 151–55, 157, 201–05, 218, 251, 253, 271–75, unless otherwise noted.

§ 53.209 [Amended]

87. In § 53.209 (d) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Enforcement Bureau'' each place it appears.

53.211 [Amended]

88. In § 53.211 (e)(3) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Enforcement Bureau.''

PART 54—UNIVERSAL SERVICE

89. The authority citation for part 54 continues to read:

Authority: 47 U.S.C. 1, 4(i), 201 205, 214, and 254 unless otherwise noted.

90. Section 54.207 is amended by revising paragraph (e) to read as follows:

§ 54.207 Service areas.

* * * * *

(e) The Commission delegates its authority under paragraphs (c) and (d) of this section to the Chief, Wireline Competition Bureau.

91. Section 54.301 is amended by revising paragraph (f)(2) to read as follows:

§ 54.301 Local Switching Support.

* * * * *

(f) * * *

(2) The Commission delegates its authority to review, modify, and approve the formula submitted by the Administrator pursuant to this paragraph to the Chief, Wireline Competition Bureau.

92. Section 54.703 is amended by revising paragraphs (c)(2) and (d) to read as follows:

§ 54.703 The Administrator's Board of Directors.

* * * * *

(c) * * *

(2) The name of an industry or non-industry group's nominee shall be filed with the Office of the Secretary of the Federal Communications Commission in accordance with part 1 of this chapter. The document nominating a candidate shall be captioned ''In the matter of: Nomination for Universal Service Administrator's Board of Directors'' and shall reference FCC Docket Nos. 97–21 and 96–45. Each nomination shall specify the position on the Board of Directors for which such nomination is submitted. Two copies of the document nominating a candidate shall be submitted to the Wireline Competition Bureau's Telecommunications Access Policy Division.

* * * * *

(d) *Board member terms.* The directors of the Administrator's Board shall be appointed for three-year terms, except that the Chief Executive Officer shall be a permanent member of the Board. Board member terms shall run from January 1 of the first year of the term to December 31 of the third year of the term, except that, for purposes of the term beginning on January 1, 1999, the terms of the six directors shall expire on December 31, 2000, the terms of another six directors on December 31, 2001, and the terms of the remaining six directors on December 31, 2002. Directors may be reappointed for subsequent terms pursuant to the initial nomination and appointment process described in paragraph (c) of this section. If a Board member vacates his or her seat prior to the completion of his or her term, the Administrator will notify the Wireline Competition Bureau

of such vacancy, and a successor will be chosen pursuant to the nomination and appointment process described in paragraph (c) of this section.

* * * * *

93. Section 54.709 is amended by revising paragraph (a)(3) to read as follows:

§ 54.709 Computations of required contributions to universal service support mechanisms.

(a) * * *

(3) Total projected expenses for the federal universal service support mechanisms for each quarter must be approved by the Commission before they are used to calculate the quarterly contribution factor and individual contributions. For each quarter, the Administrator must submit its projections of demand for the federal universal service support mechanisms for high-cost areas, low-income consumers, schools and libraries, and rural health care providers, respectively, and the basis for those projections, to the Commission and the Wireline Competition Bureau at least sixty (60) calendar days prior to the start of that quarter. For each quarter, the Administrator must submit its projections of administrative expenses for the high-cost mechanism, the low-income mechanism, the schools and libraries mechanism and the rural health care mechanism and the basis for those projections to the Commission and the Wireline Competition Bureau at least sixty (60) calendar days prior to the start of that quarter. Based on data submitted to the Administrator on the Telecommunications Reporting Worksheets, the Administrator must submit the total contribution base to the Wireline Competition Bureau at least sixty (60) days before the start of each quarter. The projections of demand and administrative expenses and the contribution factor shall be announced by the Commission in a public notice and shall be made available on the Commission's website. The Commission reserves the right to set projections of demand and administrative expenses at amounts that the Commission determines will serve the public interest at any time within the fourteen-day period following release of the Commission's public notice. If the Commission takes no action within fourteen (14) days of the date of release of the public notice announcing the projections of demand and administrative expenses, the projections of demand and administrative expenses, and the contribution factor shall be deemed approved by the Commission. Except as provided in § 54.706(c), the Administrator shall apply the quarterly contribution factor, once approved by the Commission, to contributor's interstate and international end-user telecommunications revenues to calculate the amount of individual contributions.

* * * * *

§ 54.711 [Amended]

94. In § 54.711 (b) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

95. Section 54.717 is revised to read as follows:

§ 54.717 Audits of the Administrator.

The Administrator shall obtain and pay for an annual audit conducted by an independent auditor to examine its operations and books of account to determine, among other things, whether the Administrator is properly administering the universal service support mechanisms to prevent fraud, waste, and abuse:

(a) Before selecting an independent auditor, the Administrator shall submit preliminary audit requirements, including the proposed scope of the audit and the extent of compliance and substantive testing, to the Wireline Competition Bureau.

(b) The Wireline Competition Bureau shall review the preliminary audit requirements to determine whether they are adequate to meet the audit objectives. The Wireline Competition Bureau shall prescribe modifications that shall be incorporated into the final audit requirements.

(c) After the audit requirements have been approved by the Wireline Competition Bureau, the Administrator shall engage within thirty (30) calendar days an independent auditor to conduct the annual audit required by this paragraph. In making its selection, the Administrator shall not engage any independent auditor who has been involved in designing any of the accounting or reporting systems under review in the audit.

(d) The independent auditor selected by the Administrator to conduct the annual audit shall be instructed by the Administrator to develop a detailed audit program based on the final audit requirements and shall be instructed by the Administrator to submit the audit program to the Wireline Competition Bureau. The Wireline Competition Bureau shall review the audit program and make modifications, as needed, that shall be incorporated into the final audit program. During the course of the audit, the Wireline Competition Bureau may direct the Administrator to direct the independent auditor to take any actions necessary to ensure compliance with the audit requirements.

(e) During the course of the audit, the Administrator shall instruct the independent auditor to:

(1) Inform the Wireline Competition Bureau of any revisions to the final audit program or to the scope of the audit;

(2) Notify the Wireline Competition Bureau of any meetings with the Administrator in which audit findings are discussed; and

(3) Submit to the Chief of the Wireline Competition Bureau any accounting or rule interpretations necessary to complete the audit.

(f) Within sixty (60) calendar days after the end of the audit period, but prior to discussing the audit findings with the Administrator, the independent auditor shall be instructed by the Administrator to submit a draft of the audit report to the Wireline Competition Bureau.

(g) The Wireline Competition Bureau shall review the audit findings and audit workpapers and offer its recommendations concerning the conduct of the audit or the audit findings to the independent auditor. Exceptions of the Wireline Competition Bureau to the findings and conclusions of the independent auditor that remain unresolved shall be included in the final audit report.

(h) Within fifteen (15) calendar days after receiving the Wireline Competition Bureau's recommendations and making any revisions to the audit report, the Administrator shall instruct the independent auditor to submit the audit report to the Administrator for its response to the audit findings. At this time the auditor also must send copies of its audit findings to the Wireline Competition Bureau. The Administrator shall provide the independent auditor time to perform additional audit work recommended by the Wireline Competition Bureau.

(i) Within thirty (30) calendar days after receiving the audit report, the Administrator shall respond to the audit findings and send copies of its response to the Wireline Competition Bureau. The Administrator shall instruct the independent auditor that any reply that the independent auditor wishes to make to the Administrator's responses shall be sent to the Wireline Competition Bureau as well as the Administrator. The Administrator's response and the independent auditor's replies shall be included in the final audit report;

(j) Within ten (10) calendar days after receiving the response of the

Administrator, the independent auditor shall file with the Commission the final audit report.

(k) Based on the final audit report, the Chief of the Wireline Competition Bureau may take any action necessary to ensure that the universal service support mechanisms operate in a manner consistent with the requirements of this Part, as well as such other action as is deemed necessary and in the public interest.

96. Section 54.722 is amended by revising the section heading and paragraph (a) to read as follows:

§ 54.722 Review by the Wireline Competition Bureau or the Commission.

(a) Requests for review of Administrator decisions that are submitted to the Federal Communications Commission shall be considered and acted upon by the Wireline Competition Bureau; provided, however, that requests for review that raise novel questions of fact, law or policy shall be considered by the full Commission.

* * * * *

97. Section 54.723 is revised to read as follows:

§ 54.723 Standard of review.

(a) The Wireline Competition Bureau shall conduct *de novo* review of request for review of decisions issue by the Administrator.

(b) The Federal Communications Commission shall conduct *de novo* review of requests for review of decisions by the Administrator that involve novel questions of fact, law, or policy; provided, however, that the Commission shall not conduct *de novo* review of decisions issued by the Wireline Competition Bureau under delegated authority.

98. Section 54.724 is revised to read as follows:

§ 54.724 Time periods for Commission approval of Administrator decisions.

(a) The Wireline Competition Bureau shall, within ninety (90) days, take action in response to a request for review of an Administrator decision that is properly before it. The Wireline Competition Bureau may extend the time period for taking action on a request for review of an Administrator decision for a period of up to ninety days. The Commission may also at any time, extend the time period for taking action of a request for review of an Administrator decision pending before the Wireline Competition Bureau.

(b) The Commission shall issue a written decision in response to a request for review of an Administrator decision that involves novel questions of fact, law, or policy within ninety (90) days. The Commission may extend the time period for taking action on the request for review of an Administrator decision. The Wireline Competition Bureau also may extend action on a request for review of an Administrator decision for a period of up to ninety days.

99. Section 54.807 is amended by revising paragraph (c) introductory text to read as follows:

§ 54.807 Interstate access universal service support.

* * * * *

(c) In any study area within which the price cap local exchange carrier has established state approved geographically deaveraged rates for UNE loops, the Administrator shall calculate the Interstate Access Universal Service Support Per Line for each customer class and zone using all eligible telecommunications carriers' base period lines by customer class and zone adjusted for growth during the relevant support period based on the average nationwide annual growth in eligible lines during the three previous years. For the purpose of calculating growth, the Administrator shall use a simple average of annual growth rates for total switched access lines for the three most recent years as reported in the Wireline Competition Bureau Report, Statistics of Communications Common Carriers, Table 6.10—Selected Operating Statistics. Support shall be allocated to lines in the highest cost UNE zone first, and will ''cascade'' to lines in lower cost UNE zones to the extent that sufficient funding is available. Beginning with the zone with the highest Zone Average Revenue Per Line, support will be applied in the following order of priority:

* * * * *

PART 61—TARIFFS

100. The authority citation for part 61 continues to read as follows:

Authority: Secs. 1, 4(i), 4(j), 201–05 and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 201–05 and 403, unless otherwise noted.

101. Section 61.17 is amended in paragraph (c), in the application format, by revising the line beginning ''Attention:'' to read as follows:

§ 61.17 Method of filing applications for special permission.

* * * * *

(c) * * *

Attention: Wireline Competition Bureau (here provide the statements required by section 61.152).

* * * * **

§ 61.32 [Amended]

102. In § 61.32 (c) remove the words ''Tariff and Pricing Analysis Branch'' and add, in their place, the words ''Pricing Policy Division.''

103. Section 61.33 is amended by revising paragraphs (a)(3) and (g) to read as follows:

§ 61.33 Letters of transmittal.

(a) * * *

(3) State whether copies have been delivered to the Commercial Contractor and the Chief, Pricing Policy Division.

* * * * *

(g) The letter of transmittal must be substantially in the following format:

_____
(Exact name of carrier in full)

_____
(Post Office Address)

_____
(Date)

_____
Transmittal No.

Secretary, Federal Communications Commission; Washington, DC 20554

Attention: Wireline Competition Bureau

The accompanying tariff (or other publication) issued by _____, and bearing FCC No. _____, effective _____, 20 __, is sent to you for filing in compliance with the requirements of the Communications Act of 1934, as amended. (Here give the additional information required.)

_____
(Name of issuing officer or agent)

_____
(Title)

* * * * *

§ 61.38 [Amended]

104. In § 61.38 (c)(1) remove the words ''Tariff and Pricing Analysis Branch'' and add, in their place, the words ''Pricing Policy Division.''

§ 61.58 [Amended]

105. In § 61.58 (a)(2)(iii) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

106. Section 61.153 is amended by revising paragraph (c) to read as follows:

§ 61.153 Method of filing applications.

* * * * *

(c) In addition to the requirements set forth in paragraphs (a) and (b) of this section, the issuing carrier must send a copy of the application letter with all attachments to the Secretary, Federal Communications Commission and a separate copy with all attachments to the Chief, Pricing Policy Division. If a

carrier applies for special permission to revise joint tariffs, the application must state that it is filed on behalf of all carriers participating in the affected service. Applications must be numbered consecutively in a series separate from FCC tariff numbers, bear the signature of the officer or agent of the carrier, and be in the following format:

_____
Application No.

_____
(Date)

_____
Secretary
Federal Communications Commission, Washington, DC 20554.
Attention: Wireline Competition Bureau (here provide the statements required by Sec. 61.152).
(Exact name of carrier) _____
(Name of officer or agent) _____
(Title of officer or agent) _____

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

107. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 47 U.S.C. 225, 47 U.S.C. 251(e)(1), 151, 154, 201, 202, 205, 218–220, 254, 302, 303, and 337 unless otherwise noted. Interpret or apply sections 201, 218, 225, 226, 227, 229, 332, 48 Stat. 1070, as amended, 47 U.S.C. 201–204, 208, 225, 226, 227, 229, 332, 501 and 503, unless otherwise noted.

§ 64.604 [Amended]

108. In § 64.604 (c)(5)(iii)(B) and (c)(5)(iii)(I) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 64.605 [Amended]

109. In § 64.605 (a) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 64.903 [Amended]

110. In § 64.903(b) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

111. Section 64.904 amends paragraphs (b) and (c) which was published at 67 FR 5702, February 6, 2002 to read as follows:

§ 64.904 Independent audits.

* * * * *

(b) The attest engagement shall be an examination engagement and shall provide a written communication that expresses an opinion that the systems, processes, and procedures applied by the carrier to generate the results reported pursuant to § 43.21(e)(2) of this chapter comply with the Commission's Joint Cost Orders issued in conjunction with CC Docket No. 86–111, the Commission's Accounting Safeguards proceeding in CC Docket No. 96–150, and the Commission's rules and regulations including §§ 32.23 and 32.27 of this chapter, and § 64.901, and § 64.903 in force as of the date of the auditor's report. At least 30 days prior to beginning the attestation engagement, the independent auditors shall provide the Commission with the audit program. The attest engagement shall be conducted in accordance with the attestation standards established by the American Institute of Certified Public Accountants, except as otherwise directed by the Chief, Enforcement Bureau.

(c) The biennial financial audit shall provide a positive opinion on whether the applicable date shown in the carrier's annual report required by § 43.21(e)(2) of this chapter present fairly, in all material respects, the information of the Commission's Joint Cost Orders issued in conjunction with CC Docket No. 86–111, the Commission's Accounting Safeguards proceeding in CC Docket No. 96–150, and the Commission's rules and regulations including §§ 32.23 and 32.27 of this chapter, and § 64.901, and § 64.903 in force as of the date of the auditor's report. The audit shall be conducted in accordance with generally accepted auditing standards, except as otherwise directed by the Chief, Enforcement Bureau. The report of the independent auditor shall be filed at the time that the carrier files the annual reports required by § 43.21(e)(2) of this chapter.

112. In Appendix A to part 64 is amended by revising paragraph 6. b. (2)(m) to read as follows:

Appendix A To Part 64—Telecommunications Service Priority (TSP) System for National Security Emergency Preparedness (NSEP)

* * * * *

6. * * *
b. * * *
(2) * * *
(m) All reports submitted to the FCC should be directed to Chief, Wireline Competition Bureau, Washington, DC 20554.

* * * * *

PART 65—INTERSTATE RATE OF RETURN PRESCRIPTION PROCEDURES AND METHODOLOGIES

113. The authority citation for part 65 continues to read as follows:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat., 1066, 1072, 1077, 1094, as amended, 47 U.S.C. 151, 154, 201, 202, 203, 204, 205, 218, 219, 220, 404.

114. Section 65.101 is amended by revising paragraph (c) to read as follows:

§ 65.101 Initiation of unitary rate of return prescription proceedings.

* * * * *

(c) The Chief, Wireline Competition Bureau, may issue the notice described in § 65.101(a).

§ 65.103 [Amended]

115. In § 65.103 (a) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 65.105 [Amended]

116. In § 65.105 (a) and (d) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau'' each place it appears.

§ 65.820 [Amended]

117. In § 65.820 (d) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

118. The authority citation for part 68 continues to read as follows:

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

§ 68.211 [Amended]

119. In § 68.211 (b) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 68.317 [Amended]

120. In § 68.317 (g) remove the words ''Consumer Information Bureau'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau.''

§ 68.420 [Amended]

121. In § 68.420 (b) remove the words ''Consumer Information Bureau'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau'' each place it appears and remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Enforcement Bureau.''

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

122. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of

1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

123. Section 90.7 is amended by revising the definition of ''*MTA-based license or MTA license*'' to read as follows:

§ 90.7 Definitions.

* * * * *

MTA-based license or MTA license. A license authorizing the right to use a specified block of SMR spectrum within one of the 51 Major Trading Areas (''MTAs''), as embodied in Rand McNally's Trading Area System MTA Diskette and geographically represented in the map contained in Rand McNally's Commercial Atlas & Marketing Guide (the ''MTA Map''). The MTA Listings, the MTA Map and the Rand McNally/AMTA license agreement are available for public inspection at the Reference Information Center in the Consumer and Governmental Affairs Bureau.

* * * * *

[FR Doc. 02–6352 Filed 3–20–02; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21, 73, 74, 76 and 78

[DA 02–577]

Establishment of the Media Bureau and Other Organizational Changes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to reflect the reorganization of the existing Cable Services and Mass Media Bureaus into a new Media Bureau. The Commission also transfers the Multipoint Distribution and Instructional Television Fixed Services from the Mass Media Bureau to the Wireless Telecommunications Bureau. This rule will promote a more efficient and effective organizational structure.

DATES: Effective March 25, 2002.

FOR FURTHER INFORMATION CONTACT: Susan Mort, 202–418–1043.

SUPPLEMENTARY INFORMATION: To promote a more efficient and effective organizational structure, the Commission has concluded that the proper dispatch of its business and the public interest will best be served by consolidating the existing Cable Services and Mass Media Bureaus into a Media Bureau. In the Order adopted March 11, 2002 and released March 14, 2002, we amend the Commission's Rules to make conforming changes reflecting the name of the new Bureau. The Order also transfers the Multipoint Distribution and Instructional Television Fixed Services from the Mass Media Bureau to the Wireless Telecommunications Bureau.

Authority for the adoption of the foregoing revisions is contained in sections 4(i), 5(b), 5(c) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(b), 155(c) and 303(r).

The amendments adopted herein pertain to agency organization, procedure and practice. Consequently, the notice and comment provision of the Administrative Procedure Act contained in 5 U.S.C. 553(b) is inapplicable.

Accordingly, it is ordered that parts 21, 73, 74, 76 and 78 of the Commission's rules, set forth in Title 47 of the Code of Federal Regulations, are amended effective March 25, 2002.

List of Subjects

47 CFR Part 21

Communications common carriers, Radio.

47 CFR Part 73

Radio, Television.

47 CFR Part 74

Radio, Television.

47 CFR Part 76

Cable television.

47 CFR Part 78

Cable television, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

For the reasons stated in the preamble, The Federal Communications Commission amends 47 CFR parts 21, 73, 74, 76 as follows:

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

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

Authority: Secs. 1, 2, 4, 201–205, 208, 215, 218, 303, 307, 313, 403, 404, 410, 602, 48 Stat. as amended, 1064, 1066, 1070–1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 154, 201–205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552, 554.

2. Section 21.6 is amended by revising paragraph (c) to read as follows:

§ 21.6 Filing of applications, fees, and number of copies.

* * * * *

(c) All correspondence or amendments concerning a submitted application shall clearly identify the radio service, the name of the applicant, station location, and the Commission file number (if known) or station call sign of the application involved. All correspondence or amendments concerning a submitted application may be sent directly to the Wireless Telecommunications Bureau.

* * * * *

3. Section 21.303 is amended by revising paragraphs (a), (b) and (c) to read as follows:

§ 21.303 Discontinuance, reduction or impairment of service.

(a) If the public communication service provided by a station subject to this rule part is involuntarily discontinued, reduced or impaired for a period exceeding 48 hours, the station licensee shall promptly give notification thereof in writing to the Wireless Telecommunications Bureau at Washington, DC 20554. In every such case, the licensee shall furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service, including a statement as to when normal service is expected to be resumed. When normal service is resumed, prompt notification thereof shall be given in writing to the Wireless Telecommunications Bureau at Federal Communications Commission, Washington, DC 20554.

(b) No station licensee subject to title II of the Communications Act of 1934, as amended, shall voluntarily discontinue, reduce or impair public communication service to a community or part of a community without obtaining prior authorization from the Commission pursuant to the procedures set forth in part 63 of this chapter or complying with the requirements set forth at § 21.910. In the event that permanent discontinuance of service is authorized by the Commission, the station licensee shall promptly send the station license for cancellation to the Wireless Telecommunications Bureau at Federal Communications Commission, Washington, DC 20554, except that station licenses need not be surrendered for cancellation if the discontinuance is a result of a change of status by a Multipoint Distribution Service licensee from common carrier to non-common carrier pursuant to § 21.910.

(c) Any station licensee, not subject to title II of the Communications Act of 1934, as amended, who voluntarily discontinues, reduces or impairs public communication service to a community or a part of a community shall give written notification to the Commission within 7 days thereof. In the event of permanent discontinuance of service,

the station licensee shall promptly send the station license for cancellation to the Wireless Telecommunications Bureau at Federal Communications Commission, Washington, DC 20554, except that Multipoint Distribution Service station licenses need not be surrendered for cancellation if the discontinuance is a result of a change of status by a Multipoint Distribution Service licensee from non-common carrier to common carrier.

* * * * *

PART 73—RADIO BROADCAST SERVICES

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

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

5. Section 73.45 is amended by revising paragraph (c)(2) to read as follows:

§ 73.45 AM antenna systems.

* * * * *

(c) * * *

(2) Whenever AM stations use direct reading power meters pursuant to § 73.51, a letter notification to the FCC in Washington, DC, Attention: Audio Division, Media Bureau, must be filed in accordance with § 73.54(e).

6. Section 73.54 is amended by revising paragraph (c) introductory text to read as follows:

§ 73.54 Antenna resistance and reactance measurements.

* * * * *

(c) A letter of notification must be filed with the FCC in Washington, DC, Attention: Audio Division, Media Bureau, when determining power by the direct method pursuant to § 73.51. The letter must specify the antenna or common point resistance at the operating frequency. The following information must also be kept on file at the station:

* * * * *

7. Section 73.58 is amended by revising paragraph (e) to read as follows:

§ 73.58 Indicating instruments.

* * * * *

(e) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, information requested in accordance with § 73.3549 may be filed by letter with the FCC in Washington, DC, Attention: Audio Division, Media Bureau, to request additional time as may be required to complete repairs of the defective instrument.

8. Section 73.68 is amended by revising paragraphs (b), including the Note to paragraph (b), and (d)(1) to read as follows:

§ 73.68 Sampling systems for antenna monitors.

* * * * *

(b) A station having an antenna sampling system constructed according to the specifications given in paragraph (a) of this section may obtain approval of that system by submitting an informal letter request to the FCC in Washington, DC, Attention: Audio Division, Media Bureau. The request for approval, signed by the licensee or authorized representative, must contain sufficient information to show that the sampling system is in compliance with all requirements of paragraph (a) of this section.

Note to paragraph (b): A public notice dated December 9, 1985 giving additional information on approval of antenna sampling systems is available through the Internet at http://www.fcc.gov/mb/audio/decdoc/letter/1985–12–09-sample.html.

* * * * *

(d) * * *

(1) Special Temporary Authority (see § 73.1635) shall be requested and obtained from the Commission's Audio Division, Media Bureau in Washington to operate with parameters at variance with licensed values pending issuance of a modified license specifying parameters subsequent to modification or replacement of components.

* * * * *

9. Section 73.69 is amended by revising paragraphs (c) and (d) (5) to read as follows:

§ 73.69 Antenna monitors.

* * * * *

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the allowed period, an informal letter request in accordance with § 73.3549 of the Commission's rules must be filed with the FCC, Attention: Audio Division, Media Bureau in Washington, DC for such additional time as may be required to complete repairs of the defective instrument.

(d) * * *

(5) An informal letter request for modification of license shall be submitted to the FCC, Attention: Audio Division, Media Bureau in Washington, DC within 30 days of the date of monitor replacement. Such request shall specify the make, type, and serial number of the replacement monitor, phase and sample current indications, and other data obtained pursuant to this paragraph (d).

* * * * *

10. Section 73.258 is amended by revising paragraph (d) to read as follows:

§ 73.258 Indicating instruments.

* * * * *

(d) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, an informal letter request in accordance with § 73.3549 may be filed with the FCC, Attention: Audio Division, Media Bureau, in Washington, DC for such additional time as may be required to complete repairs of the defective instrument.

11. Section 73.561 is amended by revising paragraphs (c) and (d) and redesignating Notes 1 and 2 as Notes 1 and 2 to § 73.561 and revising them to read as follows:

§ 73.561 Operating schedule; time sharing.

* * * * *

(c) A departure from the regular schedule set forth in a time-sharing agreement will be permitted only in cases where a written agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby, and is filed in triplicate by each licensee with the Commission, Attention: Audio Division, Media Bureau, prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of the written agreement, provided that appropriate notice is sent to the Commission in Washington, DC, Attention: Audio Division, Media Bureau.

(d) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraph (a) or (b) of this section or to continue operating, the station may limit or discontinue operation for a period not exceeding 30 days without further authority from the Commission provided that notification is sent to the Commission in Washington, DC, Attention: Audio Division, Media Bureau, no later than the 10th day of limited or discontinued operation. During such period, the permittee shall continue to adhere to the requirements of the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the permittee or licensee will notify the FCC, Attention: Audio Division of the date that normal operations resumed. If

causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, Special Temporary Authority (see § 73.1635) must be requested to remain silent for such additional time as deemed necessary. The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12 month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of license to the contrary.

Note 1 to § 73.561: For allocations purposes, both (all) stations sharing time will be treated as unlimited time stations.

Note 2 to § 73.561: See §§ 73.1705, 73.1715, and 73.1740.

* * * * *

12. Section 73.607 is amended by revising paragraph (b) to read as follows:

§ 73.607 Availability of channels.

* * * * *

(b) Notwithstanding paragraph (a) of this section, an application may be filed for a channel or community not listed in the TV Table of Allotments if it is consistent with the rules and policies established in the Third Report and Order in WT Docket 99–168 (FCC 01–25), adopted January 18, 2001. Where such a request is approved, the Media Bureau will change the Table of Allotments to reflect that approval.

13. Section 73.622 is amended by revising paragraph (c)(2) to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(c) * * *

(2) Notwithstanding paragraph (c)(1) of this section, an application may be filed for a channel or community not listed in the DTV Table of Allotments if it is consistent with the rules and policies established in the Third Report and Order in WT Docket 99–168 (FCC 01–25), adopted January 18, 2001. Where such a request is approved, the Media Bureau will change the DTV Table of Allotments to reflect that approval.

* * * * *

14. Section 73.624 is amended by revising paragraph (d)(3)(i) to read as follows:

§ 73.624 Digital television broadcast stations.

* * * * *

(d) * * *

(3) * * * (i) Authority is delegated to the Chief, Media Bureau to grant an extension of time of up to six months beyond the relevant construction deadline specified in paragraph (d)(1) of this section upon demonstration by the DTV licensee or permittee that failure to meet that construction deadline is due to circumstances that are either unforeseeable or beyond the licensee's control where the licensee has taken all reasonable steps to resolve the problem expeditiously.

* * * * *

15. Section 73.872 is amended by revising paragraph (c)(2) to read as follows:

§ 73.872 Selection procedure for mutually exclusive LPFM applications.

* * * * *

(c) * * *

(2) Where a station is licensed pursuant to a time-sharing proposal, a change of the regular schedule set forth therein will be permitted only where a written agreement signed by each time-sharing licensee and complying with requirements in paragraphs (c)(1)(i) through (iii) of this section is filed with the Commission, Attention: Audio Division, Media Bureau, prior to the date of the change.

* * * * *

16. Section 73.1125 is amended by revising paragraph (d)(2) to read as follows:

§ 73.1125 Station main studio location.

* * * * *

(d) * * *

(2) Written authority to locate a main studio outside the locations specified in paragraph (a) or (c) of this section for the first time must be obtained from the Audio Division, Media Bureau for AM and FM stations, or the Video Division for TV and Class A television stations before the studio may be moved to that location. Where the main studio is already authorized at a location outside those specified in paragraph (a) or (c) of this section, and the licensee or permittee desires to specify a new location also located outside those locations, written authority must also be received from the Commission prior to the relocation of the main studio. Authority for these changes may be requested by filing a letter with an explanation of the proposed changes with the appropriate division. Licensees or permittees should also be aware that the filing of such a letter request does not imply approval of the relocation request, because each request is addressed on a case-by-case basis. A filing fee is required for commercial AM, FM, TV or Class A TV licensees or permittees filing a letter request under the section (see § 1.1104 of this chapter).

* * * * *

17. Section 73.1350 is amended by revising paragraph (g) to read as follows:

§ 73.1350 Transmission system operation.

* * * * *

(g) Whenever a transmission system control point is established at a location other than the main studio or transmitter, a letter of notification of that location must be sent to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, within 3 days of the initial use of that point. The letter should include a list of all control points in use, for clarity. This notification is not required if responsible station personnel can be contacted at the transmitter or studio site during hours of operation.

* * * * *

18. Section 73.1560 is amended by revising paragraph (d) to read as follows:

§ 73.1560 Operating power and mode tolerances.

* * * * *

(d) *Reduced power operation.* In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see § 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.

19. Section 73.1680 is amended by revising paragraph (b) introductory text to read as follows:

§ 73.1680 Emergency antennas.

* * * * *

(b) Prior authority from the FCC is not required by licensees and permittees to erect and commence operations using an emergency antenna to restore program service to the public. However, an informal letter request to continue operation with the emergency antenna

must be made within 24 hours to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, within 24 hours after commencement of its use. The request is to include a description of the damage to the authorized antenna, a description of the emergency antenna, and the station operating power with the emergency antenna.

* * * * *

20. Section 73.1750 is revised to read as follows:

§ 73.1750 Discontinuance of operation.

The licensee of each station shall notify by letter the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, of the permanent discontinuance of operation at least two days before operation is discontinued. Immediately after discontinuance of operation, the licensee shall forward the station license and other instruments of authorization to the FCC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, for cancellation. The license of any station that fails to transmit broadcast signals for any consecutive 12 month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary. If a licensee surrenders its license pursuant to an interference reduction agreement, and its surrender is contingent on the grant of another application, the licensee must identify in its notification the contingencies involved.

21. Section 73.3544 is amended by revising paragraph (b) introductory text to read as follows:

§ 73.3544 Application to obtain a modified station license.

* * * * *

(b) An informal application, see § 73.3511(b), may be filed with the FCC in Washington, DC, Attention: Audio Division (radio) or Video Services Division (television), Media Bureau, to cover the following changes:

* * * * *

22. Section 73.3549 is revised to read as follows:

§ 73.3549 Requests for extension of time to operate without required monitors, indicating instruments, and EAS encoders and decoders.

Requests for extension of authority to operate without required monitors, transmission system indicating instruments, or encoders and decoders for monitoring and generating the EAS codes and Attention Signal should be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau. Such requests must contain information as to when and what steps were taken to repair or replace the defective equipment and a brief description of the alternative procedures being used while the equipment is out of service.

23. Section 73.3562 is revised to read as follows:

§ 73.3562 Staff consideration of applications not requiring action by the Commission.

Those applications which do not require action by the Commission but which, pursuant to the delegations of authority set forth in subpart B of part 0 of this chapter, may be acted upon by the Chief, Media Bureau, are forwarded to the Media Bureau for necessary action. If the application is granted, the formal authorization is issued. In any case where it is recommended that the application be set for hearing, where a novel question of policy is presented, or where the Chief, Media Bureau desires instructions from the Commission, the matter is placed on the Commission agenda.

24. Section 73.3564 is amended by revising paragraph (a)(1) to read as follows:

§ 73.3564 Acceptance of applications.

(a)(1) Applications tendered for filing are dated upon receipt and then forwarded to the Media Bureau, where an administrative examination is made to ascertain whether the applications are complete. Except for applications for minor modifications of facilities in the non-reserved FM band, as defined in § 73.3573(a)(2), long form applications subject to the provisions of § 73.5005 found to be complete or substantially complete are accepted for filing and are given file numbers. In the case of minor defects as to completeness, a deficiency letter will be issued and the applicant will be required to supply the missing or corrective information. Applications that are not substantially complete will not be considered and will be returned to the applicant.

* * * * *

25. Section 73.3617 is revised to read as follows:

§ 73.3617 Information available on the Internet.

The Media Bureau and each of its Divisions provide information on the Internet regarding rules and policies, pending and completed rulemakings, and pending applications. These sites also include copies of public notices and texts of recent decisions. The Media Bureau's address is *http://www.fcc.gov/mb/*; the Audio Division's address is *http:// www.fcc.gov/mmb/audio*; the Video Division's address is *http:// www.fcc.gov/mb/video*; the Policy Division's address is *http:// www.fcc.gov/mb/policy*; the Engineering Division's address is *http:// www.fcc.gov/mb/engineering*; and the Industry Analysis Division's address is *http://www.fcc.gov/mb/industry_analysis.*

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

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

Authority: 47 U.S.C. 154, 303, 307, 336(f), and 554.

27. Section 74.734 is amended by revising paragraph (a)(4) to read as follows:

§ 74.734 Attended and unattended operation.

(a) * * *

(4) A letter notification must be filed with the FCC in Washington, DC, Attention: Video Division, Media Bureau, providing the name, address, and telephone number of a person or persons who may be called to secure suspension of operation of the transmitter promptly should such action be deemed necessary by the FCC. Such information shall be kept current by the licensee.

* * * * *

28. Section 74.751 is amended by revising paragraph (c) to read as follows:

§ 74.751 Modification of transmission systems.

* * * * *

(c) Other equipment changes not specifically referred to in paragraphs (a) and (b) of this section may be made at the discretion of the licensee, provided that the FCC in Washington, DC, Attention: Video Division, Media Bureau, is notified in writing upon the completion of such changes.

* * * * *

29. Section 74.763 is amended by revising paragraph (b) to read as follows:

§ 74.763 Time of operation.

* * * * *

(b) In the event that causes beyond the control of the low power TV or TV translator station licensee make it impossible to continue operating, the licensee may discontinue operation for a period of not more than 30 days

without further authority from the FCC. Notification must be sent to the FCC in Washington, DC, Attention: Video Division, Media Bureau, not later than the 10th day of discontinued operation. During such period, the licensee shall continue to adhere to the requirements in the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the FCC in Washington, DC, Attention: Video Division, Media Bureau, shall be notified in writing of the date normal operations resumed. If causes beyond the control of the licensee make it impossible to comply within the allowed period, a request for Special Temporary Authority (see § 73.1635 of this chapter) shall be made to the FCC no later than the 30th day for such additional time as may be deemed necessary.

* * * * *

30. Section 74.784 is amended by revising paragraph (b) to read as follows:

§ 74.784 Rebroadcasts.

* * * * *

(b) The licensee of a low power TV or TV translator station shall not rebroadcast the programs of any other TV broadcast station or other station authorized under the provisions of this Subpart without obtaining prior consent of the station whose signals or programs are proposed to be retransmitted. The FCC, Attention: Video Division, Media Bureau, shall be notified of the call letters of each station rebroadcast, and the licensee of the low power TV or TV broadcast translator station shall certify it has obtained written consent from the licensee of the station whose programs are being retransmitted.

* * * * *

31. Section 74.931 is amended by revising the first paragraph (k) and redesignating the second paragraph (k) as paragraph (l) to read as follows:

§ 74.931 Purpose and permissible service.

* * * * *

(k) The provisions of paragraph (h) of this section will not apply to ITFS excess capacity leased directly or indirectly to cable operators or affiliates to provide locally-produced programming to cable headends. Locally-produced programming is programming produced in or near the cable operator's franchise area and not broadcast on a television station available within that franchise area. A cable operator or affiliate will be permitted to lease ITFS excess capacity equivalent to one MDS channel within 32 km (20 miles) of the cable television franchise area or service area for this purpose, and, within 32 km (20 miles) of the cable television franchise area or service area, no more ITFS excess capacity than the equivalent of one MDS channel may be used by a cable television company or affiliate pursuant to this paragraph (k). The licensee for a cable operator providing local programming pursuant to a lease must include in a notice filed with the Wireless Telecommunications Bureau a cover letter explicitly identifying its lessee as a local cable operator or affiliate and stating that the lease was executed to facilitate the provision of local programming. The first lease notification for an MDS or ITFS channel in an area filed with the Commission will be entitled to the exemption. The limitations on the equivalent of one MDS channel per party and per area include any cable/ITFS operations grandfathered pursuant to paragraph (l) of this section or any cable/MDS operations grandfathered pursuant to § 21.912(f) of this chapter. Local programming service pursuant to a lease must be provided within one year of the date of the lease or one year of the grant of the licensee's application for the leased channel(s), whichever is later.

* * * * *

32. Section 74.1234 is amended by revising paragraph (a)(4) to read as follows:

§ 74.1234 Unattended operation.

(a) * * *

(4) The FCC in Washington, DC, Attention: Audio Division, Media Bureau, shall be supplied by letter with the name, address, and telephone number of a person or persons who may be contacted to secure suspension of operation of the translator promptly should such action be deemed necessary by the Commission. Such information shall be kept current by the licensee.

* * * * *

33. Section 74.1290 is revised to read as follows:

§ 74.1290 FM translator and booster station information available on the internet.

The Media Bureau's Audio Division provides information on the Internet regarding FM translator and booster stations, rules, and policies at *http://www.fcc.gov/mb/audio.*

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

34. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

35. Section 76.7 is amended by revising paragraph (g)(3) to read as follows:

§ 76.7 General special relief, waiver, enforcement, complaint, show cause, forfeiture, and declaratory ruling procedures.

* * * * *

(g) * * *

(3) Unless otherwise directed by the Commission, or upon motion by the Media Bureau Chief, the Media Bureau Chief shall not be deemed to be a party to a proceeding designated for a hearing before an administrative law judge pursuant to this paragraph (g).

* * * * *

36. Section 76.501 is amended by revising Note 5 to read as follows:

§ 76.501 Cross-ownership.

* * * * *

Note 5 to § 76.501: Certifications pursuant to this section and these notes shall be sent to the attention of the Media Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

* * * * *

37. Section 76.503 is amended by revising Note 1 to read as follows:

§ 76.503 National subscriber limits.

* * * * *

Note 1 to § 76.503: Certifications made under this section shall be sent to the attention of the Media Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

* * * * *

38. Section 76.630 is amended by revising paragraph (a) to read as follows:

§ 76.630 Compatibility with consumer electronics equipment.

(a) Cable system operators shall not scramble or otherwise encrypt signals carried on the basic service tier. Requests for waivers of this prohibition must demonstrate either a substantial problem with theft of basic tier service or a strong need to scramble basic signals for other reasons. As part of this showing, cable operators are required to notify subscribers by mail of waiver requests. The notice to subscribers must be mailed no later than thirty calendar days from the date the request waiver was filed with the Commission, and cable operators must inform the Commission in writing, as soon as possible, of that notification date. The notification to subscribers must state:

On (date of waiver request was filed with the Commission), (cable operator's name)

filed with the Federal Communications Commission a request for waiver of the rule prohibiting scrambling of channels on the basic tier of service. 47 CFR 76.630(a). The request for waiver states (a brief summary of the waiver request). A copy of the request for waiver is on file for public inspection at (the address of the cable operator's local place of business).

Individuals who wish to comment on this request for waiver should mail comments to the Federal Communications Commission by no later than 30 days from (the date the notification was mailed to subscribers). Those comments should be addressed to the: Federal Communications Commission, Media Bureau, Washington, DC 20554, and should include the name of the cable operator to whom the comments are applicable. Individuals should also send a copy of their comments to (the cable operator at its local place of business). Cable operators may file comments in reply no later than 7 days from the date subscriber comments must be filed.

* * * * *

39. Section 76.934 is amended by revising paragraph (h)(5)(iii) to read as follows:

§ 76.934 Small systems and small cable companies.

* * * * *

(h) * * *

(5) * * *

(iii) A system may file with the Media Bureau an interlocutory appeal from any decision by the franchising authority requesting information from the system or tolling the effective date of a system's proposed rates. The appeal may be made by an informal letter to the Chief of the Media Bureau, served on the franchising authority. The franchising authority must respond within seven days of its receipt of the appeal and shall serve the operator with its response. The operator shall have four days from its receipt of the response in which to file a reply, if desired. If the maximum rate established on Form 1230 does not exceed $1.24 per channel, the burden shall be on the franchising authority to show the reasonableness of its order. If the maximum rate established on Form 1230 exceeds $1.24 per channel, the burden shall be on the operator to show the unreasonableness of the order.

* * * * *

40. Section 76.1003 is amended by revising paragraph (h)(3)(iii)(C)(*2*) to read as follows:

§ 76.1003 Program access proceedings.

* * * * *

(h) * * *

(3) * * *

(iii)* * *

(C)* * *

(*2*) Issues concerning the amount of damages may be designated by the Chief, Media Bureau for hearing before, or, if the parties agree, submitted for mediation to, a Commission Administrative Law Judge.

* * * * *

41. Section 76.1502 is amended by revising paragraphs (d)(2) and (e)(2) to read as follows:

§ 76.1502 Certification.

* * * * *

(d)* * *

(2) Parties are required to attach a cover sheet to the filing indicating that the submission is an open video system certification application. The only wording on this cover sheet shall be ''Open Video System Certification Application'' and ''Attention: Media Bureau.'' This wording shall be located in the center of the page and should be in letters at least ½ inch in size. Parties shall also include the words ''open video systems'' on their mailing envelope.

(e)* * *

(2) Parties wishing to respond to a FCC Form 1275 filing must submit comments or oppositions with the Office of the Secretary and the Bureau Chief, Media Bureau. Comments will not be considered properly filed unless filed with both of these Offices. Parties are required to attach a cover sheet to the filing indicating that the submission is a pleading related to an open video system application, the only wording on this cover sheet shall be ''Open Video System Certification Application Comments.'' This wording shall be located in the center of the page and should be in letters at least 1/2 inch in size. Parties shall also include the words ''open video systems'' on their mailing envelopes.

* * * * *

42. Section 76.1503 is amended by revising paragraph (b)(1) introductory text to read as follows:

§ 76.1503 Carriage of video programming providers on open video systems.

* * * * *

(b) * * *

(1) *Notification.* An open video system operator shall file with the Secretary of the Federal Communications Commission a ''Notice of Intent'' to establish an open video system, which the Commission will release in a Public Notice. Parties are required to attach a cover sheet to the filing indicating that the submission is an Open Video System Notice of Intent. The only wording on this cover sheet shall be ''Open Video System Notice of Intent'' and ''Attention: Media Bureau.'' This wording shall be located in the center of the page and should be in letters at least ½ inch in size. Parties shall also include the words ''open video systems'' on their mailing envelopes. Parties must submit copies of the Notice of Intent with the Office of the Secretary and the Bureau Chief, Media Bureau. The Notice of Intent shall include the following information:

* * * * *

PART 78—CABLE TELEVISION RELAY SERVICE

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

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

44. Section 78.20 is amended by revising paragraph (a) to read as follows:

§ 78.20 Acceptance of applications; public notice.

(a) Applications which are tendered for filing in Washington, DC, are dated upon receipt and then forwarded to the Media Bureau where an administrative examination is made to ascertain whether the applications are complete. Applications found to be complete or substantially complete, are accepted for filing and are given a file number. In case of minor defects as to completeness, the applicant will be required to supply the missing information. Applications which are not substantially complete will be returned to the applicant. Applications requiring fees as set forth at part 1, subpart G, of this chapter must be filed in accordance with § 0.401(b) of this chapter.

* * * * *

[FR Doc. 02–6353 Filed 3–20–02; 8:45 am]

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Part II

Federal Communications Commission

47 CFR Parts 0, et al.

Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau, and Other Organizational Changes; Final Rules

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 0, 1, 21, 22, 27, 32, 43, 51, 53, 54, 61, 65, 68, and 90

[FCC 02–10]

Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau, and Other Organizational Changes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to reflect the new organizational structure of the Federal Communications Commission, identifying their functions and appointed delegated authority.

DATES: Effective March 25, 2002.

FOR FURTHER INFORMATION CONTACT: Contact Mary Beth Richards, Office of the Chairman, Room 8–C750, 202/418–1514 or Yvette Barrett, Office of the Managing Director, Room 1–C828, 202/418–0603, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

SUPPLEMENTARY INFORMATION: This Order adopted January 16, 2001 and released March 14, 2002 by the Commission amends its rules to make conforming changes reflecting the reorganization of the Commission. In order to promote a more efficient, effective and responsive organizational structure, the Federal Communications Commission created: the Media Bureau, Wireline Competition Bureau and Consumer and Governmental Affairs Bureau; reorganized the International Bureau; and consolidated enforcement and consumer information functions. Functions of the Media Bureau will include policy, licensing, and industry analysis as it relates to broadcast and cable services. The current Common Carrier Bureau will be reconfigured and renamed the Wireline Competition Bureau, which realigns functions in the wireline common carrier area and consolidates the technical and economical analysis with the new bureau. The Consumer Information Bureau will be reconfigured and renamed the Consumer and Governmental Affairs Bureau, which aligns like functions to enhance its policy role and increase its involvement with other government entities. The International Bureau will realign functions into one existing Division relating to satellites and two new Divisions: the Policy Division and the Strategic Analysis and Negotiations Division. In this Order, the Commission will amend its rules to reflect the new structure, describe their functions and delegated authority, and make other conforming organizational changes.

Authority for the adoption of the foregoing revisions is contained in sections 4(i), 4(j), 5(b), 5(c), 201(b) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 155(b), 201(b) and 303 (r).

The amendments adopted herein pertain to agency organization, procedure and practice. Consequently, the notice and comment provisions of the Administrative Procedure Act contained in 5 U.S.C. 553(b) is inapplicable.

Accordingly, *it is ordered* that parts 0, 1, 21, 22, 27, 32, 43, 51, 52, 53, 54, 61, 64, 65, 68, and 90 of the Commission Rules, set forth in Title 47 of the Code of Federal Regulations, are amended as set forth in the rule changes, to be effective March 25, 2002.

List of Subjects

47 CFR Part 0

Organization and functions, Reporting and recordkeeping requirements.

47 CFR Part 1

Administrative practice and procedure, Communications common carriers, Radio, Reporting and recordkeeping requirements, Satellite, Telecommunications, Television.

47 CFR Part 21

Communications common carriers, Reporting and recordkeeping requirements, Television.

47 CFR Part 22

Radio, Reporting and recordkeeping requirements, Rural areas.

47 CFR Part 27

Communications common carriers.

47 CFR Part 32

Communications common carriers, Uniform systems of account.

47 CFR Part 43

Communications common carriers, Reporting and recordkeeping requirements.

47 CFR Part 51

Communications common carriers, Telecommunications.

47 CFR Part 52

Communications common carriers, Reporting and recordkeeping requirements.

47 CFR Part 53

Accounting, Reporting and recordkeeping requirements.

47 CFR Part 54

Communications common carriers, Libraries, Reporting and recordkeeping requirements, Schools, Telecommunications.

47 CFR Part 61

Communications common carriers, Reporting and recordkeeping requirements.

47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements, Telecommunications.

47 CFR Part 65

Communications common carriers, Reporting and recordkeeping requirements.

47 CFR Part 68

Administrative practice and procedures, Communications common carriers, Reporting and recordkeeping requirements, Telecommunications.

47 CFR Part 90

Reporting and recordkeeping requirements.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 0, 1, 21, 22, 27, 32, 43, 51, 52, 53, 54, 61, 64, 65, 68, and 90 as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. Section 0.5 is amended by revising paragraph (a) to read as follows:

§ 0.5 General description of Commission organization and operations.

(a) *Principal staff units.* The Commission is assisted in the performance of its responsibilities by its staff, which is divided into the following principal units:

(1) Office of Managing Director.

(2) Office of Engineering and Technology.

(3) Office of General Counsel.

(4) Office of Plans and Policy.

(5) Office of Media Relations.

(6) Office of Legislative Affairs.
(7) Office of Inspector General.
(8) Office of Communications Business Opportunities.
(9) Office of Administrative Law Judges.
(10) Office of Workplace Diversity
(11) Wireline Competition Bureau.
(12) Wireless Telecommunications Bureau.
(13) International Bureau.
(14) Media Bureau.
(15) Enforcement Bureau.
(16) Consumer and Governmental Affairs Bureau.

* * * * *

3. Section 0.11 is amended by revising paragraphs (a)(5) and (a)(8) to read as follows:

§ 0.11 Functions of the Office.

(a) * * *

(5) Plan and administer the Commissions performance review system. Assure that objections, priorities, and action plans established by Bureau and Offices are consistent with overall Commission objectives and priorities.

* * * * *

(8) Plan and manage the administrative affairs of the Commission with respect to the functions of personnel and position management; labor-management relations; training; budget and financial management; information management and processing; organization planning; management analysis; procurement; office space management and utilization; administrative and office services; supply and property management; records management; personnel and physical security; and international telecommunications settlements.

* * * * *

4. Section 0.15 is amended by revising paragraph (e) to read as follows:

§ 0.15 Functions of the Office.

* * * * *

(e) Maintain liaison with the Consumer and Governmental Affairs Bureau on press and media issues concerning consumer assistance and information including informal consumer complaints.

5. Section 0.17 is amended by revising paragraphs (c) and (g) to read as follows:

§ 0.17 Functions of the Office.

* * * * *

(c) Assist the Office of the Managing Director in preparation of the annual report to Congress, the Commission budget and appropriations legislation to Congress; assist the Office of Media Relations in preparation of the Commission's Annual Report.

* * * * *

(g) Coordinate with the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

6. Section 0.31 is amended by revising paragraph (n) to read as follows:

§ 0.31 Functions of the Office.

* * * * *

(n) To assist the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

7. Section 0.51 is amended by removing paragraph (q), by redesignating paragraphs (r) and (s) as paragraphs (q) and (r) and revising newly designated paragraph (r) to read as follows:

§ 0.51 Functions of the Bureau.

* * * * *

(r) To assist the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

8. Section 0.61 and the undesignated center heading which immediately precedes it are revised to read as follows:

Media Bureau

§ 0.61 Functions of the Bureau.

The Media Bureau develops, recommends and administers the policy and licensing programs for the regulation of media, including cable television, broadcast television and radio, and satellite services in the United States and its territories. The Bureau advises and recommends to the Commission, or acts for the Commission under delegated authority, in matters pertaining to multichannel video programming distribution, broadcast radio and television, direct broadcast satellite service policy, and associated matters. The Bureau will, among other things:

(a) Process applications for authorization, assignment, transfer and renewal of media services, including AM, FM, TV, the cable TV relay service, and related services.

(b) Conduct rulemaking proceedings concerning the legal, engineering, and economic aspects of media service.

(c) Conduct comprehensive studies and analyses concerning the legal, engineering, and economic aspects of electronic media services.

(d) Administer and enforce rules and policies regarding equal employment opportunity.

(e) Administer and enforce rules and policies regarding political programming and related matters.

(f) Administer and enforce rules and policies regarding:

(1) Radio and television broadcast industry services;

(2) Cable television systems, operators, and services, including those relating to rates, technical standards, customer service, ownership, competition to cable systems, broadcast station signal retransmission and carriage, program access, wiring equipment, channel leasing, and federal-state/local regulatory relationships. This includes: acting, after Commission assumption of jurisdiction to regulate cable television rates for basic service and associated equipment, on cable operator requests for approval of existing or increased rates; reviewing appeals of local franchising authorities' rate making decisions involving rates for the basic service tier and associated equipment, except when such appeals raise novel or unusual issues; evaluating basic rate regulation certification requests filed by cable system franchising authorities; periodically reviewing and, when appropriate, revising standard forms used in administering: the certification process for local franchising authorities wishing to regulate rates, and the substantive rate regulation standards prescribed by the Commission;

(3) Open video systems;

(4) Preemption of restrictions on devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, and direct broadcast satellite services;

(5) The commercial availability of navigational devices;

(6) The accessibility of video programming to persons with disabilities;

(7) Program access and carriage;

(8) The Satellite Home Viewer Improvement Act; and

(9) Post-licensing for satellite consumer broadcast services (DBS, DTH and DARS).

Note to paragraph (f): The Media Bureau's enforcement authority does not include enforcement in those areas assigned to the Enforcement Bureau. See 47 CFR 0.111.

(g) Conduct rulemaking and policy proceedings regarding pole attachments.

(h) Process and act on all applications for authorization, petitions for special relief, petitions to deny, waiver requests, requests for certification,

objections, complaints, and requests for declaratory rulings and stays regarding the areas listed.

(i) Assist the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

(j) Exercise authority to issue non-hearing related subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, schedules of charges, contracts, agreements, and any other records deemed relevant to the investigation of matters within the jurisdiction of the Media Bureau. Before issuing a subpoena, the Media Bureau shall obtain the approval of the Office of General Counsel.

(k) Carry out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to the Commission under § 0.283.

9. Section 0.91 and the undesignated center heading which immediately precedes it are revised to read as follows:

Wireline Competition Bureau

§ 0.91 Functions of the Bureau.

The Wireline Competition Bureau advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in all matters pertaining to the regulation and licensing of communications common carriers and ancillary operations (other than matters pertaining exclusively to the regulation and licensing of wireless telecommunications services and facilities). The Bureau will, among other things:

(a) Develop and recommend policy goals, objectives, programs and plans for the Commission in rulemaking and adjudicatory matters concerning wireline telecommunications, drawing on relevant economic, technological, legislative, regulatory and judicial information and developments. Overall objectives include meeting the present and future wireline telecommunications needs of the Nation; fostering economic growth; ensuring choice, opportunity, and fairness in the development of wireline telecommunications; promoting economically efficient investment in wireline telecommunications infrastructure; promoting the development and widespread availability of wireline telecommunications services; and developing deregulatory initiatives where appropriate.

(b) Act on requests for interpretation or waiver of rules.

(c) Administer the provisions of the Communications Act requiring that the charges, practices, classifications, and regulations of communications common carriers providing interstate and foreign services are just and reasonable.

(d) Act on applications for service and facility authorizations, including applications from Bell operating companies for authority to provide in-region interLATA services and applications from wireline carriers for transfers of licenses and discontinuance of service.

(e) Develop and administer rules and policies relating to incumbent local exchange carrier accounting.

(f) Develop and administer recordkeeping and reporting requirements for telecommunications carriers.

(g) Provide federal staff support for the Federal-State Joint Board on Universal Service and the Federal-State Joint Board on Jurisdictional Separations.

(h) Review the deployment of advanced telecommunications capability to ensure that such deployment is reasonable and timely, consistent with section 706 of the Act, and, where appropriate, recommend action to encourage such deployment.

(i) Provide economic, financial, and technical analyses of telecommunications markets and carrier performance.

(j) Interact with the public, local, state, and other governmental agencies and industry groups on wireline telecommunications regulation and related matters. Assist the Consumer and Governmental Affairs Bureau on issues involving informal consumer complaints and other general inquiries by consumers.

(k) Review and coordinate orders, programs and actions initiated by other Bureaus and Offices in matters affecting wireline telecommunications to ensure consistency with overall Commission policy.

(l) Carry out the functions of the Commission under the Communications Act of 1934, as amended, except as reserved to the Commission under § 0.331.

§ 0.101 [Removed]

10. Section 0.101 is removed.

11. Amend § 0.111 as follows:

a. Revise the notes to paragraphs (a)(1), (a)(2), (a)(4), (a)(8) and (a)(11);

b. Revise paragraph (a)(3);

c. Redesignate paragraphs (a)(12) through (a)(20) as paragraphs (a)(14) through (a)(22);

d. Add new paragraphs (a)(12) and (a)(13); and

e. Revise newly designated paragraphs (a)(15) and (a)(19).

§ 0.111 Functions of the Bureau.

(a) * * *

(1) * * *

Note to paragraph (a)(1): The Consumer and Governmental Affairs Bureau has primary responsibility for informally resolving individual informal complaints from consumers against common carriers (wireline, wireless and international) and against other wireless licensees, and informal consumer complaints involving access to telecommunications services and equipment for persons with disabilities. The International Bureau has primary responsibility for complaints regarding international settlements rules and policies.

(2) * * *

Note to Paragraph (a)(2): The Consumer and Governmental Affairs Bureau has primary responsibility for informally resolving individual informal complaints from consumers against non-common carriers subject to the Commission's jurisdiction under Title II of the Communications Act and related provisions.

(3) Resolve formal complaints regarding accessibility to communications services and equipment for persons with disabilities, including complaints filed pursuant to sections 225 and 255 of the Communications Act.

(4) * * *

Note to Paragraph (a)(4): The Office of Engineering and Technology has shared responsibility for radiofrequency equipment and device complaints.

* * * * *

(8) * * *

Note to Paragraph (a)(8): The Media Bureau has responsibility for enforcement of these limits in the broadcast television renewal context.

* * * * *

(11) * * *

Note to Paragraph (a)(11): The Media Bureau has primary responsibility for complaints regarding children's television programming requirements, and for political and related programming matters and equal employment opportunity matters involving broadcasters, cable operators and other multichannel video programming distributors. The relevant licensing Bureau has primary responsibility for complaints involving tower siting and the Commission's environmental rules. The Media Bureau has primary responsibility for complaints regarding compliance with conditions imposed on transfers of control and assignments of licenses of Cable Antenna Relay Service authorizations.

(12) Resolve complaints regarding pole attachments filed under section 224 of the Communications Act.

(13) Resolve complaints regarding multichannel video and cable television service under part 76 of the Commission's rules.

Note to Paragraph (a)(13): The Media Bureau has primary responsibility for complaints regarding the following: subpart A (general), with the exception of § 76.11 of this chapter; subpart B (Registration Statements); subpart C (Federal-State/Local Relationships [Reserved]; subpart D (carriage of television broadcast signals); subpart E (equal employment opportunity requirements); subpart F (nonduplication protection and syndicated exclusivity); subpart G, §§ 76.205, 76.206 and 76.209 of this chapter (political broadcasting); subpart I (Forms and Reports); subpart J (ownership); subpart L (cable television access); subpart N, § 76.944 of this chapter (basic cable rate appeals), and §§ 76.970, 76.971 and 76.977 of this chapter (cable leased access rates); subpart O (competitive access to cable programming); subpart P (competitive availability of navigation devices); subpart Q (regulation of carriage agreements); subpart S (Open Video Systems); and subparts T, U and V to the extent related to the matters listed in this note.

* * * * *

(15) Identify and analyze complaint information, conduct investigations, conduct external audits and collect information, including pursuant to sections 218, 220, 308(b), 403 and 409(e) through (k) of the Communications Act, in connection with complaints, on its own initiative or upon request of another Bureau or Office.

* * * * *

(19) Provide information regarding pending complaints, compliance with relevant requirements and the complaint process, where appropriate and to the extent the information is not available from the Consumer and Governmental Affairs Bureau or other Bureaus and Offices.

* * * * *

12. Section 0.121 is amended by revising paragraph (b) to read as follows:

§ 0.121 Location of field installations.

* * * * *

(b) Protected field offices are located at the following geographical coordinates (coordinates are referenced to North American Datum 1983 (NAD83)):

Allegan, Michigan
42°36′20.1″ N. Latitude
85°57′20.1″ W. Longitude
Anchorage, Alaska
61°09′41.″ N. Latitude
150°00′03.0″ W. Longitude
Belfast, Maine
44°26′42.3″ N. Latitude
69°04′56.1″ W. Longitude
Canandaigua, New York
42°54′48.2″ N. Latitude
77°15′57.9″ W. Longitude
Douglas, Arizona
31°30′02.3″ N. Latitude
109°39′14.3″ W. Longitude
Ferndale, Washington
48°57′20.4″ N. Latitude
122°33′17.6″ W. Longitude
Grand Island, Nebraska
40°55′21.0″ N. Latitude
98°25′43.2″ W. Longitude
Kingsville, Texas
27°26′30.1″ N. Latitude
97°53′01.0″ W. Longitude
Laurel, Maryland
39°09′54.4″ N. Latitude
76°49′15.9″ W. Longitude
Livermore, California
37°43′29.7″ N. Latitude
121°45′15.8″ W. Longitude
Powder Springs, Georgia
33°51′44.4″ N. Latitude
84°43′25.8″ W. Longitude
Santa Isabel, Puerto Rico
18°00′18.9″ N. Latitude
66°22′30.6″ W. Longitude
Vero Beach, Florida
27°36′22.1″ N. Latitude
80°38′05.2″ W. Longitude
Waipahu, Hawaii
21°22′33.6″ N. Latitude
157°59′44.1″ W. Longitude

13. In § 0.131 paragraph (a) remove the words ''Common Carrier Bureau'' and add, in their places the words ''Wireline Competition Bureau'' and revise the last sentence in paragraph (i) to read as follows:

§ 0.131 Functions of the Bureau.

* * * * *

(i) * * * Also assists the Consumer and Governmental Affairs Bureau with informal consumer complaints and other general inquiries by consumers.

* * * * *

14. Section 0.141 and the undesignated center heading which immediately precedes it are revised to read as follows:

Consumer and Governmental Affairs Bureau

§ 0.141 Functions of the Bureau.

The Consumer and Governmental Affairs Bureau develops and administers the Commission's consumer and governmental affairs policies and initiatives to enhance the public's understanding of the Commission's work and to facilitate the Agency's relationships with other governmental agencies and organizations. The Bureau is responsible for rulemaking proceedings regarding general consumer education policies and procedures and serves as the primary Commission entity responsible for communicating with the general public regarding Commission policies, programs, and activities in order to facilitate public participation in the Commission's decision-making processes. The Bureau also performs the following functions:

(a) Advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in matters pertaining to consumers and governmental affairs. This includes policy development and coordination as well as adjudication and rulemaking.

(b) Collaborates with, and advises and assists, the public, state and local governments, and other governmental agencies and industry groups on consumer matters.

(c) Advises the Commission and other Bureaus and Offices of consumer and governmental affairs-related areas of concern or interest; initiates, reviews, and coordinates orders, programs and actions, in conjunction with other Bureaus and Offices, in matters regarding consumer education policies and procedures, and any other related issues affecting consumer policy; represents the Commission on consumer and governmental-related committees, working groups, task forces and conferences within and outside the Commission; and provides expert advice and assistance to Bureaus and Offices and consumers regarding compliance with applicable disability and accessibility requirements, rules, and regulations.

(d) Collects and analyzes information from industry, other Bureaus and Offices, and the media, as well as information received in the Bureau from informal consumer inquiries and complaints, rulemakings, and consumer forums; identifies trends that affect consumers; in consultation with the Office of the Managing Director, provides objectives and evaluation methods for the public information portion of the Commission's Government Performance and Results Act submissions and other Commission-wide strategic planning efforts.

(e) Researches, develops, and distributes materials to inform consumers about the Commission's rules, proposals, and events, and to promote consumer participation in Commission rulemakings and activities; maintains the Commission's Consumer Information Directory; develops a library of commonly requested materials on issues of interest to all consumers. Ensures that alternative translations of Commission materials are available to Commission employees, Bureaus, Offices, and members of the public.

(f) Advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in matters pertaining to persons with disabilities.

Provides expert advice and assistance, as required, to other Bureaus and Offices, consumers, industry, and others on issues relevant to persons with disabilities. Initiates rulemakings, where appropriate; reviews relevant agenda items and other documents and coordinates with Bureaus and Offices to develop recommendations and propose policies to ensure that communications are accessible to persons with disabilities, in conformance with existing disability laws and policies, and that they support the Commission's goal of increasing accessibility of communications services and technologies for persons with disabilities.

(g) Plans, develops, and conducts consumer outreach and education initiatives to educate the public about important Commission regulatory programs. In coordination with other Bureaus and Offices, establishes liaison(s) for information sharing purposes to ensure coordination on all consumer outreach projects. Ensures that alternative translations of Commission materials are available to Commission employees, Bureaus, Offices and members of the public.

(h) Serves as the official FCC records custodian for designated records, including intake processing, organization and file maintenance, reference services, and retirement and retrieval of records; manages the Electronic Comment Filing System and certifies records for adjudicatory and court proceedings. Maintains manual and computerized files that provide for the public inspection of public record materials concerning Broadcast Ownership, AM/FM/TV, TV Translators, FM Translators, Cable TV, Wireless, Auction, Common Carrier Tariff matters, International space station files, earth station files, DBS files, and other miscellaneous international files. Also maintains for public inspection Time Brokerage and Affiliation Agreements, court citation files, and legislative histories concerning telecommunications dockets. Provides the public and Commission staff prompt access to manual and computerized records and filing systems.

(i) Provides informal mediation and resolution of individual informal consumer inquiries and complaints consistent with Commission regulations. Resolves certain classes of informal complaints, as specified by the Commission, through findings of fact and issuance of orders. Receives, reviews, and analyzes responses to informal complaints; maintains manual and computerized files that permit the public inspection of informal consumer complaints; mediates and attempts to settle unresolved disputes in informal complaints as appropriate; and coordinates with other Bureaus and Offices to ensure that consumers are provided with accurate, up-to-date information. Develops and fosters partnerships with state regulatory entities to promote the sharing of information pertaining to informal complaint files maintained by the Bureau.

(j) Provides leadership to other Bureaus and Offices for dissemination of consumer information via the Internet.

(k) In coordination with other Bureaus and Offices, handles Congressional and other correspondence related to specific informal consumer complaints, or other specific matters within the responsibility of the Bureau, to the extent not otherwise handled by the Office of General Counsel or other Bureaus or Offices. Responds to and/or coordinates due diligence and other requests for information pertaining to informal inquiries and complaints under the responsibility of the Bureau with other Bureaus and Offices.

15. Section 0.182 is amended by revising paragraph (b) to read as follows:

§ 0.182 Chief, Enforcement Bureau.

* * * * *

(b) In coordination with the Office of Managing Director, which has responsibility for developing the Commission's Continuity of Operations Plan (COOP). Acts as Alternate Defense Coordinator in representations with other agencies with respect to planning for the continuity of the essential functions of the Commission under emergency conditions.

* * * * *

§ 0.241 [Amended].

16. In § 0.241 (d) remove the words ''Chief, Mass Media Bureau'' and add, in their place, the words ''Chief, Media Bureau.''

17. Section 0.261 is amended by revising paragraph (a)(3) to read as follows:

§ 0.261 Authority delegated.

(a) * * *

(3) To act upon applications for international telecommunications and services pursuant to part 23 of this chapter and relevant portions of part 63 of this chapter, and coordinate with the Wireline Competition Bureau as appropriate;

* * * * *

18. Section 0.283 and the undesignated center heading which immediately precedes it are revised to read as follows:

Chief, Media Bureau

§ 0.283 Authority delegated.

The Chief, Media Bureau, is delegated authority to perform all functions of the Bureau, described in § 0.61, provided that the following matters shall be referred to the Commission en banc for disposition:

(a) Notices of proposed rulemaking and of inquiry and final orders in such proceedings, with the exception of rulemaking proceedings involving the allotment of FM and television channels.

(b) Application for review of actions taken pursuant to delegated authority.

(c) Matters that present novel questions of law, fact or policy that cannot be resolved under existing precedents and guidelines.

(d) The imposition, reduction or cancellation of forfeitures pursuant to section 503(b) of the Communications Act of 1934, as amended, in amounts of more than $20,000.

§ 0.284 [Amended]

19. In § 0.284 paragraphs (a) introductory text and (b) remove the words ''Chief, Mass Media Bureau'' and add, in their place, the words ''Chief, Media Bureau'', remove paragraphs (a)(2), (a)(7) and (c); redesignate paragraphs (a)(3), (a)(4), (a)(5), (a)(6), (a)(8) and (a)(9) as paragraphs (a)(2) through (a)(7).

20. Section 0.285 is revised to read as follows:

§ 0.285 Record of actions taken.

The history card, the station file, and other appropriate files are designated to be the official records of action taken by the Chief of the Media Bureau. The official records of action are maintained in the Reference Information Center in the Consumer and Governmental Affairs Bureau.

21. The undesignated center heading preceding §0.291 is revised and § 0.291 is amended by removing the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau'' each place it appears, by removing paragraph (c), by redesignating paragraphs (d) through (j) as paragraphs (c) through (i), and by revising newly designated paragraphs (c) and (i)(2) to read as follows:

Chief, Wireline Competition Bureau

§ 0.291 Authority delegated.

* * * * *

(c) *Authority to designate for hearing.* The Chief, Wireline Competition Bureau shall not have authority to designate for hearing any applications except applications for facilities where the issues presented relate solely to whether the applicant has complied with outstanding precedents and guidelines.

* * * * *

(i) * * *

(2) The Chief, Wireline Competition Bureau, shall not have authority to act on petitions filed pursuant to part 69, subpart H, of this chapter for pricing flexibility involving common line and traffic sensitive services.

22. Section 0.302 is revised to read as follows:

§ 0.302 Record of actions taken.

The application and authorization files are designated as the Commission's official records of action of the Chief, Wireline Competition Bureau pursuant to authority delegated to the Chief. The official records of action are maintained in the Reference Information Center in the Consumer and Governmental Affairs Bureau.

23. Section 0.303 is revised to read as follows:

§ 0.303 Authority concerning registration of telephone terminal equipment.

Authority is delegated to the Chief of the Wireline Competition Bureau jointly in cooperation with the Chief Engineer to act upon applications for registration of equipment to be directly connected to the telephone network; *Provided, however,* That the Chief, Wireline Competition Bureau shall exercise overall policy direction of the program, with appropriate consultation with the Chief Engineer (For record of actions taken under this section, see § 0.247).

§ 0.304 [Amended]

24. In § 0.304 remove the words ''Chief, Common Carrier Bureau'' and add, in their place, the words ''Chief, Wireline Competition Bureau.''

25. Section 0.311 is amended by adding paragraph (a)(6) and by revising paragraph (c) to read as follows:

§ 0.311 Authority delegated.

* * * * *

(a) * * *

(6) Release of information pursuant to section 220(f) of the Communications Act, except for release of such information to a state public utility commission or in response to a Freedom of Information Act Request.

* * * * *

(c) Action on emergency requests for Special Temporary Authority during non-business hours shall be promptly reported to the responsible Bureau or Office.

Note to Paragraph (c): See also § 0.182 of this chapter.

26. Section 0.314 is amended by revising paragraphs (f), (g), (h), (i), and (j) to read as follows:

§ 0.314 Additional authority delegated.

* * * * *

(f) Issue notices and orders to operators of industrial, scientific, and medical (ISM) equipment, as provided in § 18.115 of this chapter.

(g) Act on requests for permission to resume operation of ISM equipment on a temporary basis, as provided by § 18.115 of this chapter, and requests for extensions of time within which to file final reports, as provided by § 18.117 of this chapter.

(h) Issue notices and orders to operators of part 15 devices, as provided in § 15.5 of this chapter.

(i) Issue notices and orders to suspend operations to multi-channel video programming distributors, as provided in § 76.613 of this chapter.

(j) Issue notices and orders to suspend operations to part 74 licensees, as provided in § 74.23 of this chapter.

§ 0.321 [Removed]

27. Section 0.321 is removed.

§ 0.325 [Removed]

28. Section 0.325 is removed.

§ 0.347 [Amended]

29. In § 0.347 remove the words ''Consumer Information Bureau'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau.''

§ 0.357 [Amended]

30. In § 0.357 remove the words ''Consumer Information Bureau'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau.''

31. The undesignated center heading preceding §0.361 is revised, and §0.361 is amended by revising the introductory text to read as follows:

Consumer and Governmental Affairs Bureau

§ 0.361 Authority delegated.

The Chief, Consumer and Governmental Affairs Bureau, is delegated authority to perform all functions of the Bureau, described in § 0.141, provided that the following matters shall be referred to the Commission en banc for disposition:

* * * * *

32. Section 0.387 is amended by revising paragraph (a) to read as follows:

§ 0.387 Other national security and emergency preparedness delegations; cross reference.

(a) For authority of the Chief of the Media Bureau to issue Emergency Alert System Authorizations (FCC Form 392), see §§ 0.284 (a) (4) and 73.913.

* * * * *

33. Section 0.401 is amended by revising paragraph (a)(5) to read as follows:

§ 0.401 Location of Commission offices.

* * * * *

(a) * * *

(5) The location of the Office of General Counsel is 445 12th Street, SW, Washington, DC 20554.

* * * * *

§ 0.423 [Amended]

34. In § 0.423 remove the words ''Consumer Information Bureau, Consumer Information Network Division'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau.''

§ 0.441 [Amended]

35. In § 0.441 remove the words ''Consumer Information Bureau'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau'' each place it appears.

36. Section 0.453 is amended by revising the introductory text, paragraphs (a) introductory text, (a)(2)(ii)(E), (b), (f), (g) introductory text, (i) introductory text and (j) and by removing paragraph (1) and redesignating paragraphs (m) through (o) as paragraphs (1) through (n) and by revising newly designated paragraph (m) to read as follows:

§ 0.453 Public reference rooms.

The Commission maintains the following public reference rooms at its offices in Washington, DC, and Columbia, Maryland. Much of the information available from the public reference rooms may also be retrieved from the Commission's WorldWide Website at *http://www.fcc.gov:*

(a) The Reference Information Center of the Consumer and Governmental Affairs Bureau.

(2) * * *

(ii) * * *

(E) All applications for common carrier authorizations acted upon by the Enforcement Bureau, and related files.

* * * * *

(b) *Reference Information Center.* Station files containing applications and

related materials for Remote Pickup, Aural STL/ICR, TV Auxiliary, and Low Power Auxiliary Stations in the mass media services.

* * * * *

(f) *The Media Bureau.* The Media Bureau maintains all cable operator requests for approval of existing or increased cable television rates for basic service and associated equipment over which the Commission had assumed jurisdiction, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to § 0.459 that such information not be made routinely available for public inspection.

(g) *The Wireline Competition Bureau.* Section 214 applications and related files, to the extent that they concern domestic communications facilities and services are available for inspection at this location.

* * * * *

(i) *The Wireline Competition Bureau, Industry Analysis Reference Room.* The following documents, files and records are available for inspection at this location.

* * * * *

(j) *The Wireline Competition Bureau, Tariff Review Reference Room.* Contains currently effective tariffs filed by Communications Common Carriers pursuant to various FCC Rules and Regulations. Also available for review and copying are recent revisions to tariff filings and the Public Reference Room Log, which is prepared daily and lists the tariff filings received the previous day.

* * * * *

(m) *The Media Bureau Reference Center.* The following documents, files and records are available for inspection at this location.

(1) All complaints regarding cable programming rates, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to § 0.459 that such information not be made routinely available for public inspection.

(2) All cable operator requests for approval of existing or increased cable television rates for basic service and associated equipment over which the Commission has assumed jurisdiction, all documents filed in connection therewith, and all communications related thereto, unless the cable operator has submitted a request pursuant to § 0.459 that such information not be made routinely available for public inspection.

(3) Special relief petitions and files pertaining to cable television operations.

(4) Cable television system reports filed by operators pursuant to § 76.403 of this chapter.

* * * * *

37. Section 0.455 is revised to read as follows:

§ 0.455 Other locations at which records may be inspected.

Except as provided in §§ 0.453,0.457, and 0.459, records are routinely available for inspection in the Reference Information Center or the offices of the Bureau or Office which exercises responsibility over the matters to which those records pertain (see § 0.5), or will be made available for inspection at those office upon request. Upon inquiry to the appropriate Bureau or Office, persons desiring to inspect such records will be directed to the specific location at which the particular records may be inspected. A list of Bureaus and Offices and examples of the records available at each is set out below.

(a) *Media Bureau.* (1) Rulings under the Fairness Doctrine and section 315 of the Communications Act, and related materials.

(2) Ruling lists which contain brief summaries of rulings.

(3) Congressional correspondence and related materials.

(4) Correspondence and other actions and decisions relating to cable television services that are not filed in the FCC Reference Information Center, e.g. rate regulation files and related documents.

(b) *Wireline Competition Bureau.* (1) Reports of public coast station operators filed under § 43.71 of this chapter.

(2) Valuation reports filed under section 213 of the Communications Act, including exhibits filed in connection therewith, unless otherwise ordered by the Commission, with reasons therefor, pursuant to section 213(f) of the Communications Act. See § 0.457(c)(2).

(3) Computer II files and related materials.

(c) *Office of Managing Director.* (1) All minutes of Commission actions, containing a record of all final votes, minutes of actions and internal management matters as provided in § 0.457 (b)(1) and (c)(1)(i). These records and files are available for inspection in the Agenda Group.

(2) Files containing information concerning the history of the Commission's rules. These files are available for inspection in the Publications Group.

(3) See § 0.443.

(4) Reports filed pursuant to subpart E of part 19 of this chapter and applications for inspection of such reports. See § 0.460(k).

(d) Office of Engineering and Technology which includes the Bureau's Technical Library containing technical reports, technical journals, and bulletins of spectrum management and related technical materials. Also files containing approved applications for Equipment Authorization (Type accepted, certified and notified) and related materials are available for review. These files are available in the Commission's Laboratory in Columbia, Maryland.

(1) Experimental application and license files.

(2) The Master Frequency Records.

(3) Applications for Equipment Authorization (type accepted, type approval, certification, or advance approval of subscription television systems), following the effective date of the authorization. See § 0.457(d)(1)(ii). (Application files, technical journals and other technical materials are maintained at the Commission's Laboratory at Columbia, Maryland.)

(e) *International Bureau.* The treaties and other international and bilateral agreements listed in § 73.1650 of this chapter are available for inspection in the office of the Chief, Strategic Analysis and Negotiations Division, International Bureau. Also contracts and other arrangements filed under § 43.51 and reports of negotiations regarding foreign communication matters filed under § 43.52 of this chapter, except for those kept confidential by the Commission pursuant to section 412 of the Communications Act. See § 0.457(c)(3). Also files relating to international settlements under part 64 of this chapter.

38. Section 0.465(a) is amended by revising the Note to Paragraph (a) to read as follows:

§ 0.465 Request for copies of materials which are available, or made available, for public inspection.

(a) * * *

Note to Paragraph (a): The name, address, telephone number, and schedule of fees for the current duplication contractor are published at the time of contract award of renewal in a Public Notice and periodically thereafter. Questions regarding this information should be directed to the Reference Information Center of the Consumer and Governmental Affairs Bureau.

* * * * *

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 303(r), 309 and 325(e).

§ 1.4 [Amended].

40. In § 1.4(f) remove the words ''Mass Media Bureau'' and add, in their place, the words ''Media Bureau.''

41. Section 1.115 is amended by revising paragraph (e)(4) to read as follows:

§ 1.115 Application for review of action taken pursuant to delegated authority.

* * * * *

(e) * * *

(4) Applications for review of final staff decisions issued on delegated authority in formal complaint proceedings on the Enforcement Bureau's Accelerated Docket (see, e.g., § 1.730) shall be filed within 15 days of public notice of the decision, as that date is defined in § 1.4(b). These applications for review oppositions and replies in Accelerated Docket proceedings shall be served on parties to the proceeding by hand or facsimile transmission.

* * * * *

§ 1.221 [Amended]

42. In § 1.221 (b) remove the words ''Reference Operations Division of the Consumer Information Bureau'' and in paragraph (c) remove the words ''Reference Information Division of the Consumer Information Bureau'', and add, in their place, the words ''Reference Information Center of the Consumer and Governmental Affairs Bureau.''

43. Section 1.403 is revised to read as follows:

§ 1.403 Notice and availability.

All petitions for rule making (other than petitions to amend the FM, Television, and Air-Ground Tables of Assignments) meeting the requirements of § 1.401 will be given a file number and, promptly thereafter, a ''Public Notice'' will be issued (by means of a Commission release entitled ''Petitions for Rule Making Filed'') as to the petition, file number, nature of the proposal, and date of filing, Petitions for rule making are available at the Commission's Reference Information Center, 445 12th Street, SW, Washington, DC and may also be available electronically over the Internet at *http://www.fcc.gov/.*

§ 1.419 [Amended]

44. In § 1.419 (b) remove the words ''Information Office'' and add, in their place, the words ''Reference Information Center'' each place it appears.

§ 1.703 [Amended]

45. In § 1.703 (c) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Enforcement Bureau.''

§ 1.735 [Amended]

46. In § 1.735 (b)(3) remove the words ''Telecommunications Division'' and add, in their place, the words ''Policy Division.''

§ 1.742 [Amended]

47. In § 1.742 remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 1.743 [Amended]

48. In § 1.743 (e) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

49. Section 1.749 is revised to read as follows:

§ 1.749 Action on application under delegated authority.

Certain applications do not require action by the Commission but, pursuant to the delegated authority contained in subpart B of part 0 of this chapter, may be acted upon by the Chief of the Wireline Competition Bureau subject to reconsideration by the Commission.

50. Section 1.773 is amended by revising paragraphs (a)(2) introductory text, (a)(4) and (b)(3) to read as follows:

§ 1.773 Petitions for suspension or rejection of new tariff filings.

(a) * * *

(2) *When filed.* All petitions seeking investigation, suspension, or rejection of a new or revised tariff filing shall meet the filing requirements of this paragraph. In case of emergency and within the time limits provided, a telegraphic request for such relief may be sent to the Commission setting forth succinctly the substance of the matters required by paragraph (a)(1) of this section. A copy of any such telegraphic request shall be sent simultaneously to the Chief, Wireline Competition Bureau, the Chief, Pricing Policy Division, and the publishing carrier. Thereafter, the request shall be confirmed by petition filed and served in accordance with § 1.773(a)(4).

* * * * *

(4) *Copies, service.* An original and four copies of each petition shall be filed with the Commission as follows: the original and three copies of each petition shall be filed with the Secretary, FCC room TW–A325, 445 12th Street, SW, Washington, DC 20554; one copy must be delivered directly to the Commission's copy contractor. Additional, separate copies shall be served simultaneously upon the Chief, Wireline Competition Bureau; and the Chief, Pricing Policy Division. Petitions seeking investigation, suspension, or rejection of a new or revised tariff made on 15 days or less notice shall be served either personally or via facsimile on the filing carrier. If a petition is served via facsimile, a copy of the petition must also be sent to the filing carrier via first class mail on the same day of the facsimile transmission. Petitions seeking investigation, suspension, or rejection of a new or revised tariff filing made on more than 15 days notice may be served on the filing carrier by mail.

(b) * * *

(3) *Copies, service.* An original and four copies of each reply shall be filed with the Commission, as follows: the original and three copies must be filed with the Secretary, FCC room TW–A325, 445 12th Street, SW, Washington, DC 20554; one copy must be delivered directly to the Commission's copy contractor. Additional separate copies shall be served simultaneously upon the Chief, Wireline Competition Bureau, the Chief, Pricing Policy Division and the petitioner. Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff made on 15 days or less notice shall be served on petitioners personally or via facsimile. Replies to petitions seeking investigation, suspension, or rejection of a new or revised tariff made on more than 15 days notice may be served upon petitioner personally, by mail or via facsimile.

51. Section 1.774 is amended by revising paragraph (e)(2)(ii) and in paragraph (f) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau'' to read as follows:

§ 1.774 Pricing flexibility.

* * * * *

(e) * * *

(2) * * *

(ii) Any interested party electing to file an opposition or comment in response to a pricing flexibility petition through a method other than ETFS must file an original and four copies of each opposition or comment with the Commission, as follows: the original and three copies of each pleading shall be filed with the Secretary, FCC, 445 12th Street, SW, Washington, DC,

20554; one copy must be delivered directly to the Commission's copy contractor. Additional, separate copies shall be served upon the Chief, Wireline Competition Bureau and the Chief, Pricing Policy Division.

* * * * *

§ 1.821 [Amended]

52. In § 1.821 remove the words ''Mass Media Bureau'' and add, in their place, the words ''Wireless Telecommunications Bureau.''

§ 1.924 [Amended]

53. In § 1.924 (c)(3) remove the words ''Compliance and Information Bureau'' and add, in their place, the words ''Enforcement Bureau.''

§ 1.1106 [Amended]

54. In § 1.1106 in the address column, remove the words ''Cable Services Bureau'' and add, in their place, the words ''Cable Services'' each place it appears.

55. Section 1.1163 is amended by revising paragraph (c)(1) to read as follows:

§ 1.1163 Adjustments to regulatory fees.

* * * * *

(c) * * *

(1) Be derived by determining the full-time equivalent number of employees performing enforcement activities, policy and rulemaking activities, user information services, and international activities within the Wireline Competition Bureau, Media Bureau, International Bureau and other offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities, including such factors as service coverage area, shared use versus exclusive use, and other factors that the Commission determines are necessary in the public interest:

* * * * *

56. Section 1.1202 (d) is amended by revising Note 4 to paragraph (d) to read as follows:

§ 1.1202 Definitions.

* * * * *

(d) * * *

Note 4 to Paragraph (d): listeners or viewers submitting comments regarding a pending broadcast application pursuant to § 1.1204(a)(8) will not become parties simply by service of the comments. The Media Bureau may, in its discretion, make such a commenter a party, if doing so would be conducive to the Commission's consideration of the application or would otherwise be appropriate.

* * * * *

57. Section 1.4000 is amended by revising the section heading and paragraph (h) to read as follows:

§ 1.4000 Restrictions impairing reception of television broadcast signals, direct broadcast satellite services or multichannel multipoint distribution services.

* * * * *

(h) All allegations of fact contained in petitions and related pleadings before the Commission must be supported by affidavit of a person or persons with actual knowledge thereof. An original and two copies of all petitions and pleadings should be addressed to the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Copies of the petitions and related pleadings will be available for public inspection in the Reference Information Center, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. Copies will be available for purchase from the Commission's contract copy center, and the Commission decisions will be available on the Internet.

58. Section 1.7001 is amended by revising paragraph (d) to read as follows:

§ 1.7001 Scope and content of filed reports.

* * * * *

(d) Respondents may make requests for Commission non-disclosure of provider-specific data contained in FCC Form 477 under § 0.459 of this chapter by so indicating on Form 477 at the time that the subject data are submitted. The Commission shall make all decisions regarding non-disclosure or provider-specific information, except that the Chief of the Wireline Competition Bureau may release provider-specific information to a state commission provided that the state commission has protections in place that would preclude disclosure of any confidential information.

* * * * *

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

59. The authority citation for part 21 continues to read:

Authority: Secs. 1, 2, 4, 201–205, 208, 215, 218, 303, 307, 313, 403, 404, 410, 602, 48 Stat. as amended, 1064, 1066, 1070–1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102, 47 U.S.C. 151, 154, 201–205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552, 554.

§ 21.305 [Amended]

60. In § 21.305 remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireless Telecommunications Bureau.''

61. Section 21.912 is amended by revising paragraph (d) to read as follows:

§ 21.912 Cable television company eligibility requirements and MDS/cable cross-ownership.

* * * * *

(d) The provisions of paragraphs (a) through (c) of this section will not apply to one MDS or MMDS channel used to provide locally-produced programming to cable headends. Locally-produced programming is programming produced in or near the cable operator's franchise area and not broadcast on a television station available within that franchise area. A cable operator will be permitted one MDS channel in an MMDS protected service area for this purpose, and no more than one MDS channel in an MMDS protected service area may be used by a cable television company or its affiliate or lessor pursuant to this paragraph. The licensee for a cable operator providing local programming pursuant to a lease must include in a notice filed with the Wireless Telecommunications Bureau a cover letter explicitly identifying itself or its lessees as a local cable operator and stating that the lease was executed to facilitate the provision of local programming. The first application or the first lease notification in an area filed with the Commission will be entitled to the exemption. The limitations on one MDS channel per party and per area include any cable/MDS operations grandfathered pursuant to paragraph (f) of this section or cable/ITFS operations grandfathered pursuant to § 74.931(e) of this chapter. The cable operator must demonstrate in its MDS/MMDS application that the proposed local programming will be provided within one year from the date its application is granted. Local programming service pursuant to a lease must be provided within one year of the date of the lease or one year of grant of the licensee's application for the leased channel, whichever is later. If an MDS license for these purposes is granted and the programming is subsequently discontinued, the license will be automatically forfeited the day after local programming service is discontinued.

* * * * *

§ 21.924 [Amended]

62. In § 21.924 (a) remove the words ''Consumer Information Bureau'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau.''

PART 22—PUBLIC MOBILE SERVICES

63. The authority citation for part 22 continues to read:

Authority: 47 U.S.C. 154, 222, 303, 309, and 332.

64. Section 22.757 is amended by revising paragraph (e) to read as follows:

§ 22.757 Channels for basic exchange telephone radio systems.

* * * * *

(e) Frequencies between 816–865 MHz are available for use on a coordinated basis by both commercial and private wireless licensees.

65. Section 22.947 is amended by revising paragraph (c) introductory text to read as follows:

§ 22.947 Five year build-out period.

* * * * *

(c) *System information update.* Sixty days before the end of the five year build-out period, the licensee of each cellular system authorized on each channel block in each cellular market must file, in triplicate, a system information update (SIU), comprising a full size map, a reduced map, and an exhibit showing technical data relevant to determination of the system's CGSA. Separate maps must be submitted for each market into which the CGSA extends, showing the extension area in the adjacent market. Maps showing extension areas must be labeled (i.e. marked with the market number and channel block) for the market into which the CGSA extends. SIUs must accurately depict the relevant cell locations and coverage of the system at the end of the five year build-out period. SIUs must be filed at the Wireless Telecommunications Bureau, Commercial Wireless Division, 445 12th Street SW, Room 4-C232, Washington, DC 20554. If any changes to the system occur after the filing of the SIU, but before the end of the five year build-out period, the licensee must file, in triplicate, additional maps and/or data as necessary to insure that the cell locations and coverage of the system as of the end of the five year build-out period are accurately depicted.

* * * * *

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICE

66. The authority for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 307, 309, 332, 336, and 337 unless otherwise noted.

67. Section 27.6 is amended by revising paragraph (a) introductory text to read as follows:

§ 27.6 Service areas.

(a) WCS service areas are Major Economic Areas (MEAs) and Regional Economic Area Groupings (REAGs) as defined in the Table immediately following paragraph (a)(1) of this section. Both MEAs and REAGs are based on the U.S. Department of Commerce's 172 Economic Areas (Eas). See 60 FR 13114 (March 10, 1995). In addition, the Commission shall separately license Guam and the Northern Mariana Islands, Puerto Rico and the United States Virgin Islands, American Samoa, and the Gulf of Mexico, which have been assigned Commission-created EA numbers 173–176, respectively. Maps of the EAs, MEAs, and REAGs and the **Federal Register** Notice that established the 172 EAs are available for public inspection and copying at the Reference Information Center, Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554.

* * * * *

PART 32—UNIFORM SYSTEM OF ACCOUNTS FOR TELECOMMUNICATIONS COMPANIES

68. The authority citation for part 32 continues to read:

Authority: 47 U.S.C. 154(I), 154(j) and 220 as amended, unless otherwise noted.

69. Section 32.17 is revised to read as follows:

§ 32.17 Interpretation of accounts.

To the end that uniform accounting shall be maintained within the prescribed system, questions involving significant matters which are not clearly provided for shall be submitted to the Chief, Wireline Competition Bureau, for explanation, interpretation, or resolution. Questions and answers thereto with respect to this system of accounts will be maintained by the Wireline Competition Bureau.

§ 32.19 [Amended]

70. In § 32.19 remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 32.27 [Amended]

71. In § 32.27 (a) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

72. The authority citation for part 43 continues to read:

Authority: 47 U.S.C. 154; Telecommunications Act of 1996, Pub. L. 104–104, secs. 402(b)(2)(B), (c), 110 Stat. 56 (1996) as amended unless otherwise noted. 47 U.S.C. 211, 219, 220 as amended.

73. Section 43.21 is amended by revising the section heading and paragraphs (g) and (h) to read as follows:

§ 43.21 Transactions with affiliates.

* * * * *

(g) Each incumbent local exchange carrier for whom price cap regulation is mandatory and every incumbent local exchange carrier that elects to be covered by the price cap rules shall file, by April 1 of each year, a report designed to capture trends in service quality under price cap regulation. The report shall contain data relative to network measures of service quality, as defined by the Wireline Competition Bureau, from the previous calendar year on a study area basis.

(h) Each incumbent local exchange carrier for whom price cap regulation is mandatory shall file, by April 1 of each year, a report designed to capture trends in service quality under price cap regulation. The report shall contain data relative to customer measures of service quality, as defined by the Wireline Competition Bureau, from the previous calendar year a study area basis.

* * * * *

§ 43.61 [Amended]

74. In § 43.61 (a)(3) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

PART 51—INTERCONNECTION

75. The authority citation for part 51 continues to read:

Authority: Sections 1–5, 7, 201–05, 207–09, 218, 225–27, 251–54, 271, 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 151–55, 157, 201–05, 207–09, 218, 225–27, 251–54, 271, 332, unless otherwise noted.

76. Section 51.329 is amended by revising paragraph (c)(3) to read as follows:

§ 51.329 Notice of network changes: Methods for providing notice.

* * * * *

(c) * * *

(3) In addition, one paper copy and one diskette copy must be sent to the ''Chief, Wireline Competition Bureau, Federal Communications Commission, Washington, DC 20554.'' The diskette copy must be on a standard 3 1/2 inch diskette, formatted in IBM-compatible format to be readable by high-density floppy drives operating under MS DOS 5.X or later compatible versions, and shall be in a word-processing format designated, from time-to-time, in public notices released by the Bureau. The diskette must be submitted in ''read only'' mode, and must be clearly labeled with the carrier's name, the filing date, and an identification or the diskette's contents.

77. Section 51.333 is amended by revising paragraph (e) to read as follows:

§ 51.333 Notice of network changes: Short term notice.

* * * * *

(e) *Resolution.* If an objection is filed pursuant to paragraph (c) of this section, then the Chief, Wireline Competition Bureau, will issue an order determining a reasonable public notice period, provided however, that if an incumbent LEC does not file a response within the time period allotted, or if the incumbent LEC's response accepts the latest implementation date stated by an objector, then the incumbent LEC's public notice shall be deemed amended to specify the implementation date requested by the objector, without further Commission action. An incumbent LEC must amend its public notice to reflect any change in the applicable implementation date pursuant to § 51.329(b).

PART 52—NUMBERING

78. The authority citation for part 52 continues to read:

Authority: Sec. 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. 151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201–05, 207–09, 218, 225–7, 251–2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 153, 154, 201–05, 207–09, 218, 225, 251–2, 271 and 332 unless otherwise noted.

§ 52.15 [Amended]

79. In § 52.15(f)(6)(iii) and (i)(7) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 52.16 [Amended]

80. In § 52.16 (c) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 52.23 [Amended]

81. In § 52.23 (f) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 52.25 [Amended]

82. In § 52.25 (g) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau'' each place it appears.

§ 52.26 [Amended]

83. In § 52.26 (b)(3) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau'' each place it appears.

§ 52.32 [Amended]

84. In § 52.32 (b) and (c) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 52.109 [Amended]

85. In § 52.109 (c) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

PART 53—SPECIAL PROVISIONS CONCERNING BELL OPERATING COMPANIES

86. The authority citation for part 53 continues to read:

Authority: Sections 1–5, 7, 201–05, 218, 251, 253, 271–75, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 151–55, 157, 201–05, 218, 251, 253, 271–75, unless otherwise noted.

§ 53.209 [Amended]

87. In § 53.209 (d) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Enforcement Bureau'' each place it appears.

53.211 [Amended]

88. In § 53.211 (e)(3) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Enforcement Bureau.''

PART 54—UNIVERSAL SERVICE

89. The authority citation for part 54 continues to read:

Authority: 47 U.S.C. 1, 4(i), 201 205, 214, and 254 unless otherwise noted.

90. Section 54.207 is amended by revising paragraph (e) to read as follows:

§ 54.207 Service areas.

* * * * *

(e) The Commission delegates its authority under paragraphs (c) and (d) of this section to the Chief, Wireline Competition Bureau.

91. Section 54.301 is amended by revising paragraph (f)(2) to read as follows:

§ 54.301 Local Switching Support.

* * * * *

(f) * * *

(2) The Commission delegates its authority to review, modify, and approve the formula submitted by the Administrator pursuant to this paragraph to the Chief, Wireline Competition Bureau.

92. Section 54.703 is amended by revising paragraphs (c)(2) and (d) to read as follows:

§ 54.703 The Administrator's Board of Directors.

* * * * *

(c) * * *

(2) The name of an industry or non-industry group's nominee shall be filed with the Office of the Secretary of the Federal Communications Commission in accordance with part 1 of this chapter. The document nominating a candidate shall be captioned ''In the matter of: Nomination for Universal Service Administrator's Board of Directors'' and shall reference FCC Docket Nos. 97–21 and 96–45. Each nomination shall specify the position on the Board of Directors for which such nomination is submitted. Two copies of the document nominating a candidate shall be submitted to the Wireline Competition Bureau's Telecommunications Access Policy Division.

* * * * *

(d) *Board member terms.* The directors of the Administrator's Board shall be appointed for three-year terms, except that the Chief Executive Officer shall be a permanent member of the Board. Board member terms shall run from January 1 of the first year of the term to December 31 of the third year of the term, except that, for purposes of the term beginning on January 1, 1999, the terms of the six directors shall expire on December 31, 2000, the terms of another six directors on December 31, 2001, and the terms of the remaining six directors on December 31, 2002. Directors may be reappointed for subsequent terms pursuant to the initial nomination and appointment process described in paragraph (c) of this section. If a Board member vacates his or her seat prior to the completion of his or her term, the Administrator will notify the Wireline Competition Bureau

of such vacancy, and a successor will be chosen pursuant to the nomination and appointment process described in paragraph (c) of this section.

* * * * *

93. Section 54.709 is amended by revising paragraph (a)(3) to read as follows:

§ 54.709 Computations of required contributions to universal service support mechanisms.

(a) * * *

(3) Total projected expenses for the federal universal service support mechanisms for each quarter must be approved by the Commission before they are used to calculate the quarterly contribution factor and individual contributions. For each quarter, the Administrator must submit its projections of demand for the federal universal service support mechanisms for high-cost areas, low-income consumers, schools and libraries, and rural health care providers, respectively, and the basis for those projections, to the Commission and the Wireline Competition Bureau at least sixty (60) calendar days prior to the start of that quarter. For each quarter, the Administrator must submit its projections of administrative expenses for the high-cost mechanism, the low-income mechanism, the schools and libraries mechanism and the rural health care mechanism and the basis for those projections to the Commission and the Wireline Competition Bureau at least sixty (60) calendar days prior to the start of that quarter. Based on data submitted to the Administrator on the Telecommunications Reporting Worksheets, the Administrator must submit the total contribution base to the Wireline Competition Bureau at least sixty (60) days before the start of each quarter. The projections of demand and administrative expenses and the contribution factor shall be announced by the Commission in a public notice and shall be made available on the Commission's website. The Commission reserves the right to set projections of demand and administrative expenses at amounts that the Commission determines will serve the public interest at any time within the fourteen-day period following release of the Commission's public notice. If the Commission takes no action within fourteen (14) days of the date of release of the public notice announcing the projections of demand and administrative expenses, the projections of demand and administrative expenses, and the contribution factor shall be deemed approved by the Commission. Except as provided in § 54.706(c), the Administrator shall apply the quarterly contribution factor, once approved by the Commission, to contributor's interstate and international end-user telecommunications revenues to calculate the amount of individual contributions.

* * * * *

§ 54.711 [Amended]

94. In § 54.711 (b) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

95. Section 54.717 is revised to read as follows:

§ 54.717 Audits of the Administrator.

The Administrator shall obtain and pay for an annual audit conducted by an independent auditor to examine its operations and books of account to determine, among other things, whether the Administrator is properly administering the universal service support mechanisms to prevent fraud, waste, and abuse:

(a) Before selecting an independent auditor, the Administrator shall submit preliminary audit requirements, including the proposed scope of the audit and the extent of compliance and substantive testing, to the Wireline Competition Bureau.

(b) The Wireline Competition Bureau shall review the preliminary audit requirements to determine whether they are adequate to meet the audit objectives. The Wireline Competition Bureau shall prescribe modifications that shall be incorporated into the final audit requirements.

(c) After the audit requirements have been approved by the Wireline Competition Bureau, the Administrator shall engage within thirty (30) calendar days an independent auditor to conduct the annual audit required by this paragraph. In making its selection, the Administrator shall not engage any independent auditor who has been involved in designing any of the accounting or reporting systems under review in the audit.

(d) The independent auditor selected by the Administrator to conduct the annual audit shall be instructed by the Administrator to develop a detailed audit program based on the final audit requirements and shall be instructed by the Administrator to submit the audit program to the Wireline Competition Bureau. The Wireline Competition Bureau shall review the audit program and make modifications, as needed, that shall be incorporated into the final audit program. During the course of the audit, the Wireline Competition Bureau may direct the Administrator to direct the independent auditor to take any actions necessary to ensure compliance with the audit requirements.

(e) During the course of the audit, the Administrator shall instruct the independent auditor to:

(1) Inform the Wireline Competition Bureau of any revisions to the final audit program or to the scope of the audit;

(2) Notify the Wireline Competition Bureau of any meetings with the Administrator in which audit findings are discussed; and

(3) Submit to the Chief of the Wireline Competition Bureau any accounting or rule interpretations necessary to complete the audit.

(f) Within sixty (60) calendar days after the end of the audit period, but prior to discussing the audit findings with the Administrator, the independent auditor shall be instructed by the Administrator to submit a draft of the audit report to the Wireline Competition Bureau.

(g) The Wireline Competition Bureau shall review the audit findings and audit workpapers and offer its recommendations concerning the conduct of the audit or the audit findings to the independent auditor. Exceptions of the Wireline Competition Bureau to the findings and conclusions of the independent auditor that remain unresolved shall be included in the final audit report.

(h) Within fifteen (15) calendar days after receiving the Wireline Competition Bureau's recommendations and making any revisions to the audit report, the Administrator shall instruct the independent auditor to submit the audit report to the Administrator for its response to the audit findings. At this time the auditor also must send copies of its audit findings to the Wireline Competition Bureau. The Administrator shall provide the independent auditor time to perform additional audit work recommended by the Wireline Competition Bureau.

(i) Within thirty (30) calendar days after receiving the audit report, the Administrator shall respond to the audit findings and send copies of its response to the Wireline Competition Bureau. The Administrator shall instruct the independent auditor that any reply that the independent auditor wishes to make to the Administrator's responses shall be sent to the Wireline Competition Bureau as well as the Administrator. The Administrator's response and the independent auditor's replies shall be included in the final audit report;

(j) Within ten (10) calendar days after receiving the response of the

Administrator, the independent auditor shall file with the Commission the final audit report.

(k) Based on the final audit report, the Chief of the Wireline Competition Bureau may take any action necessary to ensure that the universal service support mechanisms operate in a manner consistent with the requirements of this Part, as well as such other action as is deemed necessary and in the public interest.

96. Section 54.722 is amended by revising the section heading and paragraph (a) to read as follows:

§ 54.722 Review by the Wireline Competition Bureau or the Commission.

(a) Requests for review of Administrator decisions that are submitted to the Federal Communications Commission shall be considered and acted upon by the Wireline Competition Bureau; provided, however, that requests for review that raise novel questions of fact, law or policy shall be considered by the full Commission.

* * * * *

97. Section 54.723 is revised to read as follows:

§ 54.723 Standard of review.

(a) The Wireline Competition Bureau shall conduct *de novo* review of request for review of decisions issue by the Administrator.

(b) The Federal Communications Commission shall conduct *de novo* review of requests for review of decisions by the Administrator that involve novel questions of fact, law, or policy; provided, however, that the Commission shall not conduct *de novo* review of decisions issued by the Wireline Competition Bureau under delegated authority.

98. Section 54.724 is revised to read as follows:

§ 54.724 Time periods for Commission approval of Administrator decisions.

(a) The Wireline Competition Bureau shall, within ninety (90) days, take action in response to a request for review of an Administrator decision that is properly before it. The Wireline Competition Bureau may extend the time period for taking action on a request for review of an Administrator decision for a period of up to ninety days. The Commission may also at any time, extend the time period for taking action of a request for review of an Administrator decision pending before the Wireline Competition Bureau.

(b) The Commission shall issue a written decision in response to a request for review of an Administrator decision that involves novel questions of fact, law, or policy within ninety (90) days. The Commission may extend the time period for taking action on the request for review of an Administrator decision. The Wireline Competition Bureau also may extend action on a request for review of an Administrator decision for a period of up to ninety days.

99. Section 54.807 is amended by revising paragraph (c) introductory text to read as follows:

§ 54.807 Interstate access universal service support.

* * * * *

(c) In any study area within which the price cap local exchange carrier has established state approved geographically deaveraged rates for UNE loops, the Administrator shall calculate the Interstate Access Universal Service Support Per Line for each customer class and zone using all eligible telecommunications carriers' base period lines by customer class and zone adjusted for growth during the relevant support period based on the average nationwide annual growth in eligible lines during the three previous years. For the purpose of calculating growth, the Administrator shall use a simple average of annual growth rates for total switched access lines for the three most recent years as reported in the Wireline Competition Bureau Report, Statistics of Communications Common Carriers, Table 6.10—Selected Operating Statistics. Support shall be allocated to lines in the highest cost UNE zone first, and will ''cascade'' to lines in lower cost UNE zones to the extent that sufficient funding is available. Beginning with the zone with the highest Zone Average Revenue Per Line, support will be applied in the following order of priority:

* * * * *

PART 61—TARIFFS

100. The authority citation for part 61 continues to read as follows:

Authority: Secs. 1, 4(i), 4(j), 201–05 and 403 of the Communications Act of 1934, as amended; 47 U.S.C. 151, 154(i), 154(j), 201–05 and 403, unless otherwise noted.

101. Section 61.17 is amended in paragraph (c), in the application format, by revising the line beginning ''Attention:'' to read as follows:

§ 61.17 Method of filing applications for special permission.

* * * * *

(c) * * *

Attention: Wireline Competition Bureau (here provide the statements required by section 61.152).

* * * * **

§ 61.32 [Amended]

102. In § 61.32 (c) remove the words ''Tariff and Pricing Analysis Branch'' and add, in their place, the words ''Pricing Policy Division.''

103. Section 61.33 is amended by revising paragraphs (a)(3) and (g) to read as follows:

§ 61.33 Letters of transmittal.

(a) * * *

(3) State whether copies have been delivered to the Commercial Contractor and the Chief, Pricing Policy Division.

* * * * *

(g) The letter of transmittal must be substantially in the following format:

_____
(Exact name of carrier in full)

_____
(Post Office Address)

_____
(Date)

_____
Transmittal No.

Secretary, Federal Communications Commission; Washington, DC 20554

Attention: Wireline Competition Bureau

The accompanying tariff (or other publication) issued by _____, and bearing FCC No. _____, effective _____, 20 __, is sent to you for filing in compliance with the requirements of the Communications Act of 1934, as amended. (Here give the additional information required.)

_____
(Name of issuing officer or agent)

_____
(Title)

* * * * *

§ 61.38 [Amended]

104. In § 61.38 (c)(1) remove the words ''Tariff and Pricing Analysis Branch'' and add, in their place, the words ''Pricing Policy Division.''

§ 61.58 [Amended]

105. In § 61.58 (a)(2)(iii) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

106. Section 61.153 is amended by revising paragraph (c) to read as follows:

§ 61.153 Method of filing applications.

* * * * *

(c) In addition to the requirements set forth in paragraphs (a) and (b) of this section, the issuing carrier must send a copy of the application letter with all attachments to the Secretary, Federal Communications Commission and a separate copy with all attachments to the Chief, Pricing Policy Division. If a

carrier applies for special permission to revise joint tariffs, the application must state that it is filed on behalf of all carriers participating in the affected service. Applications must be numbered consecutively in a series separate from FCC tariff numbers, bear the signature of the officer or agent of the carrier, and be in the following format:

_____
Application No.

_____
(Date)

_____
Secretary
Federal Communications Commission, Washington, DC 20554.
Attention: Wireline Competition Bureau (here provide the statements required by Sec. 61.152).
(Exact name of carrier) _____
(Name of officer or agent) _____
(Title of officer or agent) _____

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

107. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 154, 47 U.S.C. 225, 47 U.S.C. 251(e)(1), 151, 154, 201, 202, 205, 218–220, 254, 302, 303, and 337 unless otherwise noted. Interpret or apply sections 201, 218, 225, 226, 227, 229, 332, 48 Stat. 1070, as amended, 47 U.S.C. 201–204, 208, 225, 226, 227, 229, 332, 501 and 503, unless otherwise noted.

§ 64.604 [Amended]

108. In § 64.604 (c)(5)(iii)(B) and (c)(5)(iii)(I) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 64.605 [Amended]

109. In § 64.605 (a) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 64.903 [Amended]

110. In § 64.903(b) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

111. Section 64.904 amends paragraphs (b) and (c) which was published at 67 FR 5702, February 6, 2002 to read as follows:

§ 64.904 Independent audits.

* * * * *

(b) The attest engagement shall be an examination engagement and shall provide a written communication that expresses an opinion that the systems, processes, and procedures applied by the carrier to generate the results reported pursuant to § 43.21(e)(2) of this chapter comply with the Commission's Joint Cost Orders issued in conjunction with CC Docket No. 86–111, the Commission's Accounting Safeguards proceeding in CC Docket No. 96–150, and the Commission's rules and regulations including §§ 32.23 and 32.27 of this chapter, and § 64.901, and § 64.903 in force as of the date of the auditor's report. At least 30 days prior to beginning the attestation engagement, the independent auditors shall provide the Commission with the audit program. The attest engagement shall be conducted in accordance with the attestation standards established by the American Institute of Certified Public Accountants, except as otherwise directed by the Chief, Enforcement Bureau.

(c) The biennial financial audit shall provide a positive opinion on whether the applicable date shown in the carrier's annual report required by § 43.21(e)(2) of this chapter present fairly, in all material respects, the information of the Commission's Joint Cost Orders issued in conjunction with CC Docket No. 86–111, the Commission's Accounting Safeguards proceeding in CC Docket No. 96–150, and the Commission's rules and regulations including §§ 32.23 and 32.27 of this chapter, and § 64.901, and § 64.903 in force as of the date of the auditor's report. The audit shall be conducted in accordance with generally accepted auditing standards, except as otherwise directed by the Chief, Enforcement Bureau. The report of the independent auditor shall be filed at the time that the carrier files the annual reports required by § 43.21(e)(2) of this chapter.

112. In Appendix A to part 64 is amended by revising paragraph 6. b. (2)(m) to read as follows:

Appendix A To Part 64—Telecommunications Service Priority (TSP) System for National Security Emergency Preparedness (NSEP)

* * * * *

6. * * *
b. * * *
(2) * * *
(m) All reports submitted to the FCC should be directed to Chief, Wireline Competition Bureau, Washington, DC 20554.

* * * * *

PART 65—INTERSTATE RATE OF RETURN PRESCRIPTION PROCEDURES AND METHODOLOGIES

113. The authority citation for part 65 continues to read as follows:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat., 1066, 1072, 1077, 1094, as amended, 47 U.S.C. 151, 154, 201, 202, 203, 204, 205, 218, 219, 220, 404.

114. Section 65.101 is amended by revising paragraph (c) to read as follows:

§ 65.101 Initiation of unitary rate of return prescription proceedings.

* * * * *

(c) The Chief, Wireline Competition Bureau, may issue the notice described in § 65.101(a).

§ 65.103 [Amended]

115. In § 65.103 (a) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 65.105 [Amended]

116. In § 65.105 (a) and (d) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau'' each place it appears.

§ 65.820 [Amended]

117. In § 65.820 (d) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

118. The authority citation for part 68 continues to read as follows:

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

§ 68.211 [Amended]

119. In § 68.211 (b) remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Wireline Competition Bureau.''

§ 68.317 [Amended]

120. In § 68.317 (g) remove the words ''Consumer Information Bureau'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau.''

§ 68.420 [Amended]

121. In § 68.420 (b) remove the words ''Consumer Information Bureau'' and add, in their place, the words ''Consumer and Governmental Affairs Bureau'' each place it appears and remove the words ''Common Carrier Bureau'' and add, in their place, the words ''Enforcement Bureau.''

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

122. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of

1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

123. Section 90.7 is amended by revising the definition of ''*MTA-based license or MTA license*'' to read as follows:

§ 90.7 Definitions.

* * * * *

MTA-based license or MTA license. A license authorizing the right to use a specified block of SMR spectrum within one of the 51 Major Trading Areas (''MTAs''), as embodied in Rand McNally's Trading Area System MTA Diskette and geographically represented in the map contained in Rand McNally's Commercial Atlas & Marketing Guide (the ''MTA Map''). The MTA Listings, the MTA Map and the Rand McNally/AMTA license agreement are available for public inspection at the Reference Information Center in the Consumer and Governmental Affairs Bureau.

* * * * *

[FR Doc. 02–6352 Filed 3–20–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 21, 73, 74, 76 and 78

[DA 02–577]

Establishment of the Media Bureau and Other Organizational Changes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document amends the Commission's rules to reflect the reorganization of the existing Cable Services and Mass Media Bureaus into a new Media Bureau. The Commission also transfers the Multipoint Distribution and Instructional Television Fixed Services from the Mass Media Bureau to the Wireless Telecommunications Bureau. This rule will promote a more efficient and effective organizational structure.

DATES: Effective March 25, 2002.

FOR FURTHER INFORMATION CONTACT: Susan Mort, 202–418–1043.

SUPPLEMENTARY INFORMATION: To promote a more efficient and effective organizational structure, the Commission has concluded that the proper dispatch of its business and the public interest will best be served by consolidating the existing Cable Services and Mass Media Bureaus into a Media Bureau. In the Order adopted March 11, 2002 and released March 14, 2002, we amend the Commission's Rules to make conforming changes reflecting the name of the new Bureau. The Order also transfers the Multipoint Distribution and Instructional Television Fixed Services from the Mass Media Bureau to the Wireless Telecommunications Bureau.

Authority for the adoption of the foregoing revisions is contained in sections 4(i), 5(b), 5(c) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(b), 155(c) and 303(r).

The amendments adopted herein pertain to agency organization, procedure and practice. Consequently, the notice and comment provision of the Administrative Procedure Act contained in 5 U.S.C. 553(b) is inapplicable.

Accordingly, it is ordered that parts 21, 73, 74, 76 and 78 of the Commission's rules, set forth in Title 47 of the Code of Federal Regulations, are amended effective March 25, 2002.

List of Subjects

47 CFR Part 21

Communications common carriers, Radio.

47 CFR Part 73

Radio, Television.

47 CFR Part 74

Radio, Television.

47 CFR Part 76

Cable television.

47 CFR Part 78

Cable television, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

For the reasons stated in the preamble, The Federal Communications Commission amends 47 CFR parts 21, 73, 74, 76 as follows:

PART 21—DOMESTIC PUBLIC FIXED RADIO SERVICES

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

Authority: Secs. 1, 2, 4, 201–205, 208, 215, 218, 303, 307, 313, 403, 404, 410, 602, 48 Stat. as amended, 1064, 1066, 1070–1073, 1076, 1077, 1080, 1082, 1083, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 154, 201–205, 208, 215, 218, 303, 307, 313, 314, 403, 404, 602; 47 U.S.C. 552, 554.

2. Section 21.6 is amended by revising paragraph (c) to read as follows:

§ 21.6 Filing of applications, fees, and number of copies.

* * * * *

(c) All correspondence or amendments concerning a submitted application shall clearly identify the radio service, the name of the applicant, station location, and the Commission file number (if known) or station call sign of the application involved. All correspondence or amendments concerning a submitted application may be sent directly to the Wireless Telecommunications Bureau.

* * * * *

3. Section 21.303 is amended by revising paragraphs (a), (b) and (c) to read as follows:

§ 21.303 Discontinuance, reduction or impairment of service.

(a) If the public communication service provided by a station subject to this rule part is involuntarily discontinued, reduced or impaired for a period exceeding 48 hours, the station licensee shall promptly give notification thereof in writing to the Wireless Telecommunications Bureau at Washington, DC 20554. In every such case, the licensee shall furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service, including a statement as to when normal service is expected to be resumed. When normal service is resumed, prompt notification thereof shall be given in writing to the Wireless Telecommunications Bureau at Federal Communications Commission, Washington, DC 20554.

(b) No station licensee subject to title II of the Communications Act of 1934, as amended, shall voluntarily discontinue, reduce or impair public communication service to a community or part of a community without obtaining prior authorization from the Commission pursuant to the procedures set forth in part 63 of this chapter or complying with the requirements set forth at § 21.910. In the event that permanent discontinuance of service is authorized by the Commission, the station licensee shall promptly send the station license for cancellation to the Wireless Telecommunications Bureau at Federal Communications Commission, Washington, DC 20554, except that station licenses need not be surrendered for cancellation if the discontinuance is a result of a change of status by a Multipoint Distribution Service licensee from common carrier to non-common carrier pursuant to § 21.910.

(c) Any station licensee, not subject to title II of the Communications Act of 1934, as amended, who voluntarily discontinues, reduces or impairs public communication service to a community or a part of a community shall give written notification to the Commission within 7 days thereof. In the event of permanent discontinuance of service,

the station licensee shall promptly send the station license for cancellation to the Wireless Telecommunications Bureau at Federal Communications Commission, Washington, DC 20554, except that Multipoint Distribution Service station licenses need not be surrendered for cancellation if the discontinuance is a result of a change of status by a Multipoint Distribution Service licensee from non-common carrier to common carrier.

* * * * *

PART 73—RADIO BROADCAST SERVICES

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

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

5. Section 73.45 is amended by revising paragraph (c)(2) to read as follows:

§ 73.45 AM antenna systems.

* * * * *

(c) * * *

(2) Whenever AM stations use direct reading power meters pursuant to § 73.51, a letter notification to the FCC in Washington, DC, Attention: Audio Division, Media Bureau, must be filed in accordance with § 73.54(e).

6. Section 73.54 is amended by revising paragraph (c) introductory text to read as follows:

§ 73.54 Antenna resistance and reactance measurements.

* * * * *

(c) A letter of notification must be filed with the FCC in Washington, DC, Attention: Audio Division, Media Bureau, when determining power by the direct method pursuant to § 73.51. The letter must specify the antenna or common point resistance at the operating frequency. The following information must also be kept on file at the station:

* * * * *

7. Section 73.58 is amended by revising paragraph (e) to read as follows:

§ 73.58 Indicating instruments.

* * * * *

(e) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, information requested in accordance with § 73.3549 may be filed by letter with the FCC in Washington, DC, Attention: Audio Division, Media Bureau, to request additional time as may be required to complete repairs of the defective instrument.

8. Section 73.68 is amended by revising paragraphs (b), including the Note to paragraph (b), and (d)(1) to read as follows:

§ 73.68 Sampling systems for antenna monitors.

* * * * *

(b) A station having an antenna sampling system constructed according to the specifications given in paragraph (a) of this section may obtain approval of that system by submitting an informal letter request to the FCC in Washington, DC, Attention: Audio Division, Media Bureau. The request for approval, signed by the licensee or authorized representative, must contain sufficient information to show that the sampling system is in compliance with all requirements of paragraph (a) of this section.

Note to paragraph (b): A public notice dated December 9, 1985 giving additional information on approval of antenna sampling systems is available through the Internet at http://www.fcc.gov/mb/audio/decdoc/letter/1985–12–09-sample.html.

* * * * *

(d) * * *

(1) Special Temporary Authority (see § 73.1635) shall be requested and obtained from the Commission's Audio Division, Media Bureau in Washington to operate with parameters at variance with licensed values pending issuance of a modified license specifying parameters subsequent to modification or replacement of components.

* * * * *

9. Section 73.69 is amended by revising paragraphs (c) and (d) (5) to read as follows:

§ 73.69 Antenna monitors.

* * * * *

(c) If conditions beyond the control of the licensee prevent the restoration of the monitor to service within the allowed period, an informal letter request in accordance with § 73.3549 of the Commission's rules must be filed with the FCC, Attention: Audio Division, Media Bureau in Washington, DC for such additional time as may be required to complete repairs of the defective instrument.

(d) * * *

(5) An informal letter request for modification of license shall be submitted to the FCC, Attention: Audio Division, Media Bureau in Washington, DC within 30 days of the date of monitor replacement. Such request shall specify the make, type, and serial number of the replacement monitor, phase and sample current indications, and other data obtained pursuant to this paragraph (d).

* * * * *

10. Section 73.258 is amended by revising paragraph (d) to read as follows:

§ 73.258 Indicating instruments.

* * * * *

(d) If conditions beyond the control of the licensee prevent the restoration of the meter to service within the above allowed period, an informal letter request in accordance with § 73.3549 may be filed with the FCC, Attention: Audio Division, Media Bureau, in Washington, DC for such additional time as may be required to complete repairs of the defective instrument.

11. Section 73.561 is amended by revising paragraphs (c) and (d) and redesignating Notes 1 and 2 as Notes 1 and 2 to § 73.561 and revising them to read as follows:

§ 73.561 Operating schedule; time sharing.

* * * * *

(c) A departure from the regular schedule set forth in a time-sharing agreement will be permitted only in cases where a written agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby, and is filed in triplicate by each licensee with the Commission, Attention: Audio Division, Media Bureau, prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of the written agreement, provided that appropriate notice is sent to the Commission in Washington, DC, Attention: Audio Division, Media Bureau.

(d) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraph (a) or (b) of this section or to continue operating, the station may limit or discontinue operation for a period not exceeding 30 days without further authority from the Commission provided that notification is sent to the Commission in Washington, DC, Attention: Audio Division, Media Bureau, no later than the 10th day of limited or discontinued operation. During such period, the permittee shall continue to adhere to the requirements of the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the permittee or licensee will notify the FCC, Attention: Audio Division of the date that normal operations resumed. If

causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, Special Temporary Authority (see § 73.1635) must be requested to remain silent for such additional time as deemed necessary. The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12 month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of license to the contrary.

Note 1 to § 73.561: For allocations purposes, both (all) stations sharing time will be treated as unlimited time stations.

Note 2 to § 73.561: See §§ 73.1705, 73.1715, and 73.1740.

* * * * *

12. Section 73.607 is amended by revising paragraph (b) to read as follows:

§ 73.607 Availability of channels.

* * * * *

(b) Notwithstanding paragraph (a) of this section, an application may be filed for a channel or community not listed in the TV Table of Allotments if it is consistent with the rules and policies established in the Third Report and Order in WT Docket 99–168 (FCC 01–25), adopted January 18, 2001. Where such a request is approved, the Media Bureau will change the Table of Allotments to reflect that approval.

13. Section 73.622 is amended by revising paragraph (c)(2) to read as follows:

§ 73.622 Digital television table of allotments.

* * * * *

(c) * * *

(2) Notwithstanding paragraph (c)(1) of this section, an application may be filed for a channel or community not listed in the DTV Table of Allotments if it is consistent with the rules and policies established in the Third Report and Order in WT Docket 99–168 (FCC 01–25), adopted January 18, 2001. Where such a request is approved, the Media Bureau will change the DTV Table of Allotments to reflect that approval.

* * * * *

14. Section 73.624 is amended by revising paragraph (d)(3)(i) to read as follows:

§ 73.624 Digital television broadcast stations.

* * * * *

(d) * * *

(3) * * * (i) Authority is delegated to the Chief, Media Bureau to grant an extension of time of up to six months beyond the relevant construction deadline specified in paragraph (d)(1) of this section upon demonstration by the DTV licensee or permittee that failure to meet that construction deadline is due to circumstances that are either unforeseeable or beyond the licensee's control where the licensee has taken all reasonable steps to resolve the problem expeditiously.

* * * * *

15. Section 73.872 is amended by revising paragraph (c)(2) to read as follows:

§ 73.872 Selection procedure for mutually exclusive LPFM applications.

* * * * *

(c) * * *

(2) Where a station is licensed pursuant to a time-sharing proposal, a change of the regular schedule set forth therein will be permitted only where a written agreement signed by each time-sharing licensee and complying with requirements in paragraphs (c)(1)(i) through (iii) of this section is filed with the Commission, Attention: Audio Division, Media Bureau, prior to the date of the change.

* * * * *

16. Section 73.1125 is amended by revising paragraph (d)(2) to read as follows:

§ 73.1125 Station main studio location.

* * * * *

(d) * * *

(2) Written authority to locate a main studio outside the locations specified in paragraph (a) or (c) of this section for the first time must be obtained from the Audio Division, Media Bureau for AM and FM stations, or the Video Division for TV and Class A television stations before the studio may be moved to that location. Where the main studio is already authorized at a location outside those specified in paragraph (a) or (c) of this section, and the licensee or permittee desires to specify a new location also located outside those locations, written authority must also be received from the Commission prior to the relocation of the main studio. Authority for these changes may be requested by filing a letter with an explanation of the proposed changes with the appropriate division. Licensees or permittees should also be aware that the filing of such a letter request does not imply approval of the relocation request, because each request is addressed on a case-by-case basis. A filing fee is required for commercial AM, FM, TV or Class A TV licensees or permittees filing a letter request under the section (see § 1.1104 of this chapter).

* * * * *

17. Section 73.1350 is amended by revising paragraph (g) to read as follows:

§ 73.1350 Transmission system operation.

* * * * *

(g) Whenever a transmission system control point is established at a location other than the main studio or transmitter, a letter of notification of that location must be sent to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, within 3 days of the initial use of that point. The letter should include a list of all control points in use, for clarity. This notification is not required if responsible station personnel can be contacted at the transmitter or studio site during hours of operation.

* * * * *

18. Section 73.1560 is amended by revising paragraph (d) to read as follows:

§ 73.1560 Operating power and mode tolerances.

* * * * *

(d) *Reduced power operation.* In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, not later than the 10th day of the lower power operation. In the event that normal power is restored within the 30 day period, the licensee must notify the FCC of the date that normal operation was restored. If causes beyond the control of the licensee prevent restoration of the authorized power within 30 days, a request for Special Temporary Authority (see § 73.1635) must be made to the FCC in Washington, DC for additional time as may be necessary.

19. Section 73.1680 is amended by revising paragraph (b) introductory text to read as follows:

§ 73.1680 Emergency antennas.

* * * * *

(b) Prior authority from the FCC is not required by licensees and permittees to erect and commence operations using an emergency antenna to restore program service to the public. However, an informal letter request to continue operation with the emergency antenna

must be made within 24 hours to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, within 24 hours after commencement of its use. The request is to include a description of the damage to the authorized antenna, a description of the emergency antenna, and the station operating power with the emergency antenna.

* * * * *

20. Section 73.1750 is revised to read as follows:

§ 73.1750 Discontinuance of operation.

The licensee of each station shall notify by letter the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, of the permanent discontinuance of operation at least two days before operation is discontinued. Immediately after discontinuance of operation, the licensee shall forward the station license and other instruments of authorization to the FCC, Attention: Audio Division (radio) or Video Division (television), Media Bureau, for cancellation. The license of any station that fails to transmit broadcast signals for any consecutive 12 month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary. If a licensee surrenders its license pursuant to an interference reduction agreement, and its surrender is contingent on the grant of another application, the licensee must identify in its notification the contingencies involved.

21. Section 73.3544 is amended by revising paragraph (b) introductory text to read as follows:

§ 73.3544 Application to obtain a modified station license.

* * * * *

(b) An informal application, see § 73.3511(b), may be filed with the FCC in Washington, DC, Attention: Audio Division (radio) or Video Services Division (television), Media Bureau, to cover the following changes:

* * * * *

22. Section 73.3549 is revised to read as follows:

§ 73.3549 Requests for extension of time to operate without required monitors, indicating instruments, and EAS encoders and decoders.

Requests for extension of authority to operate without required monitors, transmission system indicating instruments, or encoders and decoders for monitoring and generating the EAS codes and Attention Signal should be made to the FCC in Washington, DC, Attention: Audio Division (radio) or Video Division (television), Media Bureau. Such requests must contain information as to when and what steps were taken to repair or replace the defective equipment and a brief description of the alternative procedures being used while the equipment is out of service.

23. Section 73.3562 is revised to read as follows:

§ 73.3562 Staff consideration of applications not requiring action by the Commission.

Those applications which do not require action by the Commission but which, pursuant to the delegations of authority set forth in subpart B of part 0 of this chapter, may be acted upon by the Chief, Media Bureau, are forwarded to the Media Bureau for necessary action. If the application is granted, the formal authorization is issued. In any case where it is recommended that the application be set for hearing, where a novel question of policy is presented, or where the Chief, Media Bureau desires instructions from the Commission, the matter is placed on the Commission agenda.

24. Section 73.3564 is amended by revising paragraph (a)(1) to read as follows:

§ 73.3564 Acceptance of applications.

(a)(1) Applications tendered for filing are dated upon receipt and then forwarded to the Media Bureau, where an administrative examination is made to ascertain whether the applications are complete. Except for applications for minor modifications of facilities in the non-reserved FM band, as defined in § 73.3573(a)(2), long form applications subject to the provisions of § 73.5005 found to be complete or substantially complete are accepted for filing and are given file numbers. In the case of minor defects as to completeness, a deficiency letter will be issued and the applicant will be required to supply the missing or corrective information. Applications that are not substantially complete will not be considered and will be returned to the applicant.

* * * * *

25. Section 73.3617 is revised to read as follows:

§ 73.3617 Information available on the Internet.

The Media Bureau and each of its Divisions provide information on the Internet regarding rules and policies, pending and completed rulemakings, and pending applications. These sites also include copies of public notices and texts of recent decisions. The Media Bureau's address is *http://www.fcc.gov/mb/*; the Audio Division's address is *http:// www.fcc.gov/mmb/audio*; the Video Division's address is *http:// www.fcc.gov/mb/video*; the Policy Division's address is *http:// www.fcc.gov/mb/policy*; the Engineering Division's address is *http:// www.fcc.gov/mb/engineering*; and the Industry Analysis Division's address is *http://www.fcc.gov/mb/industry_analysis.*

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

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

Authority: 47 U.S.C. 154, 303, 307, 336(f), and 554.

27. Section 74.734 is amended by revising paragraph (a)(4) to read as follows:

§ 74.734 Attended and unattended operation.

(a) * * *

(4) A letter notification must be filed with the FCC in Washington, DC, Attention: Video Division, Media Bureau, providing the name, address, and telephone number of a person or persons who may be called to secure suspension of operation of the transmitter promptly should such action be deemed necessary by the FCC. Such information shall be kept current by the licensee.

* * * * *

28. Section 74.751 is amended by revising paragraph (c) to read as follows:

§ 74.751 Modification of transmission systems.

* * * * *

(c) Other equipment changes not specifically referred to in paragraphs (a) and (b) of this section may be made at the discretion of the licensee, provided that the FCC in Washington, DC, Attention: Video Division, Media Bureau, is notified in writing upon the completion of such changes.

* * * * *

29. Section 74.763 is amended by revising paragraph (b) to read as follows:

§ 74.763 Time of operation.

* * * * *

(b) In the event that causes beyond the control of the low power TV or TV translator station licensee make it impossible to continue operating, the licensee may discontinue operation for a period of not more than 30 days

without further authority from the FCC. Notification must be sent to the FCC in Washington, DC, Attention: Video Division, Media Bureau, not later than the 10th day of discontinued operation. During such period, the licensee shall continue to adhere to the requirements in the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the FCC in Washington, DC, Attention: Video Division, Media Bureau, shall be notified in writing of the date normal operations resumed. If causes beyond the control of the licensee make it impossible to comply within the allowed period, a request for Special Temporary Authority (see § 73.1635 of this chapter) shall be made to the FCC no later than the 30th day for such additional time as may be deemed necessary.

* * * * *

30. Section 74.784 is amended by revising paragraph (b) to read as follows:

§ 74.784 Rebroadcasts.

* * * * *

(b) The licensee of a low power TV or TV translator station shall not rebroadcast the programs of any other TV broadcast station or other station authorized under the provisions of this Subpart without obtaining prior consent of the station whose signals or programs are proposed to be retransmitted. The FCC, Attention: Video Division, Media Bureau, shall be notified of the call letters of each station rebroadcast, and the licensee of the low power TV or TV broadcast translator station shall certify it has obtained written consent from the licensee of the station whose programs are being retransmitted.

* * * * *

31. Section 74.931 is amended by revising the first paragraph (k) and redesignating the second paragraph (k) as paragraph (l) to read as follows:

§ 74.931 Purpose and permissible service.

* * * * *

(k) The provisions of paragraph (h) of this section will not apply to ITFS excess capacity leased directly or indirectly to cable operators or affiliates to provide locally-produced programming to cable headends. Locally-produced programming is programming produced in or near the cable operator's franchise area and not broadcast on a television station available within that franchise area. A cable operator or affiliate will be permitted to lease ITFS excess capacity equivalent to one MDS channel within 32 km (20 miles) of the cable television franchise area or service area for this purpose, and, within 32 km (20 miles) of the cable television franchise area or service area, no more ITFS excess capacity than the equivalent of one MDS channel may be used by a cable television company or affiliate pursuant to this paragraph (k). The licensee for a cable operator providing local programming pursuant to a lease must include in a notice filed with the Wireless Telecommunications Bureau a cover letter explicitly identifying its lessee as a local cable operator or affiliate and stating that the lease was executed to facilitate the provision of local programming. The first lease notification for an MDS or ITFS channel in an area filed with the Commission will be entitled to the exemption. The limitations on the equivalent of one MDS channel per party and per area include any cable/ITFS operations grandfathered pursuant to paragraph (l) of this section or any cable/MDS operations grandfathered pursuant to § 21.912(f) of this chapter. Local programming service pursuant to a lease must be provided within one year of the date of the lease or one year of the grant of the licensee's application for the leased channel(s), whichever is later.

* * * * *

32. Section 74.1234 is amended by revising paragraph (a)(4) to read as follows:

§ 74.1234 Unattended operation.

(a) * * *

(4) The FCC in Washington, DC, Attention: Audio Division, Media Bureau, shall be supplied by letter with the name, address, and telephone number of a person or persons who may be contacted to secure suspension of operation of the translator promptly should such action be deemed necessary by the Commission. Such information shall be kept current by the licensee.

* * * * *

33. Section 74.1290 is revised to read as follows:

§ 74.1290 FM translator and booster station information available on the internet.

The Media Bureau's Audio Division provides information on the Internet regarding FM translator and booster stations, rules, and policies at *http://www.fcc.gov/mb/audio.*

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

34. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

35. Section 76.7 is amended by revising paragraph (g)(3) to read as follows:

§ 76.7 General special relief, waiver, enforcement, complaint, show cause, forfeiture, and declaratory ruling procedures.

* * * * *

(g) * * *

(3) Unless otherwise directed by the Commission, or upon motion by the Media Bureau Chief, the Media Bureau Chief shall not be deemed to be a party to a proceeding designated for a hearing before an administrative law judge pursuant to this paragraph (g).

* * * * *

36. Section 76.501 is amended by revising Note 5 to read as follows:

§ 76.501 Cross-ownership.

* * * * *

Note 5 to § 76.501: Certifications pursuant to this section and these notes shall be sent to the attention of the Media Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

* * * * *

37. Section 76.503 is amended by revising Note 1 to read as follows:

§ 76.503 National subscriber limits.

* * * * *

Note 1 to § 76.503: Certifications made under this section shall be sent to the attention of the Media Bureau, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

* * * * *

38. Section 76.630 is amended by revising paragraph (a) to read as follows:

§ 76.630 Compatibility with consumer electronics equipment.

(a) Cable system operators shall not scramble or otherwise encrypt signals carried on the basic service tier. Requests for waivers of this prohibition must demonstrate either a substantial problem with theft of basic tier service or a strong need to scramble basic signals for other reasons. As part of this showing, cable operators are required to notify subscribers by mail of waiver requests. The notice to subscribers must be mailed no later than thirty calendar days from the date the request waiver was filed with the Commission, and cable operators must inform the Commission in writing, as soon as possible, of that notification date. The notification to subscribers must state:

On (date of waiver request was filed with the Commission), (cable operator's name)

filed with the Federal Communications Commission a request for waiver of the rule prohibiting scrambling of channels on the basic tier of service. 47 CFR 76.630(a). The request for waiver states (a brief summary of the waiver request). A copy of the request for waiver is on file for public inspection at (the address of the cable operator's local place of business).

Individuals who wish to comment on this request for waiver should mail comments to the Federal Communications Commission by no later than 30 days from (the date the notification was mailed to subscribers). Those comments should be addressed to the: Federal Communications Commission, Media Bureau, Washington, DC 20554, and should include the name of the cable operator to whom the comments are applicable. Individuals should also send a copy of their comments to (the cable operator at its local place of business). Cable operators may file comments in reply no later than 7 days from the date subscriber comments must be filed.

* * * * *

39. Section 76.934 is amended by revising paragraph (h)(5)(iii) to read as follows:

§ 76.934 Small systems and small cable companies.

* * * * *

(h) * * *

(5) * * *

(iii) A system may file with the Media Bureau an interlocutory appeal from any decision by the franchising authority requesting information from the system or tolling the effective date of a system's proposed rates. The appeal may be made by an informal letter to the Chief of the Media Bureau, served on the franchising authority. The franchising authority must respond within seven days of its receipt of the appeal and shall serve the operator with its response. The operator shall have four days from its receipt of the response in which to file a reply, if desired. If the maximum rate established on Form 1230 does not exceed $1.24 per channel, the burden shall be on the franchising authority to show the reasonableness of its order. If the maximum rate established on Form 1230 exceeds $1.24 per channel, the burden shall be on the operator to show the unreasonableness of the order.

* * * * *

40. Section 76.1003 is amended by revising paragraph (h)(3)(iii)(C)(*2*) to read as follows:

§ 76.1003 Program access proceedings.

* * * * *

(h) * * *

(3) * * *

(iii)* * *

(C)* * *

(*2*) Issues concerning the amount of damages may be designated by the Chief, Media Bureau for hearing before, or, if the parties agree, submitted for mediation to, a Commission Administrative Law Judge.

* * * * *

41. Section 76.1502 is amended by revising paragraphs (d)(2) and (e)(2) to read as follows:

§ 76.1502 Certification.

* * * * *

(d)* * *

(2) Parties are required to attach a cover sheet to the filing indicating that the submission is an open video system certification application. The only wording on this cover sheet shall be ''Open Video System Certification Application'' and ''Attention: Media Bureau.'' This wording shall be located in the center of the page and should be in letters at least ½ inch in size. Parties shall also include the words ''open video systems'' on their mailing envelope.

(e)* * *

(2) Parties wishing to respond to a FCC Form 1275 filing must submit comments or oppositions with the Office of the Secretary and the Bureau Chief, Media Bureau. Comments will not be considered properly filed unless filed with both of these Offices. Parties are required to attach a cover sheet to the filing indicating that the submission is a pleading related to an open video system application, the only wording on this cover sheet shall be ''Open Video System Certification Application Comments.'' This wording shall be located in the center of the page and should be in letters at least 1/2 inch in size. Parties shall also include the words ''open video systems'' on their mailing envelopes.

* * * * *

42. Section 76.1503 is amended by revising paragraph (b)(1) introductory text to read as follows:

§ 76.1503 Carriage of video programming providers on open video systems.

* * * * *

(b) * * *

(1) *Notification.* An open video system operator shall file with the Secretary of the Federal Communications Commission a ''Notice of Intent'' to establish an open video system, which the Commission will release in a Public Notice. Parties are required to attach a cover sheet to the filing indicating that the submission is an Open Video System Notice of Intent. The only wording on this cover sheet shall be ''Open Video System Notice of Intent'' and ''Attention: Media Bureau.'' This wording shall be located in the center of the page and should be in letters at least ½ inch in size. Parties shall also include the words ''open video systems'' on their mailing envelopes. Parties must submit copies of the Notice of Intent with the Office of the Secretary and the Bureau Chief, Media Bureau. The Notice of Intent shall include the following information:

* * * * *

PART 78—CABLE TELEVISION RELAY SERVICE

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

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

44. Section 78.20 is amended by revising paragraph (a) to read as follows:

§ 78.20 Acceptance of applications; public notice.

(a) Applications which are tendered for filing in Washington, DC, are dated upon receipt and then forwarded to the Media Bureau where an administrative examination is made to ascertain whether the applications are complete. Applications found to be complete or substantially complete, are accepted for filing and are given a file number. In case of minor defects as to completeness, the applicant will be required to supply the missing information. Applications which are not substantially complete will be returned to the applicant. Applications requiring fees as set forth at part 1, subpart G, of this chapter must be filed in accordance with § 0.401(b) of this chapter.

* * * * *

[FR Doc. 02–6353 Filed 3–20–02; 8:45 am]

BILLING CODE 6712–01–P

Federal Register

Thursday,
March 21, 2002

Part III

The President

Executive Order 13259—Designation of Public International Organizations for Purposes of the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977

Executive Order 13260—Establishing the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security

Executive Order 13261—Providing an Order of Succession in the Environmental Protection Agency and Amending Certain Orders on Succession

Federal Register
Vol. 67, No. 55
Thursday, March 21, 2002

Presidential Documents

Title 3—

The President

Executive Order 13259 of March 19, 2002

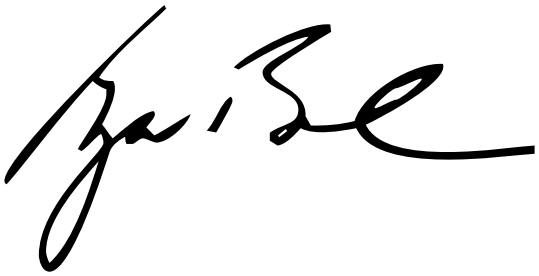
Designation of Public International Organizations for Purposes of the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 30A(f)(1)(B)(ii) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1(f)(1)(B)(ii)) and sections 104(h)(2)(B)(ii) and 104A(f)(2)(B)(ii) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)(2)(B)(ii), 78dd–3(f)(2)(B)(ii)), I hereby designate as ''public international organizations'' for the purposes of application of section 30A of the Securities Exchange Act of 1934 and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977:

(a) The European Union, including: the European Communities (the European Community, the European Coal & Steel Community, and the European Atomic Energy Community); institutions of the European Union, such as the European Commission, the Council of the European Union, the European Parliament, the European Court of Justice, the European Court of Auditors, the Economic and Social Committee, the Committee of the Regions, the European Central Bank, and the European Investment Bank; and any departments, agencies, and instrumentalities thereof; and

(b) The European Police Office (Europol), including any departments, agencies, and instrumentalities thereof.

Designation in this Executive Order is intended solely to further the purposes of the statutes mentioned above and is not determinative of whether an entity is a public international organization for the purpose of other statutes or regulations.



THE WHITE HOUSE,
March 19, 2002.

[FR Doc. 02–07085
Filed 03–20–02; 12:10 pm]
Billing code 3195–01–P

Federal Register

Thursday,
March 21, 2002

Part III

The President

Executive Order 13259—Designation of Public International Organizations for Purposes of the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977

Executive Order 13260—Establishing the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security

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Federal Register
Vol. 67, No. 55
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Presidential Documents

Title 3—

The President

Executive Order 13259 of March 19, 2002

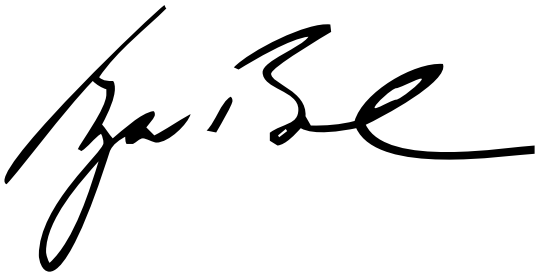
Designation of Public International Organizations for Purposes of the Securities Exchange Act of 1934 and the Foreign Corrupt Practices Act of 1977

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 30A(f)(1)(B)(ii) of the Securities Exchange Act of 1934 (15 U.S.C. 78dd–1(f)(1)(B)(ii)) and sections 104(h)(2)(B)(ii) and 104A(f)(2)(B)(ii) of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2(h)(2)(B)(ii), 78dd–3(f)(2)(B)(ii)), I hereby designate as ''public international organizations'' for the purposes of application of section 30A of the Securities Exchange Act of 1934 and sections 104 and 104A of the Foreign Corrupt Practices Act of 1977:

(a) The European Union, including: the European Communities (the European Community, the European Coal & Steel Community, and the European Atomic Energy Community); institutions of the European Union, such as the European Commission, the Council of the European Union, the European Parliament, the European Court of Justice, the European Court of Auditors, the Economic and Social Committee, the Committee of the Regions, the European Central Bank, and the European Investment Bank; and any departments, agencies, and instrumentalities thereof; and

(b) The European Police Office (Europol), including any departments, agencies, and instrumentalities thereof.

Designation in this Executive Order is intended solely to further the purposes of the statutes mentioned above and is not determinative of whether an entity is a public international organization for the purpose of other statutes or regulations.



THE WHITE HOUSE,
March 19, 2002.

[FR Doc. 02–07085
Filed 03–20–02; 12:10 pm]
Billing code 3195–01–P

Presidential Documents

Executive Order 13260 of March 19, 2002

Establishing the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *President's Homeland Security Advisory Council.*

(a) *Establishment and Membership.* I hereby establish the President's Homeland Security Advisory Council (PHSAC). The PHSAC shall be composed of not more than 21 members appointed by the President. In addition, the Chair and the Vice Chair of the National Infrastructure Advisory Council; the Chairman of the President's National Security Telecommunications Advisory Committee; and the Chair of the Panel on the Science and Technology of Combating Terrorism, President's Council of Advisors on Science and Technology, shall serve as ex officio members of the PHSAC. The appointed members of the PHSAC shall be selected from the private sector, academia, professional service associations, federally funded research and development centers, nongovernmental organizations, State and local governments, and other appropriate professions and communities.

(b) *Chair and Vice Chair.* The President shall designate a Chair and Vice Chair from among the appointed members of the PHSAC.

(c) *Senior Advisory Committees.* (i) *Establishment and Membership.* The following four Senior Advisory Committees for Homeland Security (SACs) are hereby established to advise the PHSAC: (1) State and Local Officials; (2) Academia and Policy Research; (3) Private Sector; and (4) Emergency Services, Law Enforcement, and Public Health and Hospitals. Each SAC shall generally be composed of not more than 17 members selected by the Assistant to the President for Homeland Security (Assistant). The President may establish additional SACs as appropriate, consistent with this order.

(ii) *Chairs and Vice Chairs.* The Assistant shall from time to time designate a Chair and Vice Chair for each of the SACs from among the PHSAC's members.

(iii) *Subcommittees.* The Chair of each SAC, in consultation with the PHSAC, may as appropriate establish subcommittees to advise the SAC.

Sec. 2. *Functions.* The PHSAC shall meet periodically at the Assistant's request to:

(a) provide advice to the President through the Assistant on developing and coordinating the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks;

(b) recommend to the President through the Assistant ways to improve coordination, cooperation, and communication among Federal, State, and local officials and private and other entities, and provide a means to collect scholarly research, technological advice, and information concerning processes and organizational management practices both inside and outside of the Federal Government;

(c) provide advice to the President through the Assistant regarding the feasibility of implementing specific measures to detect, prepare for, prevent, protect against, respond to, and recover from terrorist threats or attacks within the United States;

(d) examine, and advise the President through the Assistant on, the effectiveness of the implementation of specific strategies to detect, prepare for, prevent, protect against, respond to, and recover from terrorist threats or attacks within the United States; and

(e) report periodically, as appropriate, to the President through the Assistant on matters within the scope of the PHSAC's functions as described in paragraphs (a) through (d) of this section.

Sec. 3. *Administration.* (a) Upon the request of the Chair of the PHSAC, through the Assistant, and to the extent permitted by law, the heads of executive departments and agencies shall provide the PHSAC with such information relating to homeland security matters as the PHSAC may need for the purpose of carrying out its functions.

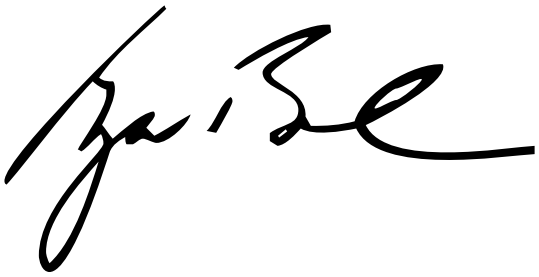
(b) The PHSAC shall have an Executive Director selected by the Assistant.

(c) Members shall serve without compensation for their work on the PHSAC, the SACs, and any subcommittees thereof. However, members shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal Government service (5 U.S.C. 5701–5707).

(d) To the extent permitted by law, and subject to the availability of appropriations, the Office of Administration shall provide the PHSAC with administrative support and with such funds as may be necessary for the performance of the PHSAC's functions.

Sec. 4. *General Provisions.* (a) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the administration of any portion of this order, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Administrator of General Services in accordance with the guidelines that have been issued by the Administrator.

(b) The PHSAC, any SACs, and any SAC subcommittees shall terminate 2 years from the date of this order unless extended by the President.



THE WHITE HOUSE,
March 19, 2002.

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Presidential Documents

Executive Order 13260 of March 19, 2002

Establishing the President's Homeland Security Advisory Council and Senior Advisory Committees for Homeland Security

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *President's Homeland Security Advisory Council.*

(a) *Establishment and Membership.* I hereby establish the President's Homeland Security Advisory Council (PHSAC). The PHSAC shall be composed of not more than 21 members appointed by the President. In addition, the Chair and the Vice Chair of the National Infrastructure Advisory Council; the Chairman of the President's National Security Telecommunications Advisory Committee; and the Chair of the Panel on the Science and Technology of Combating Terrorism, President's Council of Advisors on Science and Technology, shall serve as ex officio members of the PHSAC. The appointed members of the PHSAC shall be selected from the private sector, academia, professional service associations, federally funded research and development centers, nongovernmental organizations, State and local governments, and other appropriate professions and communities.

(b) *Chair and Vice Chair.* The President shall designate a Chair and Vice Chair from among the appointed members of the PHSAC.

(c) *Senior Advisory Committees.* (i) *Establishment and Membership.* The following four Senior Advisory Committees for Homeland Security (SACs) are hereby established to advise the PHSAC: (1) State and Local Officials; (2) Academia and Policy Research; (3) Private Sector; and (4) Emergency Services, Law Enforcement, and Public Health and Hospitals. Each SAC shall generally be composed of not more than 17 members selected by the Assistant to the President for Homeland Security (Assistant). The President may establish additional SACs as appropriate, consistent with this order.

(ii) *Chairs and Vice Chairs.* The Assistant shall from time to time designate a Chair and Vice Chair for each of the SACs from among the PHSAC's members.

(iii) *Subcommittees.* The Chair of each SAC, in consultation with the PHSAC, may as appropriate establish subcommittees to advise the SAC.

Sec. 2. *Functions.* The PHSAC shall meet periodically at the Assistant's request to:

(a) provide advice to the President through the Assistant on developing and coordinating the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks;

(b) recommend to the President through the Assistant ways to improve coordination, cooperation, and communication among Federal, State, and local officials and private and other entities, and provide a means to collect scholarly research, technological advice, and information concerning processes and organizational management practices both inside and outside of the Federal Government;

(c) provide advice to the President through the Assistant regarding the feasibility of implementing specific measures to detect, prepare for, prevent, protect against, respond to, and recover from terrorist threats or attacks within the United States;

(d) examine, and advise the President through the Assistant on, the effectiveness of the implementation of specific strategies to detect, prepare for, prevent, protect against, respond to, and recover from terrorist threats or attacks within the United States; and

(e) report periodically, as appropriate, to the President through the Assistant on matters within the scope of the PHSAC's functions as described in paragraphs (a) through (d) of this section.

Sec. 3. *Administration.* (a) Upon the request of the Chair of the PHSAC, through the Assistant, and to the extent permitted by law, the heads of executive departments and agencies shall provide the PHSAC with such information relating to homeland security matters as the PHSAC may need for the purpose of carrying out its functions.

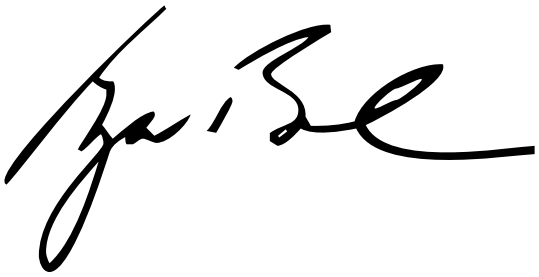
(b) The PHSAC shall have an Executive Director selected by the Assistant.

(c) Members shall serve without compensation for their work on the PHSAC, the SACs, and any subcommittees thereof. However, members shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Federal Government service (5 U.S.C. 5701–5707).

(d) To the extent permitted by law, and subject to the availability of appropriations, the Office of Administration shall provide the PHSAC with administrative support and with such funds as may be necessary for the performance of the PHSAC's functions.

Sec. 4. *General Provisions.* (a) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the administration of any portion of this order, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Administrator of General Services in accordance with the guidelines that have been issued by the Administrator.

(b) The PHSAC, any SACs, and any SAC subcommittees shall terminate 2 years from the date of this order unless extended by the President.



THE WHITE HOUSE,
March 19, 2002.

[FR Doc. 02–07086
Filed 03–20–02; 12:11 pm]
Billing code 3195–01–P

Presidential Documents

Executive Order 13261 of March 19, 2002

Providing An Order of Succession in the Environmental Protection Agency and Amending Certain Orders on Succession

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345, *et seq.*, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of the Administrator of the Environmental Protection Agency (Administrator) during any period when both the Administrator and the Deputy Administrator of the Environmental Protection Agency have died, resigned, or become otherwise unable to perform the functions and duties of the office of Administrator.

Sec. 2. *Order of Succession.*

(a) Assistant Administrator for Toxic Substances;

(b) Assistant Administrator (Air and Radiation);

(c) Assistant Administrator, Office of Solid Waste;

(d) Assistant Administrator (Water Programs);

(e) Assistant Administrator (General Counsel);

(f) Assistant Administrator (Enforcement and Compliance Assurance);

(g) Chief Financial Officer;

(h) Assistant Administrator (Research and Development);

(i) Assistant Administrator (International Activities);

(j) Assistant Administrator (Administration and Resources Management); and

(k) Assistant Administrator (Environmental Information).

Sec. 3. *Exceptions.*

(a) No individual who is serving in an office listed in section 2(a)–(k) in an acting capacity, by virtue of so serving, shall act as Administrator pursuant to this order.

(b) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, to depart from this order in designating an acting Administrator.

Sec. 4. *Amendments to Certain Executive Orders providing Orders of Succession.* Executive Orders 13241, 13242, 13243, 13244, 13245, 13246, and 13247 of December 18, 2001, and Executive Orders 13250 and 13251 of December 28, 2001, are hereby amended as follows:

(a) Section 3(a) of Executive Order 13241 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Agriculture,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(j) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(b) Section 3(a) of Executive Order 13242 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Commerce,'' is replaced with the following: ''(a) No individual who is serving in an

office listed in section 2(a)–(h) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(c) Section 3(a) of Executive Order 13243 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Housing and Urban Development,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(i) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(d) Section 3(a) of Executive Order 13244 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of the Interior,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(f) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

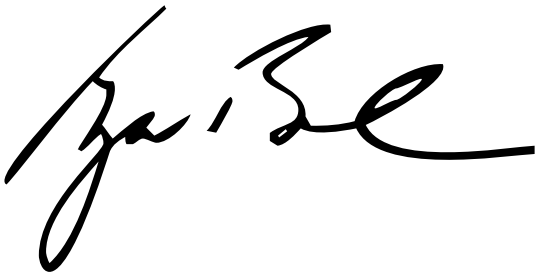
(e) Section 3(a) of Executive Order 13245 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Labor,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(l) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(f) Section 3(a) of Executive Order 13246 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of the Treasury,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(c) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(g) Section 3(a) of Executive Order 13247 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Veterans Affairs,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(h) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(h) Section 3(a) of Executive Order 13250 of December 28, 2001, entitled ''Providing an Order of Succession Within the Department of Health and Human Services,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(c) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'' and;

(i) Section 3(b) of Executive Order 13251 of December 28, 2001, entitled ''Providing an Order of Succession Within the Department of State,'' is replaced with the following: ''(b) No individual who is serving in an office listed in section 2(a)–(m) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.''.



THE WHITE HOUSE,

March 19, 2002.

[FR Doc. 02–7087

Filed 3–20–02; 12:12 pm]

Billing code 3195–01–P

Presidential Documents

Executive Order 13261 of March 19, 2002

Providing An Order of Succession in the Environmental Protection Agency and Amending Certain Orders on Succession

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345, *et seq.*, it is hereby ordered that:

Section 1. Subject to the provisions of section 3 of this order, the officers named in section 2, in the order listed, shall act as and perform the functions and duties of the office of the Administrator of the Environmental Protection Agency (Administrator) during any period when both the Administrator and the Deputy Administrator of the Environmental Protection Agency have died, resigned, or become otherwise unable to perform the functions and duties of the office of Administrator.

Sec. 2. *Order of Succession.*

(a) Assistant Administrator for Toxic Substances;

(b) Assistant Administrator (Air and Radiation);

(c) Assistant Administrator, Office of Solid Waste;

(d) Assistant Administrator (Water Programs);

(e) Assistant Administrator (General Counsel);

(f) Assistant Administrator (Enforcement and Compliance Assurance);

(g) Chief Financial Officer;

(h) Assistant Administrator (Research and Development);

(i) Assistant Administrator (International Activities);

(j) Assistant Administrator (Administration and Resources Management); and

(k) Assistant Administrator (Environmental Information).

Sec. 3. *Exceptions.*

(a) No individual who is serving in an office listed in section 2(a)–(k) in an acting capacity, by virtue of so serving, shall act as Administrator pursuant to this order.

(b) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, to depart from this order in designating an acting Administrator.

Sec. 4. *Amendments to Certain Executive Orders providing Orders of Succession.* Executive Orders 13241, 13242, 13243, 13244, 13245, 13246, and 13247 of December 18, 2001, and Executive Orders 13250 and 13251 of December 28, 2001, are hereby amended as follows:

(a) Section 3(a) of Executive Order 13241 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Agriculture,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(j) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(b) Section 3(a) of Executive Order 13242 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Commerce,'' is replaced with the following: ''(a) No individual who is serving in an

office listed in section 2(a)–(h) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(c) Section 3(a) of Executive Order 13243 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Housing and Urban Development,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(i) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(d) Section 3(a) of Executive Order 13244 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of the Interior,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(f) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

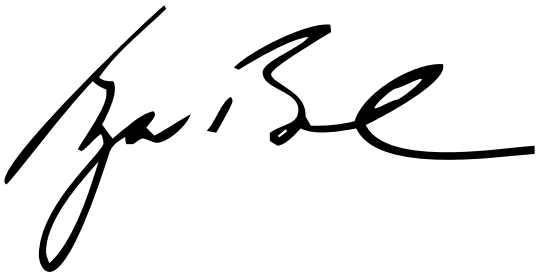
(e) Section 3(a) of Executive Order 13245 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Labor,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(l) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(f) Section 3(a) of Executive Order 13246 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of the Treasury,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(c) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(g) Section 3(a) of Executive Order 13247 of December 18, 2001, entitled ''Providing an Order of Succession Within the Department of Veterans Affairs,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(h) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'';

(h) Section 3(a) of Executive Order 13250 of December 28, 2001, entitled ''Providing an Order of Succession Within the Department of Health and Human Services,'' is replaced with the following: ''(a) No individual who is serving in an office listed in section 2(a)–(c) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.'' and;

(i) Section 3(b) of Executive Order 13251 of December 28, 2001, entitled ''Providing an Order of Succession Within the Department of State,'' is replaced with the following: ''(b) No individual who is serving in an office listed in section 2(a)–(m) in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this order.''.



THE WHITE HOUSE,

March 19, 2002.

[FR Doc. 02–7087

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