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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. 99–NM–322–AD; Amendment 39–12765; AD 2002–11–04]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Model A300 B4–600 and A300 B4–600R Series Airplanes, and Model A300 F4–605R Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to all Airbus Model A300 B4–600, A300 B4–600R, and A300 F4–600R series airplanes (A300–600), that currently requires an inspection to detect cracks of certain attachment holes; and installation of new fasteners and follow-on inspections or repair if necessary. This amendment requires repetitive inspections to detect cracks of certain attachment holes, installation of new fasteners, follow-on inspections or repair if necessary, and modification of the angle fittings of frame FR47. This amendment revises the applicability of the existing AD. The actions specified by this AD are intended to prevent fatigue cracking of the forward fitting of fuselage frame FR47, which could result in reduced structural integrity of the frame.

**DATES:** Effective July 8, 2002.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 8, 2002.

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

**FOR FURTHER INFORMATION CONTACT:** Dan Rodina, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2125; fax (425) 227–1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 97–16–06, amendment 39–10097 (62 FR 44888, August 25, 1997), which is applicable to all Airbus Model A300 B4–600, A300 B4–600R, and A300 F4–600R series airplanes (A300–600), was published as a supplemental notice of proposed rulemaking (NPRM) in the **Federal Register** on November 19, 2001 (66 FR 57896). The supplemental NPRM proposed to require repetitive inspections to detect cracks of certain attachment holes, installation of new fasteners, follow-on inspections or repair if necessary, and modification of the angle fittings of frame FR47.

### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received from the single commenter on the supplemental NPRM. The commenter generally supports the proposal.

### Request To Allow Use of Alternative Fasteners

The commenter requests that the supplemental NPRM be revised to approve the use of alternative fasteners listed in the Airbus A300 Structural Repair Manual (SRM), Chapter 51–40–32 (''Fastener Alternative—Metallic Structure''). This would relieve operators of initiating, and the FAA of approving, requests for alternative methods of compliance to use fasteners not specified by the AD.

We do not concur with this request. Airbus Service Bulletin A300–57–6049, Revision 4, dated July 27, 2000, is cited in paragraph (a) of the supplemental NPRM (and this final rule) as the appropriate source of service information for the rotating probe inspection of the internal angles of the wing center box. In consonance with the parallel French airworthiness directive, this AD requires operators to follow the specifications of that service bulletin. SRM Chapter 51–40–32 is not listed as a reference in the service bulletin; therefore, this AD does not provide credit for the use of fasteners identified in that SRM chapter. However, under the provisions of paragraph (f)(1) of this final rule, as the commenter suggests, the FAA may approve requests to use alternative fasteners if data are submitted to substantiate that such alternative fasteners would provide an acceptable level of safety.

Operators should note that SRM Chapter 51–40–31, which is listed as a reference in Service Bulletin A300–57–6049, does allow different, oversized fasteners to be installed, which will provide operators some additional flexibility in accomplishing the requirements of this AD. Because SRM Chapter 51–40–31 is cited in the service bulletin, use of the fasteners identified in that chapter is implicitly allowed by this AD; therefore, no change to the final rule is necessary in this regard.

### Coordination of Global Review

The commenter suggests that the FAA, Airbus, and the DGAC perform a global review of other areas of the A300–600 wing box area that are also subject to the inspection requirements of existing ADs. According to the commenter, reviewing the whole box section, instead of concentrating on one area at a time, may enhance safety of flight.

We recognize the potential value of a global approach in addressing multiple inspections of the same general area, and we will take the commenter's suggestion under advisement. However, in this case the identified unsafe condition is a more immediate concern that should be addressed in a unique AD. Coordinating a global review of related ADs would further delay issuance of this AD, which, in any event, is not the proper forum to address such a review. No change to the final rule is necessary in this regard.

### Request To Revise Compliance Times

The commenter requests that a single threshold/interval be established for all of the inspections of the wing center

section currently required by different ADs. These ADs have different inspection thresholds, and the required actions are labor-intensive. Coinciding compliance times would greatly reduce the downtime that would be required if the actions of each AD are performed separately.

We do not concur with the request. The compliance times and requirements of each related AD are based on the manufacturer's case-by-case analysis of each individual structural condition. Operators are responsible for scheduling the actions required for each applicable AD. No change to the final rule is necessary in this regard.

**Conclusion**

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

**Interim Action**

This is considered to be interim action. The manufacturer is currently developing procedures for an inspection of the repaired and reinforced area on those airplanes on which the actions of Service Bulletin A300–57–6069 have been accomplished. If the FAA finds these actions appropriate to address the unsafe condition identified by this AD, the FAA may consider further rulemaking once these inspection procedures are developed, approved, and available.

**Cost Impact**

The FAA estimates that 74 airplanes of U.S. registry will be affected by this AD. The average labor rate is $60 per work hour. The FAA provides cost estimates for the actions specified by this AD, as follows:

| Action | Work hours | Parts cost | Per-airplane cost |
|---|---|---|---|
| Inspection per paragraph (a) | 7 or 13 (depending on configuration). | $0 | $420 or $780, per inspection. |
| Inspection per paragraph (b) | 30 | $6,637 or $19,091, depending on kit required. | $8,437 or $20,891, per inspection. |
| Modification per paragraph (c) | 65 to 365 | $3,370 | $7,270 to $25,270. |

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

**Regulatory Impact**

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

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

**List of Subjects in 14 CFR Part 39**

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

**Adoption of the Amendment**

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

**§ 39.13 [Amended]**

2. Section 39.13 is amended by removing amendment 39–10097 (62 FR 44888, August 25, 1997) and by adding a new airworthiness directive (AD), amendment 39–12765, to read as follows:

**2002–11–04 Airbus Industrie:** Amendment 39–12765. Docket 99–NM–322–AD. Supersedes AD 97–16–06, Amendment 39–10097.

*Applicability:* All Model A300 B4–600 and A300 B4–600R series airplanes, and all Model A300 F4–605R airplanes; certificated in any category.

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

*Compliance:* Required as indicated, unless accomplished previously.

To prevent fatigue cracking of the forward fitting of fuselage frame FR47, which could result in reduced structural integrity of the frame, accomplish the following:

**Inspections**

(a) Perform a rotating probe inspection to detect cracking of the applicable attachment holes on the left and right internal angles of the wing center box, in accordance with Airbus Service Bulletin A300–57–6049, Revision 4, dated July 27, 2000. Do the inspection at the applicable time specified by paragraph 1.A.(2), Planning Information, of the service bulletin, except as required by paragraph (e) of this AD. Repeat the inspection thereafter at intervals not to exceed the applicable interval specified in the service bulletin, except that all touch-and-go landings must be counted in determining the total number of flight cycles between consecutive inspections.

(1) If no cracking is found: Prior to further flight, install new fasteners in accordance with the service bulletin.

(2) If any cracking is found: Prior to further flight, perform applicable corrective actions (including reaming, drilling, drill-stopping holes, chamfering, performing follow-on inspections, and installing new or oversize

fasteners) in accordance with the service bulletin, except as required by paragraph (d) of this AD.

(b) Perform a rotating probe inspection to detect cracking of the applicable attachment holes in the horizontal flange of the internal corner angle fitting of frame FR47, in accordance with Airbus Service Bulletin A300–57–6086, dated June 6, 2000. Do the inspection at the applicable time specified by the service bulletin, except as required by paragraph (e) of this AD. Repeat the inspection thereafter at intervals not to exceed the applicable interval specified in the service bulletin, except that all touch-and-go landings must be counted in determining the total number of flight cycles between consecutive inspections.

(1) If no cracking is detected: Prior to further flight, install new fasteners in accordance with the service bulletin.

(2) If any cracking is detected: Prior to further flight, perform applicable corrective actions (including inspecting hole T, reaming the holes, and installing oversize fasteners) in accordance with the service bulletin, except as required by paragraph (d) of this AD.

**Modification**

(c) Modify the left and right internal angle fittings of the wing center box. The modification includes performing a rotating probe inspection to detect cracking, repairing cracks, cold expanding holes, and installing medium interference fitting bolts. Perform the modification in accordance with and at the applicable time specified by paragraph 1.B.(4), Accomplishment Timescale, of Airbus Service Bulletin A300–57–6050, Revision 02, dated February 10, 2000; except as required by paragraphs (d) and (e) of this AD.

**Note 2:** Modification prior to the effective date of this AD in accordance with Airbus Service Bulletin A300–57–6050, dated September 9, 1994, or Revision 01, dated May 31, 1999, is acceptable for compliance with the requirements of paragraph (c) of this AD.

**Exceptions to Specifications in Service Bulletins**

(d) If any crack is detected during any inspection required by paragraph (b) or (c) of this AD, and the applicable service bulletin specifies to contact the manufacturer for disposition of certain corrective actions: Prior to further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, or the Direction Générale de l'Aviation Civile (DGAC) (or its delegated agent).

(e) Where the service bulletins specified in paragraphs (a), (b), and (c) of this AD specify a grace period relative to receipt of the service bulletin, this AD requires compliance within the applicable grace period following the effective date of this AD, if the threshold has been exceeded.

**Alternative Methods of Compliance**

(f)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

(2) Alternative methods of compliance, approved previously in accordance with AD 97–16–06, amendment 39–10097, are approved as alternative methods of compliance with the applicable requirements of this AD.

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

**Special Flight Permits**

(g) 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.

**Incorporation by Reference**

(h) Except as required by paragraph (d) of this AD: The actions shall be done in accordance with Airbus Service Bulletin A300–57–6049, Revision 4, dated July 27, 2000; Airbus Service Bulletin A300–57–6086, dated June 6, 2000; and Airbus Service Bulletin A300–57–6050, Revision 02, dated February 10, 2000; as applicable. Revision 02 of Airbus Service Bulletin A300–57–6050 contains the following effective pages:

| Page number | Revision level shown on page | Date shown on page |
|---|---|---|
| 1, 4, 8, 9, 17–32, 41, 42, 57, 58, 61–63, 75, 77 | 02 | February 10, 2000. |
| 2, 3, 5–7, 10–12, 33, 34, 37, 38, 47, 59, 60, 76 | 01 | May 31, 1999. |
| 13–16, 35, 36, 39, 40, 43–46, 48–56, 64–74 | Original | September 9, 1994. |

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 4:** The subject of this AD is addressed in French airworthiness directive 2000–533–328(B), dated December 27, 2000.

**Effective Date**

(i) This amendment becomes effective on July 8, 2002.

Issued in Renton, Washington, on May 22, 2002.

**Ali Bahrami,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 02–13422 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 97

**[Docket No. 30311; Amdt. No. 3007]**

## Standard Instrument Approach Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operation at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to provide safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase*— Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription*—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printed Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4165.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types of effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

## The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPS are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

## Conclusion

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

## List of Subjects in 14 CFR part 97

Air Traffic Control, Airports, Navigation (Air)

Issued in Washington, DC on May 26, 2002.

**James J. Ballough,**

*Director, Flight Standards Service.*

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amendment, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

### § 97.23, § 97.25, § 97.27, § 97.29, § 97.31, § 97.33, § 97.35 [Amended]

By amending: § 97.23 VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.35 COPTER SIAPs, identified as follows:

** * * Effective June 13, 2002*

San Francisco, CA, San Francisco Intl, ILS RWY 19L, Amdt 2
San Francisco, CA, San Francisco Intl, ILS RWY 28L, Amdt 21
San Francisco, CA, San Francisco Intl, ILS RWY 28R, Amdt 10
San Francisco, CA, San Francisco Intl, RNAV (GPS) Y RWY 10R, Orig
San Francisco, CA, San Francisco Intl, RNAV (GPS) Z RWY 10R, Orig
San Francisco, CA, San Francisco Intl, RNAV (GPS) Y RWY 19L, Orig
San Francisco, CA, San Francisco Intl, RNAV (GPS) Z RWY 19L, Orig
San Francisco, CA, San Francisco Intl, RNAV (GPS) Y RWY 19R, Orig
San Francisco, CA, San Francisco Intl, RNAV (GPS) Z RWY 19R, Orig
San Francisco, CA, San Francisco Intl, GPS RWY 19L, Orig, CANCELLED
San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 28L, Orig
San Francisco, CA, San Francisco Intl, RNAV (GPS) RWY 28R, Amdt 1
Orlando, FL, Orlando Intl, ILS RWY 17, Amdt 3
Orlando, FL, Orlando Intl, ILS RWY 18R, Amdt 6
Orlando, FL, Orlando Intl, ILS RWY 35, Amdt 4
Orlando, FL, Orlando Intl, ILS RWY 36R, Amdt 7
Orlando, FL, Orlando Intl, RNAV (GPS) RWY 18L, Orig
Orlando, FL, Orlando Intl, GPS RWY 36L, Amdt 1B, CANCELLED
Orlando, FL, Orlando Intl, RNAV (GPS) RWY 17, Orig
Orlando, FL, Orlando Intl, RNAV (GPS) RWY 18R, Orig
Orlando, FL, Orlando Intl, RNAV (GPS) RWY 35, Orig
Orlando, FL, Orlando Intl, RNAV (GPS) RWY 36L, Orig
Orlando, FL, Orlando Intl, RNAV (GPS) RWY 36R, Orig
Honolulu, HI, Honolulu Intl, RNAV (GPS) RW 4L, Orig
Honolulu, HI, Honolulu Intl, RNAV (GPS) RWY 4R, Orig

Honolulu, HI, Honolulu Intl, RNAV (GPS) RWY 8L, Orig
Honolulu, HI, Honolulu Intl, RNAV (GPS) RWY 8R, Orig
Newburgh, NY, Stewart Intl, ILS RWY 27, Orig
Cleveland, OH, Cleveland-Hopkins Intl, ILS RWY 6R, Amdt 17
Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) RWY 28, Orig
Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) RWY 10, Orig
Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) Z RWY 6R, Orig
Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) Y RWY 6R, Orig
Cleveland, OH, Cleveland-Hopkins Intl, RNAV (GPS) RWY 24L, Orig
Houston, TX, George Bush Intercontinental Arpt/Houston, ILS RWY 15R, Orig
Houston, TX, George Bush Intercontinental Arpt/Houston, RNAV (GPS) RWY 15R, Orig
Houston, TX, George Bush Intercontinental Arpt/Houston, ILS RWY 15L, Amdt 12, CANCELLED
Houston, TX, George Bush Intercontinental Arpt/Houston, RNAV (GPS) RWY 15L, Orig, CANCELLED
Houston, TX, George Bush Intercontinental Arpt/Houston, VOR/DME RWY 15L, Amdt 16, CANCELLED

** * * Effective August 8, 2002*

Pahokee, FL, Palm Beach County Glades, VOR/DME–A, Orig
Pahokee, FL, Palm Beach County Glades, VOR OR GPS RWY 17, Amdt 8A, CANCELLED
Huntinburg, IN, Huntingburg, VOR RWY 9, Amdt 4
Baton Rouge, LA, Baton Rouge Metro Ryan Field, ILS RWY 13, Amdt 27
Aurora, OR, Aurora State, NDB RWY 17, Amdt 1, CANCELLED
Memphis, TN, Memphis Intl, RADAR–1, Amdt 39, CANCELLED
Temple, TX, Draughon-Miller Central Texas Region, LOC BC RWY 33, Amdt 4

[FR Doc. 02–13817 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 97

**[Docket No. 30312; Amdt. No. 3008]**

## Standard Instrument Approach Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporated by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

*For Examination*—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase*—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription*—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

### The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable,

that good cause exists for making these SIAPs effective in less than 30 days.

## Conclusion

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

## List of Subjects in 14 CFR part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on May 26, 2002.

**James J. Ballough,**

*Director, Flight Standards Service.*

## Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

**Authority:** 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

**§ 97.28, § 97.27, § 97.29, § 97.31, § 97.33, § 97.35 [Amended]**

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN: § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

Effective Upon Publication

| FDC Date | State | City | Airport | FDC No. | Subject |
|---|---|---|---|---|---|
| 02/22/01 | OK | Oklahoma City | Will Rogers World | 1/1950 | RNAV (GPS) Rwy 17L, Orig |
| 10/26/01 | TX | San Antonio | San Antonio Intl | 1/1648 | NDB Rwy 12R, Amdt 20C |
| 12/27/01 | TX | El Paso | El Paso Intl | 1/3499 | VOR Rwy 26L, Amdt 29C |
| 12/27/01 | TX | El Paso | El Paso Intl | 1/3500 | GPS Rwy 26L, Orig |
| 12/27/01 | TX | El Paso | El Paso Intl | 1/3501 | GPS Rwy 4, Orig |
| 12/27/01 | TX | El Paso | El Paso Intl | 1/3502 | LOC/DME Rwy 4, Amdt 2A |
| 02/21/02 | MO | Springfield-Branson Regional. | Springfield | 2/1512 | RNAV (GPS) Rwy 14, Orig |
| 04/11/02 | OK | Oklahoma City | Will Rogers World | 2/2925 | NDB Rwy 35L, Orig |
| 04/11/02 | TX | McKinney | McKinney Muni | 2/2938 | ILS Rwy 17, Amdt 1B. This Corrects 2/2828 IN TL 02–11. |
| 04/11/02 | TX | Denton | Denton Muni | 2/2959 | NDB or GPS Rwy 17, Amdt 6B |
| 04/18/02 | CA | Willits | Ells Field-Willits Muni | 2/3175 | RNAV (GPS) Rwy 16, Orig |
| 04/18/02 | VA | Richmond | Richmond Intl | 2/3224 | ILS Rwy 34, Amdt 13 |
| 04/18/02 | PW | Babelthuap Island | Koror | 2/3238 | GPS Rwy 9, Amdt 1A |
| 04/18/02 | PW | Babelthuap Island | Koror | 2/3239 | GPS Rwy 27, Amdt 1A |
| 04/25/02 | TX | Eastland | Eastland Regional | 2/3481 | NDB Rwy 35, Amdt 2 |
| 05/03/02 | TX | Houston | George Bush Intercontinental Arpt/Houston. | 2/3726 | ILS Rwy 8, Amdt 20A |
| 05/03/02 | TX | Houston | George Bush Intercontinental Arpt/Houston. | 2/3727 | ILS Rwy 9, Amdt 5A |
| 05/03/02 | TX | Houston | George Bush Intercontinental Arpt/Houston. | 2/3728 | ILS Rwy 26, Amdt 16A |
| 05/03/02 | TX | Houston | George Bush Intercontinental Arpt/Houston. | 2/3729 | ILS Rwy 27, Amdt 4A |
| 05/03/02 | TX | Houston | George Bush Intercontinental Arpt/Houston. | 2/3730 | NDB Rwy 26, Amdt 2A |
| 05/03/02 | TX | Houston | George Bush Intercontinental Arpt/Houston. | 2/3731 | VOR/DME Rwy 33R, Amdt 14A |
| 05/03/02 | TX | Houston | George Bush Intercontinental Arpt/Houston. | 2/3736 | RNAV (GPS) Rwy 8, Orig–A |
| 05/03/02 | TX | Houston | George Bush Intercontinental Arpt/Houston. | 2/3738 | RNAV (GPS) Rwy 26, Orig–A |
| 05/03/02 | TX | Houston | George Bush Intercontinental Arpt/Houston. | 2/3740 | RNAV (GPS) Rwy 27, Orig–A |
| 05/03/02 | TX | Houston | George Bush Intercontinental Arpt/Houston. | 2/3742 | RNAV (GPS) Rwy 33R, Orig–A |
| 05/03/02 | TX | Houston | George Bush Intercontinental Arpt/Houston. | 2/3744 | RNAV (GPS) Y Rwy 9, Orig–A |
| 05/03/02 | TX | Houston | George Bush Intercontinental Arpt/Houston. | 2/3746 | RNAV (GPS) Z Rwy 9, Orig–A |
| 05/08/02 | AR | Fort Smith | Fort Smith Regional | 2/3855 | VOR or TACAN Rwy 25, Amdt 20C |
| 05/08/02 | IA | Cedar Rapids | The Eastern Iowa | 2/3887 | GPS Rwy 31, Orig–D |
| 05/08/02 | TN | Portland | Portland Muni | 2/3890 | VOR/DME Rwy 19, Amdt 3 |
| 05/09/02 | MD | Easton | Easton/Newman Field | 2/3919 | NDB or GPS Rwy 22, Amdt 8 |
| 05/09/02 | GA | Griffin | Griffin-Spalding County | 2/3926 | GPS Rwy 14, Orig |

| FDC Date | State | City | Airport | FDC No. | Subject |
|---|---|---|---|---|---|
| 05/09/02 | GA | Griffin | Griffin-Spalding County | 2/3927 | GPS Rwy 32, Orig |
| 05/09/02 | GA | Griffin | Griffin-Spalding County | 2/3928 | NDB Rwy 32, Orig |
| 05/09/02 | GA | Athens | Athens/Ben Epps | 2/3929 | VOR or GPS Rwy 2, Amdt 10 |
| 05/09/02 | GA | Athens | Athens/Ben Epps | 2/3930 | VOR Rwy 27, Amdt 11 |
| 05/09/02 | GA | Athens | Athens/Ben Epps | 2/3931 | ILS Rwy 27, Orig |
| 05/09/02 | GA | Athens | Athens/Ben Epps | 2/3932 | NDB or GPS Rwy 27, Orig |
| 05/09/02 | LA | Natchitoches | Natchitoches Regional | 2/3940 | NDB or GPS Rwy 34, Amdt 4B |
| 05/09/02 | LA | Natchitoches | Natchitoches Regional | 2/3942 | LOC Rwy 34, Amdt 3B |
| 05/10/02 | KY | Mount Sterling-Montgomery. | Mount Sterling-Montgomery County | 2/3964 | NDB Rwy 21, Amdt 1A |
| 05/10/02 | KY | Mount Sterling-Montgomery. | Mount Sterling-Montgomery County | 2/3965 | NDB or GPS Rwy 3, Amdt 1B |
| 05/10/02 | KY | Mount Sterling-Montgomery. | Mount Sterling-Montgomery County | 2/3966 | GPS Rwy 21, Amdt 1 |
| 05/12/02 | TX | Houston | Ellington Field | 2/3959 | ILS Rwy 22, Amdt 3A |
| 05/13/02 | OH | Columbus | Columbus/Port Columbus Intl | 2/4027 | ILS Rwy 10R, Amdt 7 |
| 05/13/02 | OH | Bowling Green | Wood County | 2/4036 | VOR/DME RNAV Rwy 27, Amdt 1 |
| 05/13/02 | OH | Bowling Green | Wood County | 2/4037 | GPS Rwy 27, Orig |
| 05/13/02 | NC | Raleigh-Durham | Raleigh-Durham Intl | 2/4040 | ILS Rwy 5L, Amdt 4 |
| 05/13/02 | NC | Raleigh-Durham | Raleigh-Durham Intl | 2/4041 | ILS Rwy 5R, Amdt 26 |
| 05/15/02 | GA | Columbus | Columbus Metropolitan | 2/4114 | RADAR-1, Amdt 8A |
| 05/15/02 | GA | Columbus | Columbus Metropolitan | 2/4115 | ILS Rwy 5, Amdt 24B |
| 05/15/02 | GA | Columbus | Columbus Metropolitan | 2/4116 | VOR/DME RNAV or GPS Rwy 23, Amdt 2 |
| 05/15/02 | GA | Columbus | Columbus Metropolitan | 2/4117 | NDB or GPS Rwy 5, Amdt 27A |
| 05/15/02 | MN | Benson | Benson Muni | 2/4125 | NDB or GPS Rwy 14, Amdt 6 |
| 05/15/02 | AL | Decatur | Pryor Field Regional | 2/4127 | RNAV (GPS) Rwy 36, Orig |
| 05/16/02 | WA | Richland | Richland | 2/4159 | VOR or GPS Rwy 25, Amdt 6A |
| 05/16/02 | WA | Richland | Richland | 2/4160 | NDB or GPS Rwy 19, Amdt 5 |
| 05/16/02 | WA | Richland | Richland | 2/4161 | LOC Rwy 19, Amdt 5 |
| 05/16/02 | NY | Canandaigua | Canandaigua | 2/4163 | VOR–A Orig |
| 05/16/02 | KS | Wichita | Cessna Aircraft Field | 2/4171 | VOR or GPS–C, Orig-A |
| 05/17/02 | NM | Albuquerque | Albuquerque Intl Sunport | 2/4197 | NDB Rwy 35, Amd 7B |
| 05/17/02 | NM | Albuquerque | Albuquerque Intl Sunport | 2/4198 | RNAV (GPS) Rwy 35, Orig |
| 05/17/02 | NM | Albuquerque | Albuquerque Intl Sunport | 2/4199 | RNAV (GPS) Rwy 17, Orig |
| 05/17/02 | NM | Albuquerque | Albuquerque Intl Sunport | 2/4200 | ILS Rwy 8, Amdt 5B |
| 05/17/02 | NM | Albuquerque | Albuquerque Intl Sunport | 2/4201 | ILS Rwy 3, Orig-D |
| 05/17/02 | NM | Albuquerque | Albuquerque Intl Sunport | 2/4202 | NAV (gps) Rwy 3, Orig |
| 05/17/02 | TX | Denton | Denton Muni | 2/4209 | ILS Rwy 17, Amdt 6B |
| 05/17/02 | OK | Holdenville | Holdenville Muni | 2/3239 | GPS RWY 17, Amdt 1 |
| 05/20/02 | TN | Millington | Millington Muni | 2/4282 | VOR/DME Rwy 22, Orig-A |
| 05/21/02 | IL | Moline | Quad City Intl | 2/4321 | NDB or GPS Rwy 9, Amdt 27C |
| 05/21/02 | IL | Moline | Quad City Intl | 2/4322 | ILS Rwy 27, Orig-B |
| 05/21/02 | IL | Moline | Quad City Intl | 2/4323 | ILS Rwy 9, Amdt 29C |
| 05/21/02 | OH | Wilmington | Airborne Airpark | 2/4332 | VOR or GPS Rwy 4L, Amdt 5C |
| 05/21/02 | OH | Wilmington | Airborne Airpark | 2/4333 | VOR/DME or GPS Rwy 22R, Amdt 4C |
| 05/21/02 | OH | Wilmington | Airborne Airpark | 2/4335 | NDB Rwy 4L, Amdt 2D |
| 05/21/02 | OH | Wilmington | Airborne Airpark | 2/4336 | VOR Rwy 22R, Amdt 4B |

[FR Doc. 02–13818 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

**[TD 8988]**

**RIN 1545–BA55**

## Guidance Under Section 355(e); Recognition of Gain on Certain Distributions of Stock or Securities in Connection With an Acquisition; Corrections

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Corrections to temporary regulations.

**SUMMARY:** This document contain corrections to temporary regulations that were published in the **Federal Register** on Friday, April 26, 2002 (67 FR 20632) relating to recognition of gain on certain distributions of stock or securities of a controlled corporation in connection with an acquisition.

**DATES:** *Effective Date:* These corrections are effective April 26, 2002.

**FOR FURTHER INFORMATION CONTACT:** Amber R. Cook, (202) 622–7530 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### Background

The temporary regulations that are the subject of these corrections are under

section 355(e) of the Internal Revenue Code.

**Need for Correction**

As published, TD 8988 contains errors which may prove to be misleading and are in need of clarification.

**Correction of Publication**

Accordingly, the publication of the temporary regulations (TD 8988), which is the subject of FR Doc. 02–9929 is corrected as follows:

1. On page 20635, column 2, in the preamble under the caption ''Explanation of Provisions'', line 13 of paragraph H.(1.), the language ''reasonable certainty'' that, within six'' is corrected to read "'reasonable certainty'' that, within 6''.

**§ 1.355–0 [Corrected]**

2. On page 20636, column 2, § 1.355–7T(k), the language ''Effective date.'' is corrected to read ''Effective dates.''.

**§ 1.355–7T [Corrected]**

3. On page 20637, column 1, § 1.355–7T(b)(3)(iii), line 13, the language ''before a distribution where a person'' is corrected to read ''before a distribution, a person''.

4. On page 20637, column 1, § 1.355–7T(b)(3)(iii), line 15, the language ''intends to cause a distribution and, as'' is corrected to read ''intended to cause a distribution and, as''.

5. On page 20641, column 2, § 1.355–7T(j) *Example 4.*(v), line 2, the language ''of C and acquisition of X by D are part of a'' is corrected to read ''of C and the acquisition of X by D are part of a''.

**Cynthia Grigsby,**

*Chief, Regulations Unit, Associate Chief Counsel, (Income Tax and Accounting).*

[FR Doc. 02–13846 Filed 5–31–02; 8:45 am]

**BILLING CODE 4830–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 63

**[FRL–7222–4]**

**RIN 2060–AJ34**

## National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; amendment.

**SUMMARY:** On June 23, 1999, EPA promulgated national emission standards for hazardous air pollutants (NESHAP) for Pesticide Active Ingredient (PAI) Production (40 CFR part 63, subpart MMM). On August 19 and 20, 1999, petitions for judicial review of the June 1999 rule were filed in the U.S. Court of Appeals for the District of Columbia Circuit. This action is in response to an issue raised by two of those petitioners—the American Crop Protection Association (ACPA) and the American Cyanamid Company (now BASF Corporation). On March 22, 2002 (67 FR 13504), EPA proposed an amendment to change the existing source compliance date of the NESHAP for PAI Production to December 23, 2003. Under the promulgated rule, existing affected sources would be required to be in compliance by August 22, 2002. With this final action, existing sources will be required to be in compliance with the rule by December 23, 2003.

**EFFECTIVE DATE:** June 3, 2002.

**ADDRESSES:** Docket No. A–95–20 contains supporting information used in developing the NESHAP. The docket is located at the U.S. EPA, 401 M Street, SW., Washington, DC 20460 in Room M–1500, Waterside Mall (ground floor), and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Randy McDonald, Organic Chemicals Group, Emission Standards Division (C504–04), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5402, electronic mail address *mcdonald.randy@epa.gov.*

**SUPPLEMENTARY INFORMATION:** *Docket.* The docket is an organized and complete file of all the information considered by the EPA in the development of this rulemaking. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket will serve as the record in the case of judicial review. (*See* section 307(d)(7)(A) of the Clean Air Act (CAA).) The regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials.

*Worldwide Web (WWW).* In addition to being available in the docket, an electronic copy of this proposed rule will also be available through the WWW. Following signature, a copy of this action will be posted on the EPA's Technology Transfer Network (TTN) policy and guidance page for newly proposed or promulgated rules *http://www.epa.gov/ttn/oarpg.* The TTN at EPA's web site provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

*Regulated Entities.* The regulated category and entities affected by this action include:

| Category | NAICS codes | SIC codes | Examples of regulated entities |
|---|---|---|---|
| Industry | Typically, 325199 and 325320. | Typically, 2869 and 2879 | • Producers of pesticide active ingredients that contain organic compounds that are used in herbicides, insecticides, or fungicides.<br>• Producers of any integral intermediate used in on-site production of an active ingredient used in herbicides, insecticides, or fungicides. |

This table is not intended to be exhaustive, but rather provides a guide for readers likely to be interested in the proposed revisions to the regulation affected by this action. To determine whether your facility, company, business, organization, etc., is regulated by this action, you should carefully examine all of the applicability criteria in 40 CFR part 63, subpart MMM. If you have questions regarding the applicability of this proposed amendment to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

## I. What Is the History of the PAI Production NESHAP?

On June 23, 1999, we promulgated NESHAP for PAI Production as subpart MMM in 40 CFR part 63 (64 FR 33550). On August 19 and 20, 1999, the American Crop Protection Association and American Cyanamid Company (now BASF Corporation) filed petitions for judicial review of the promulgated PAI Production NESHAP in the U.S. Court of Appeals for the District of Columbia Circuit, *ACPA* v. *EPA,* No. 99–1332, and *American Cyanamid Company* v. *EPA,* No. 99–1334 (Consolidated with *ACPA* v. *EPA,* No. 99–1332) (D.C. Cir.).

On January 18, 2002, EPA entered into a Settlement Agreement with ACPA and BASF, resolving petitioners' litigation. Notice of this agreement was published in the **Federal Register** on February 4, 2002 (67 FR 5116), pursuant to the requirements of CAA section 113(g). The Agreement called for EPA to propose a number of amendments to the PAI Production NESHAP, including an amendment to extend the compliance date to December 23, 2003. The proposed amendment to change the compliance date was published on March 22, 2002 (67 FR 13504). The other agreed-upon proposed amendments were published on April 10, 2002 (67 FR 17492).

## II. What Public Comments Were Received on the March 22, 2002 Proposal and What Changes Were Made for the Final Rule?

Although EPA received no comment on the proposed settlement agreement through the section 113(g) process, one commenter, representing an environmental legal defense fund, commented on the proposal to extend the rule's effective date. The commenter maintains that such an extension is illegal because it would establish an effective date for the rule which is longer than the maximum 3 years allowed by section 112(i)(3) of the CAA (assuming no case-by-case 1 year extension). The commenter further maintained that the delay would forestall the health benefits resulting from the emissions reductions required by the underlying rule.

We appreciate the commenter's point. Nonetheless, it should be noted that section 112(i)(3) deadlines are not as inflexible as the commenter maintains. First, section 112(i)(3) is ambiguous as to whether an initial compliance date applies to a rule which has been substantially amended. Section 112(i)(3) applies to ''any emissions standard.'' If a rule is amended so extensively as to be a different regulation, then compliance set from the date of that amended rule would still be established for ''any emission standard,'' in this case, the new rule. Put another way, there will be circumstances where EPA changes a rule so extensively that the amended rule should be regarded as a new standard, triggering a new effective date. Indeed, it is only common sense that this must be so. For example, suppose that we were to conclude legitimately that data supporting a standard was flawed, and that a new standard was needed, likely necessitating a different means of air pollution control. There should be no doubt that we can promulgate a new compliance date for this new standard. See also, section 112(d)(6) of the CAA, requiring EPA to periodically reexamine and, if necessary, revise MACT standards. If such a standard were revised, it is obvious that a new compliance date would be needed to reflect the time needed to come into compliance with the new standards.

We believe that the proposed changes to the PAI rule, if adopted, are extensive and significant enough to result in a new rule necessitating a new compliance date. We proposed these amendments on April 10, 2002, and the amendments include revisions to every section of the regulation. The public comment period on the proposed amendments closed on May 10, 2002. Therefore, final action on the amendments is still several months in the future.

As explained in detail in the April 10 proposal, the amendments include approximately 100 revisions to the rule. The revisions address numerous issues, make significant amendments, and also make needed corrections to the rule. Several amendments address applicability issues. For example, we proposed to amend the definition of *intermediate* to cover products of extraction, as well as products of chemical synthesis. We also proposed to clarify the demarcation between new and existing sources by clarifying new source applicability. The proposed amendments go to the most basic feature of the rule—to what does it apply—a question which must be answered before any source can begin to comply.

Several amendments include provisions for compliance alternatives and alternative standards that give the source additional compliance options, which necessarily require time for sources to adopt. One example is providing sources the option of demonstrating compliance through the use of a common control device, shared among several processes, provided they demonstrate compliance using a continuous emissions monitor (CEM) instead of parametric monitoring on a per-process basis. A source desiring to use the environmentally beneficial alternative of CEM-based compliance needs time to obtain, install, and calibrate the device. See section 504 (b) of the CAA, which allows alternatives to a CEM, but in doing so, places the CEM by inference at the top of the monitoring hierarchy.

Given the pervasive nature of the proposed amendments, and the fact that final action cannot occur until after the current existing source compliance date, we believe it is both appropriate and necessary to provide time for sources in the category to review the final changes and take appropriate steps to come into compliance with the amended rule.

## III. What Are the Administrative Requirements for This Action?

### *A. Executive Order 12866, Regulatory Planning and Review*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Executive Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this final rule amendment is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

### *B. Executive Order 13132, Federalism*

Executive Order 13132 (64 FR 43255, August 10, 1999) requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that

have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

This final rule amendment does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because State and local governments do not own or operate any sources that would be subject to the PAI Production NESHAP. Thus, Executive Order 13132 does not apply to this final rule amendment.

*C. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments*

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.''

This final rule amendment does not have tribal implications, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this final rule amendment.

*D. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks*

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, EPA must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by EPA.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This final rule amendment is not subject to Executive Order 13045 because it is based on technology performance, not health or safety risks. Furthermore, this final rule amendment has been determined not to be economically significant as defined under Executive Order 12866.

*E. Unfunded Mandates Reform Act of 1995*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this final rule amendment does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, or tribal governments, in the aggregate, or the private sector in any 1 year. For existing sources, the total annual cost of the PAI Production NESHAP has been estimated to be approximately $39.4 million (64 FR 33559, June 23, 1999). Today's amendment does not add new requirements that would increase this cost. Thus, this rule amendment is not subject to the requirements of sections 202 and 205 of the UMRA. In addition, EPA has determined that this rule amendment contains no regulatory requirements that might significantly or uniquely affect small governments because it contains no requirements that apply to such governments or impose obligations upon them. Therefore, this rule amendment is not subject to the requirements of section 203 of the UMRA.

*F. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.*

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule amendment. For purposes of assessing the impacts of this final rule amendment on small entities, a small entity is defined as: (1) A small business in the North American Industrial Classification System (NAICS) code 325320 that has as many as 500 employees; (2) a small business in NAICS code 325199 that has as many as 1,000 employees; (3) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (4) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's amendment on small entities, EPA has concluded that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse economic impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives ''which minimize any significant economic impact on small entities'' (5 U.S.C. Sections 603 and 604). Thus, an agency may conclude that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive economic effect on all of the small entities subject to the rule. Today's final rule amendment imposes no additional regulatory requirements on owners or operators of affected sources. We have, therefore, concluded

that today's final rule amendment will have no impact on small entities.

*G. Paperwork Reduction Act*

The OMB has approved the information collection requirements contained in the 1999 PAI Production NESHAP under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control No. 2060–0370.

This final rule amendment will have no impact on the information collection burden estimates made previously, and consequently, the ICR has not been revised. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

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.

*H. National Technology Transfer and Advancement Act of 1995*

As noted in the proposed rule, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, Section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities, unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

Today's action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

*I. Congressional Review Act*

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

*J. Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution or Use*

This final rule amendment is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

**List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 23, 2002.

**Christine Todd Whitman,**

*Administrator.*

For the reasons set out in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

## PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

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

## Subpart MMM—National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production

2. Section 63.1364 is amended by revising paragraph (a)(1) to read as follows:

**§ 63.1364 Compliance dates.**

(a) *Compliance dates for existing sources.* (1) An owner or operator of an existing affected source must comply with the provisions in this subpart by December 23, 2003.

* * * * *

[FR Doc. 02–13804 Filed 5–31–02; 8:45 am]

BILLING CODE 6560–50–P

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## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

## 43 CFR Parts 3730, 3820, 3830, and 3850

**[WO–620–1430–00–24 1A]**

**RIN 1004–AD52**

## Locating, Recording, and Maintaining Mining Claims or Sites

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Land Management (BLM) is promulgating this final rule to amend regulations on locating, recording, and maintaining mining claims or sites. In this rule, BLM amends its regulations to respond to a recent law extending until September 30, 2003, the provisions that require claimants to pay location and annual maintenance fees for unpatented mining claims or sites, and allow qualified ''small miners'' to seek a waiver from the annual maintenance fee. BLM has collected these fees and provided for waivers under the existing regulations based on previous laws, the most recent of which expired on September 30, 2001. The final rule is necessary to describe and publicize the statutory extension of the fee requirement, and to remove conflicts between the current regulations and the new statute.

**EFFECTIVE DATE:** This administrative final rule is effective June 3, 2002.

**ADDRESSES:** You may mail suggestions or inquiries to Bureau of Land Management, Solid Minerals Group, Room 501 LS, 1849 C Street, NW., Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Roger Haskins in the Solid Minerals Group at (202) 452–0355. For assistance in reaching Mr. Haskins, persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service at 1–(800) 877–8339, 24 hours a day, 7 days a week.

**SUPPLEMENTARY INFORMATION:**

I. Background
II. Discussion of the Administrative Final Rule
III. Procedural Matters

## I. Background

Since 1992, Congress has required mining claimants to pay certain fees when locating, recording, and maintaining mining claims or sites on public lands. In order to collect the fees, BLM has promulgated regulations to implement the statutory fee requirements.

On October 5, 1992, Congress enacted the first fee requirements in the Interior and Related Agencies Appropriations Act for Fiscal Year 1993 (the FY93 Act). Public Law 102–381, 106 Stat. 1374, 1378–1379. The FY93 Act required claimants to pay two $100 rental fee payments per mining claim or site by August 31, 1993, in order to hold the claim for the 1992 and 1993 assessment years. It allowed certain claimants to seek an exemption from the fee requirement if the claimant held ten or fewer claims or sites, had an approved notice or plan of operations for actual exploration work or mineral production, and had less than ten acres of unreclaimed surface disturbance. BLM implemented the FY93 Act by promulgating regulations at 43 CFR parts 3730, 3821, 3833, and 3850 (1993). 58 FR 38197 (July 15, 1993).

On August 10, 1993, Congress enacted the Omnibus Budget Reconciliation Act (the FY94 Act). Public Law 103–66, 107 Stat. 405, 30 U.S.C. 28f–k. The FY94 Act required claimants to pay an annual $100 maintenance fee by August 31 of each year beginning in 1994 and ending in 1998. The FY94 Act also required claimants to pay a $25 fee when locating any new mining claims. The FY94 Act allowed claimants to seek a waiver from the maintenance fee if the claimant and all related parties held ten or fewer mining claims or sites. To implement the FY94 Act, BLM amended 43 CFR parts 3730, 3821, 3833, and 3850 (1994). 59 FR 44857 (August 30, 1994).

On October 21, 1998, Congress enacted the Interior and Related Agencies Appropriation Act for Fiscal Year 1999 (the FY99 Act). Public Law 105–277, 112 Stat. 2681–232, 2681–235, 30 U.S.C. 28f–28k. The FY99 Act moved the payment deadline from August 31 to September 1 and extended the fee requirements until 2001. The Act also provided a means by which a claimant who had filed for a waiver from the fee could either cure a defective fee waiver application or pay the fee after the deadline if the application could not be cured.

On November 5, 2001, Congress enacted the Interior and Related Agencies Appropriation Act for Fiscal Year 2002 (the FY02 Act). Public Law 107–63, 115 Stat. 414, 30 U.S.C. 28f–28k. This final rule implements the requirements of the FY02 Act. The FY02 Act extends the fee requirements through 2003.

## II. Discussion of the Final Rule

### *Why the Rule Is Being Published as a Final Rule*

BLM is adopting this final rule solely to amend its regulations to implement the mining law fee provisions of the FY02 Act. We are not making any other changes in this rule.

The Department of the Interior finds under 5 U.S.C. 553(b)(3)(B) that for good cause notice and public procedure for this rule are unnecessary and this rule may properly take effect upon publication. The FY02 Act merely extends previously-existing fee requirements until 2003. This rule will implement this statutory fee extension as Congress requires.

We also determine under 5 U.S.C. 553(d) that there is good cause to place the rule into effect on the date of publication because the matters addressed in the rule are explicitly required by statute.

### *Changes Made by the FY02 Act in BLM's Current Requirements*

The FY02 Act does not change the requirements that mining claimants (1) pay $25 when locating a new mining claim or site; (2) pay a $100 maintenance fee per year for each mining claim or site; or (3) meet certain qualifications in order to obtain a waiver from the maintenance fee requirement. BLM collected these fees under its current regulations but was authorized to do so only until September 30, 2001. In the FY02 Act, Congress authorized BLM to continue to collect these fees until September 30, 2003. This rule implements this extension.

### Organization of the Final Rule

This final rule amends the existing regulations. It contains only the specific amendments necessary to implement the FY02 Act. Most of the amendments appear as line-by-line edits. While this presentation may be somewhat difficult to follow, especially if you do not have the Code of Federal Regulations containing the existing regulations, we have chosen this method to make it clear that we are not making changes beyond those needed to implement the FY02 Act.

The only change we have made in these line-by-line edits is to change the expiration date of the regulations from 2001 to 2003.

## III. Procedural Matters

### *Executive Order 12866, Regulatory Planning and Review*

In accordance with the criteria in Executive Order 12866, the Office of Management and Budget (OMB) has determined that this rule is not a significant regulatory action.

- The rule will not have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The extensions of the fee requirements do not change the substance of BLM's current mining claim administration. The annual revenue received from the collection of the congressionally-mandated oil shale, maintenance, and location fees has averaged $26 million since October 1998. This rule will not change the fee amounts and thus will not have a significant impact on fees collected.
- This rule will not create inconsistencies with other agencies' actions. It does not change BLM's relationship with other agencies and their actions.
- This rule will not materially affect entitlements, grants, loan programs, or the rights and obligations of their recipients. The rule does not address any of these programs.
- This rule will not raise novel legal or policy issues because it makes no major substantive changes in the regulations. The constitutionality of the rental and maintenance fees has been challenged in the Federal courts. The Courts have consistently upheld the FY03 and FY04 Acts and their implementing regulations.

### *Regulatory Flexibility Act*

We certify that this rule will not have a significant economic effect on a substantial number of small entities as defined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) The rule will not have an impact because the fees paid by small entities will not change. The rule merely extends the authority for collecting them. A final Regulatory Flexibility Analysis is not required, and a Small Entity Compliance Guide is not required.

For the purposes of this section a ''small entity'' is an individual, limited partnership, or small company, at ''arm's length'' from the control of any parent companies, with fewer than 500 employees or less than $5 million in revenue. This definition accords with

Small Business Administration regulations at 13 CFR 121.201.

*Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

- Does not have an annual effect on the economy of $100 million or more. As explained in section 1 above, the revised regulations will not materially alter current BLM policy or the fee amounts paid by mining claimants.
- Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. This rule does not change the cost to locate, record, or maintain a mining claim.
- Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

*Unfunded Mandates Reform Act*

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*):

- This rule will not ''significantly or uniquely'' affect small governments. A Small Government Agency Plan is unnecessary.
- This rule will not produce a Federal mandate of $100 million or greater in any year. It is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The changes implemented in this rule do not require anything of any non-Federal governmental entity.

*Executive Order 12630, Takings*

In accordance with Executive Order 12630, the rule does not have takings implications. A takings implication assessment is not required. This rule does not substantially change BLM policy. Nothing in this rule constitutes a taking. Federal courts have concluded that the rental and maintenance fee statutes and regulations do not cause a taking of any property interests.

*Executive Order 12612, Federalism*

In accordance with Executive Order 12612, BLM finds that the rule does not have significant federalism effects. A federalism assessment is not required. This rule does not change the role or responsibilities between Federal, State, and local governmental entities, nor does it relate to the structure and role of States or have direct, substantive, or significant effects on States.

*Executive Order 12988, Civil Justice Reform*

In accordance with Executive Order 12988, BLM finds that the rule does not unduly burden the judicial system and therefore meets the requirements of sections 3(a) and 3(b)(2) of the Order.

*Paperwork Reduction Act*

The Office of Management and Budget has approved the information collection requirements in the regulations that this administrative final rule is extending, under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, and has assigned clearance number 1004–0114.

*National Environmental Policy Act*

We have analyzed this rule in accordance with the criteria of the National Environmental Policy Act and 318 DM 2.2(g) and 6.3(D). Since the rule only extends BLM's authority to collect certain fees, this rule does not constitute a major Federal action significantly affecting the quality of the human environment. *See* the Environmental Analysis and Finding of No Significant Impact dated April 17, 2002.

Because this rule does not substantially change BLM's overall management objectives or environmental compliance requirements, it would have no impact on, or only marginally affect, the following critical elements of the human environment as defined in Appendix 5 of the BLM National Environmental Policy Act Handbook (H–1790–1): air quality, areas of critical environmental concern, cultural resources, Native American religious concerns, threatened or endangered species, hazardous or solid waste, water quality, prime and unique farmlands, wetlands, riparian zones, wild and scenic rivers, environmental justice, and wilderness.

*Executive Order 13175, Consultation and Coordination With Indian Tribal Governments*

In accordance with Executive Order 13175, we have considered the impact of this rule on the interests of Tribal governments. Because this rule does not specifically involve Indian reservation lands, government-to-government relationships will remain unaffected.

*Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This rule is not a significant energy action. It will not have an adverse effect on energy supplies. To the extent that the rule affects the mining of energy minerals (*i.e.*, uranium and other fissionable metals), the rule only extends BLM's statutory authority for collecting mining claim location and maintenance fees that BLM has been collecting for many years. It will not change financial obligations of the mining industry.

*Authors*

The principal author of this administrative final rule is Roger Haskins in the Solid Minerals Group, assisted by Ted Hudson in the Regulatory Affairs Group, Washington Office, BLM.

**List of Subjects**

*43 CFR Part 3730*

Administrative practice and procedure; mines; public lands-mineral resources; reporting and recordkeeping requirements; surety bonds.

*43 CFR Part 3820*

Mines; monuments and memorials; national forests; national parks; public lands-mineral resources; reporting and recordkeeping requirements; surety bonds; wilderness areas.

*43 CFR Part 3830*

Maintenance fees; mines; public lands-mineral resources; reporting and recordkeeping requirements.

*43 CFR Part 3850*

Mines; public lands-mineral resources.

Dated: April 24, 2002.

**Tom Fulton,**

*Acting Assistant Secretary of the Interior.*

For the reasons stated in the preamble, and under the authority cited below, parts 3730, 3820, 3830, and 3850, Groups 3700 and 3800, Subchapter C, Chapter II of Title 43 of the Code of Federal Regulations are amended as follows:

## PART 3730—PUBLIC LAW 359; MINING IN POWERSITE WITHDRAWALS: GENERAL

1. The authority citation for part 3730 continues to read as follows:

**Authority:** 69 Stat. 681, 30 U.S.C. 621–625; 43 U.S.C. 1701 *et seq.*; 30 U.S.C. 28f–28k, as amended.

2. Amend section 3730.0–9 by revising the last sentence of paragraph (a) to read as follows:

### § 3730.0–9 Information collection.

(a) * * * A response is required to obtain a benefit in accordance with the Act of August 11, 1955 (30 U.S.C. 621–625), Section 314 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1744), and 30

U.S.C. 28f–28k, as amended by the Act of November 5, 2001 (115 Stat. 414).

* * * * *

## PART 3820—AREAS SUBJECT TO SPECIAL MINING LAWS

3. The authority citation for part 3820 continues to read as follows:

**Authority:** 30 U.S.C. 22 *et seq.*; 43 U.S.C. 1201 and 1740.

### Subpart 3821—O and C Lands

4. Revise section 3821.0–3 to read as follows:

**§ 3821.0–3 Authority.**

The authorities for the regulations in this subpart are the Act of April 8, 1948 (62 Stat. 162); Section 314 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744); and 30 U.S.C. 28f–28k, as amended by the Act of November 5, 2001 (115 Stat. 414).

## PART 3830—LOCATION OF MINING CLAIMS

5. The authority citation for part 3830 is revised to read as follows:

**Authority:** 30 U.S.C. 22, 28, and 28f–k; 43 U.S.C. 299 and 1201; 31 U.S.C. 9701; 16 U.S.C. 1901, 1907; 43 U.S.C. 1740 and 1744; 30 U.S.C. 242; 50 U.S.C. Appendix 565; 112 Stat. 2861–235; 115 Stat 414.

6. Amend section 3833.0–3 by revising the first sentence of paragraph (a) and the first sentence of paragraph (e) to read as follows:

**§ 3833.0–3 Authority.**

(a) Sections 314(a) and (b) of the Federal Land Policy and Management Act (43 U.S.C. 1744), and 30 U.S.C. 28f–28k, as amended by the Act of November 5, 2001 (115 Stat. 414), require the recordation of unpatented mining claims, mill sites, and tunnel sites, and the filing of information concerning annual assessment work performed on unpatented mining claims in the proper BLM office within specified time periods. * * *

* * * * *

(e) The Acts of October 21, 1998 (112 Stat. 2681–232, 2681–235), and November 5, 2001 (115 Stat. 414) (30 U.S.C. 28f–28k), require an annual maintenance fee of $100 to be paid to the proper State Office of the Bureau of Land Management for each non-waived mining claim, mill site, or tunnel site. * * *

* * * * *

**§ 3833.0–5 [Amended]**

7. Amend section 3833.0–5 as follows:

a. Remove from the second sentence of paragraph (o) the phrases ''December 30, 2002,'' and ''the Act of October 21, 1998,'' and add in their place, respectively, the phrases ''December 30, 2004,'' and ''the Act of November 5, 2001,''.

b. Remove from the first sentence of paragraph (v) the phrase ''Act of October 21, 1998 (112 Stat. 2681–235)'' and add in its place the phrase ''Act of November 5, 2001 (115 Stat. 414)'';

c. Remove from the second sentence of paragraph (v) the phrase ''September 29, 2001'' and add in its place the phrase ''September 29, 2003'';

d. Remove from the first sentence of paragraph (w) the phrases ''Act of October 21, 1998,'' and ''September 30, 2001,'' and add in their place, respectively, the phrases ''Act of November 5, 2001,'' and ''September 30, 2003,''; and

e. Remove from the first sentence of paragraph (y) the phrase ''the Act of October 21, 1998,'' and add in its place the phrase ''the Act of November 5, 2001.''

**§ 3833.0–9 [Amended]**

8. Amend section 3833.0–9 by removing from the last sentence of paragraph (a) the phrase ''the Act of October 21, 1998 (112 Stat. 2681–235)'' and adding in its place the phrase ''the Act of November 5, 2001 (115 Stat. 414).''

**§ 3833.1–4 [Amended]**

9. Amend section 3833.1–4 by removing from paragraph (b) the phrase ''September 30, 2001'' and adding in its place the phrase ''September 30, 2003.''

**§ 3833.1–5 [Amended]**

10. Amend section 3833.1–5 as follows:

a. Remove from the last sentence of the introductory text the date ''September 1, 2002'' and add in its place the date ''September 1, 2004,''.

b. Remove from the second sentence of paragraph (b) the date ''2001'' and add in its place the date ''2003''.

**§ 3833.1–6 [Amended]**

11. Amend section 3833.1–6 by revising the heading to read as follows:

**§ 3833.1–6 Maintenance fee waiver qualifications under the Act of November 5, 2001, and other exceptions.**

**§ 3833.1–7 [Amended]**

12. Amend section 3833.1–7 by removing from paragraph (d) the date ''2002'' and adding in its place the date ''2004''.

**§ 3833.2–3 [Amended]**

13. Amend section 3833.2–3 as follows:

a. Remove from the section heading the phrase ''the Act of October 21, 1998'' and add in its place the phrase ''the Act of November 5, 2001'';

b. Remove from paragraph (d) the phrases ''September 1, 2002,'' and ''December 30, 2003,'' and add in their place, respectively, the phrases ''September 1, 2004,'' and ''December 30, 2005''; and

c. Remove from paragraph (e) the phrases ''September 1, 2001'', ''September 29, 2001'', and ''September 1, 2002'', and add in their place, respectively, the phrases ''September 1, 2003'', ''September 29, 2003'', and ''September 1, 2004''.

## PART 3850—ASSESSMENT WORK

14. The authority citation for part 3850 continues to read as follows:

**Authority:** 30 U.S.C. 22 *et seq.*; 30 U.S.C. 28–28k; 50 U.S.C. Appendix 565; 107 Stat. 405.

### Subpart 3851—Assessment Work: General

**§ 3851.3 [Amended]**

15. Amend section 3851.3 by removing from the first sentence of paragraph (c) the first instance of the word ''the''.

[FR Doc. 02–13567 Filed 5–31–02; 8:45 am]

BILLING CODE 4310–84–P

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## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

**[DA 02–1156; MM Docket No. 00–69; RM–9850, 9945 & 9946]**

## Radio Broadcasting Services; Cheboygan, Rogers City, Bear Lake, Bellaire, Rapid River, Manistique, Ludington, Walhalla & Onaway, MI

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The *Notice* in this proceeding requested the allotment of Channel 260C2 at Cheboygan, MI and substitution of Channel 292C2 for Channel 260C2 at Rogers City, MI, in response to a petition filed by Escanaba License Corp. *See* 65 FR 30558, May 12, 2000. The counterproposal filed jointly by D&B Broadcasting and Fort Bend Broadcasting Company requesting changes at Rogers City, Bear Lake, Bellaire, Rapid River, Manistique, Ludington and Walhalla, MI has been denied. The counterproposal filed by Northern Radio Network Corporation requesting the allotment of Channel

292C2 at Onaway, MI at coordinates 45–26–28 and 84–00–37 and the allotment of Channel 249C3 at Cheboygan, MI at coordinates 45–34–45 and 84–15–05 has been granted. Canadian concurrence has been received for the allotments at Onaway and Cheboygan. The issue of opening these allotments for auction will be addressed by the Commission in a subsequent order. With this action, this proceeding is terminated.

**DATES:** Effective July 1, 2002.

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 00–69, adopted May 1, 2002, and released May 17, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC. 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

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

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Channel 249C3 at Cheboygan and by adding Onaway, Channel 292C2.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.*

[FR Doc. 02–13823 Filed 5–31–02; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

**[DA 02–1155; MM Docket No. 01–186; RM–9976 & RM–10320]**

## Radio Broadcasting Services; Honor, Bear Lake, Ludington, Walhalla, & Custer, MI

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This *Notice* in this proceeding proposed the substitution of Channel 264C3 for Channel 264A at Honor, Michigan, and modification of the authorization for Station WIAR to specify operation on Channel 2643C in response to a petition filed by Northern Radio of Michigan, Inc. Substitutions were also requested at Bear Lake, Ludington and Walhalla, Michigan. *See* 66 FR 44586, August 24, 2001. In response to a counterproposal filed by Mason County Broadcasting Company, action in this document allots Channel 263A at Custer, Michigan, as a first local service at coordinates 43–59–10 and 86–14–11. There is a site restriction 4 kilometers (2.5 miles) north of the community. Canadian concurrence has been received for the allotment of Channel 263A at Custer. The issue of opening this allotment for auction will be addressed by the Commission in a subsequent order. With this action, this proceeding is terminated.

**DATES:** Effective July 1, 2002.

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 01–186, adopted May 1, 2002, and released May 17, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC 20554. The document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC, 20554 telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

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

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Custer, Channel 236A.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.*

[FR Doc. 02–13824 Filed 5–31–02; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR Part 73

**[DA 02–1154, MM Docket No. 02–31; RM–10351]**

## Radio Broadcasting Services; Horn Lake & Olive Branch, MS and Memphis, TN

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document reallots Channel 239A from Olive Branch, Mississippi, to Horn Lake, Mississippi, and modifies the license for Station WOTO accordingly in response to a petition filed by Clear Channel Broadcasting Licenses, Inc. *See* 67 FR 14664, March 27, 2002. The coordinates for Channel 239A at Horn Lake are 35–04–19 and 89–59–13. We shall also reallot Channel 266C1 from Memphis, Tennessee, to Olive Branch, Mississippi, and modify the license for Station KJMS to specify operation at Olive Branch. The coordinates for Channel 266C1 at Olive Branch are 35–08–01 and 90–05–38, accordingly. With this action, this proceeding is terminated.

**DATES:** Effective July 1, 2002.

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 02–31, adopted May 1, 2002, and released May 17, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours in the Commission's Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC 20554. This document may also be purchased from the

Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

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

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by removing Channel 239A and adding Channel 266C1 at Olive Branch and by adding Horn Lake, Channel 239A.

3. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by removing Channel 266C1 at Memphis.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.*

[FR Doc. 02–13825 Filed 5–31–02; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF INTERIOR

## Fish and Wildlife Service

## 50 CFR Parts 11 and 37

## Civil Penalty Procedures—Change of Address for Office of Hearings and Appeals

**AGENCY:** U.S. Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (FWS) is revising its regulations governing administrative appeals to reflect a change of address for the Office of Hearings and Appeals (OHA). OHA is moving to a new building in Arlington, Virginia. This move was effective February 11, 2002.

**DATES:** June 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Robert More, Director, U.S. Department of the Interior, Office of Hearings and Appeals, 801 North Quincy Street, Arlington, Virginia, 22203, telephone (703) 235–3810.

**SUPPLEMENTARY INFORMATION:**

### Background

In 50 CFR part 11, FWS has established procedures for the assessment of civil penalties for violations of various fish and wildlife protection laws. In 50 CFR part 37, FWS has provided guidelines governing the surface exploration for oil and gas within the coastal plain of the Arctic National Wildlife Refuge. Under § 37.47, civil penalties may be assessed for violations of an approved exploration plan, a special use permit, or the regulations.

Both sets of regulations include provisions for the Department of the Interior's Office of Hearings and Appeals (OHA) to conduct appeals of civil penalty assessment. OHA consists of a headquarters office located in Arlington, Virginia, and nine field offices located throughout the country. Since 1970, the headquarters office has been located at 4015 Wilson Boulevard. This address appears in four sections in 50 CFR parts 11 and 37.

Effective February 11, 2002, the OHA headquarters office relocated to 801 North Quincy Street, Arlington, Virginia. In anticipation of that move, FWS is revising its administrative appeals regulations to reflect OHA's new street address.

### Procedural Requirements

*A. Determination To Issue Final Rule Effective in Less Than 30 Days*

FWS has determined that the public notice and comment provisions of the Administrative Procedures Act, 5 U.S.C. 553(b), do not apply to this rulemaking because the changes being made relate solely to matters of agency organization, procedure and practice. These changes meet the exemption for notice and comment periods in 5 U.S.C. 553(b)(A).

FWS has also determined that there is good cause to waive the requirement for publication 30 days in advance of the rule's effective date under 5 U.S.C. 553(d)(3). Construction schedules dictated the timing of OHA's relocation. While OHA has known for months that it would be moving, the actual move date was confirmed only in the past few weeks.

*B. Required Determinations Under Procedural Statutes and Executive Orders*

FWS has reviewed this rule under the following statutes and executive orders governing rulemaking procedures: the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 *et seq.*; the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*; the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801 *et seq.*; the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*; the National Environmental Policy Act of 1969, 42 U.S.C. 4231 *et seq.*; Executive Order 12630 (Takings); Executive Order 12866 (Regulatory Planning and Review); Executive Order 12988 (Civil Justice Reform); Executive Order 13132 (Federalism); Executive Order 13175 (Tribal Consultation); and Executive Order 13211 (Energy Impacts). FWS has determined that this rule does not trigger any of the procedural requirements of those statutes and executive orders since this rule only changes the street address for OHA's headquarters office.

**List of Subjects in 50 CFR Parts 11 and 37**

Administrative practice and procedure.

**Regulation Promulgation**

For the reasons set out in the preamble, the Service amends parts 11 and 37 of Title 50 of the Code of Federal Regulations as set forth below.

## PART 11—[AMENDED]

1. The authority citation for part 11 continues to read as follows:

**Authority:** Lacey Act, 83 Stat. 279–281, 18 U.S.C. 42–44; Lacey Act Amendments of 1981, 95 Stat. 1073–1080, 16 U.S.C. 3371 *et seq.*; Bald Eagle Protection Act, sec. 2, 54 Stat. 251, 16 U.S.C. 668a; Endangered Species Act of 1973, sec. 11(f), 87 Stat. 884, 16 U.S.C. 1540(f); Marine Mammal Protection Act of 1972, sec. 112(a), 86 Stat. 1042, 16 U.S.C. 1382.

2. In part 11, revise all references to ''4015 Wilson Boulevard'' to read ''801 North Quincy Street.''

## PART 37—[AMENDED]

3. The authority citation for part 37 continues to read as follows:

**Authority:** Sec. 1002, Pub. L. 96–487, 94 Stat. 2449, as amended by sec. 110, Pub. L. 97–394, 96 Stat. 1982 (16 U.S.C. 3142); sec. 110, Pub. L. 89–665, as added by sec. 206, Pub. L. 96–515, 94 Stat. 2996 (16 U.S.C. 470h–2); sec. 401, Pub. L. 148, 49 Stat. 383, as amended (16 U.S.C. 715s); 31 U.S.C. 9701; 5 U.S.C. 301; 209 DM 6.1.

### § 37.47 [Amended]

4. In § 37.47, revise all references to ''4015 Wilson Boulevard'' to read ''801 North Quincy Street.''

Dated: February 1, 2002.

**Joseph E. Doddridge,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 02–13788 Filed 5–31–02; 8:45 am]

BILLING CODE 4310–55–P

# Proposed Rules

Federal Register
Vol. 67, No. 106
Monday, June 3, 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.

## OFFICE OF PERSONNEL MANAGEMENT

## 5 CFR PARTS 831, 842, 870, AND 890

**RIN 3206–AJ55**

## Continuation of Eligibility for Certain Civil Service Benefits for Former Federal Employees of the Civilian Marksmanship Program

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management is amending its regulations to describe conditions and procedures applicable to continuation of eligibility for certain Civil Service benefits for former Federal employees of the Civilian Marksmanship Program.

**DATES:** Comments must be received by August 2, 2002.

**ADDRESSES:** Send comments on this proposed rule to Mary Ellen Wilson, Director, Retirement Policy Center, Office of Personnel Management, Washington, DC 20415–3200. You may also submit comments by sending electronic mail (e-mail) to: *commbox@opm.gov*.

**FOR FURTHER INFORMATION CONTACT:** Ted Newland, 202–606–0299.

**SUPPLEMENTARY INFORMATION:**

### Introduction

The Office of Personnel Management (OPM) is amending parts 831, 842, 870, and 890 of title 5, Code of Federal Regulations, to implement benefit-related provisions of the ''Corporation for the Promotion of Rifle Practice and Firearms Safety Act,'' Public Law 104–106, 110 Stat. 515.

### Background

The ''Corporation for the Promotion of Rifle Practice and Firearms Safety Act,'' Public Law 104–106, 110 Stat. 515, created a private, non-profit, corporation, and transferred the Civilian Marksmanship Program from the Department of Defense to the new corporation. Section 1622 of the Act provided that individuals employed by the Department of Defense to support the Civilian Marksmanship Program as of the day before the date of the transfer of the Program to the Corporation who were offered and accepted employment by the Corporation as part of the transition would continue to be eligible during continuous employment with the Corporation for the Federal health, retirement, and similar benefits (including life insurance) for which the employee would have been eligible had the employee continued to be employed by the Department of Defense.

### Analysis

The proposed regulations provide that the affected employees will be treated under all of the applicable benefits programs on the same basis as if the individuals had remained as employees of the Federal Government.

Section 1622 of the Act provided that the affected employees ''may'' continue to be eligible to continue Federal benefits. Accordingly, the proposed regulations provide that individuals may elect to irrevocably discontinue coverage under all of the Federal benefit programs. Individuals could also achieve the same result by a break in continuous employment with the corporation for any period.

However, the proposed regulations do not permit affected individuals to terminate eligibility under some benefit programs, while retaining it under others. Such a choice of eligibility is not an option available to individuals employed by the Federal Government, and neither the statutory language nor the legislative history of the Act reflects an intent to provide such a choice to the affected employees. Nevertheless, affected employees of the Corporation will continue to have the same enrollment choices under the Federal Employees Health Benefits Program and the Federal Employees Group Life Insurance Program that are available to Federal employees, including the right for non-covered but eligible employees to elect coverage during open seasons or based upon other qualifying events.

### Regulatory Flexibility Act

I certify that this rule will not have a significant economic impact on a substantial number of small entities because the proposed rule only affects the employment benefits of a small number (estimated to be fewer than a dozen) former Federal employees now employed by the Corporation for the Promotion of Rifle Practice and Firearms Safety.

### Executive Order 12866, Regulatory Review

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

### List of Subjects

*5 CFR Part 831*

Administrative practice and procedure, Alimony, Claims, Firefighters, Government employees, Income taxes, Intergovernmental relations, Law enforcement officers, Pensions, Reporting and recordkeeping requirements, Retirement.

*5 CFR Part 842*

Air traffic controllers, Alimony, Firefighters, Government employees, Law enforcement officers, Pensions, Retirement.

*5 CFR Part 870*

Administrative practice and procedure, Government employees, Hostages, Iraq, Kuwait, Lebanon, Life insurance, Retirement.

*5 CFR Part 890*

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Military personnel, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

**Kay Coles James,**

*Director.*

For the reasons stated in the preamble, the Office of Personnel Management proposes to amend 5 CFR parts 831, 842, 870, and 890, as follows:

## PART 831—RETIREMENT

1. The authority citation for part 831 is revised to read as follows:

**Authority:** 5 U.S.C. 8347; Sec. 831.102 also issued under 5 U.S.C. 8334; Sec. 831.106 also issued under 5 U.S.C. 552a; Sec. 831.108 also issued under 5 U.S.C. 8336(d)(2); Sec. 831.114 also issued under 5 U.S.C. 8336(d)(2) and section 7001 of Pub. L. 105–174, 112 Stat. 58; Sec. 831.201(b)(1) also issued under 5 U.S.C. 8347(g); Sec. 831.201(b)(6) also issued under 5 U.S.C. 7701(b)(2); Sec.

831.201(g) also issued under sections 11202(f), 11232(e), and 11246(b) of Pub. L. 105–33, 111 Stat. 251; Sec. 831.201(g) also issued under sections 7(b) and 7(e) of Pub. L. 105–274, 112 Stat. 2419; Sec. 831.201(i) also issued under sections 3 and 7(c) of Pub. L. 105–274, 112 Stat. 2419; Sec. 831.204 also issued under section 102(e) of Pub. L. 104–8, 109 Stat. 102, as amended by section 153 of Pub. L. 104–134, 110 Stat. 1321; Sec. 831.205 also issued under section 2207 of Pub. L. 106–265, 114 Stat. 784; Sec. 831.206 also issued under section 1622(b) of Pub. L. 104–106, 110 Stat. 521; Sec. 831.301 also issued under section 2203 of Pub. L. 106–265, 114 Stat. 780; Sec. 831.303 also issued under 5 U.S.C. 8334(d)(2) and section 2203 of Pub. L. 106–235, 114 Stat. 780; Sec. 831.502 also issued under 5 U.S.C. 8337; Sec. 831.502 also issued under section 1(3), E.O. 11228, 3 CFR 1964–1965 Comp. p. 317; Sec. 831.663 also issued under 5 U.S.C. 8339(j) and (k)(2); Secs. 831.663 and 831.664 also issued under section 11004(c)(2) of Pub. L. 103–66, 107 Stat. 412; Sec. 831.682 also issued under section 201(d) of Pub. L. 99–251, 100 Stat. 23; Sec. 831.912 also issued under section 636 of H.R. 5658, incorporated by reference in Pub. L. 106–554, 114 Stat. 2763, and published as Appendix C to Pub. L. 106–554 at 114 Stat. 2763A–125; subpart V also issued under 5 U.S.C. 8343a and section 6001 of Pub. L. 100–203, 101 Stat. 1330–275; Sec. 831.2203 also issued under section 7001(a)(4) of Pub. L. 101–508, 104 Stat. 1388–328.

## Subpart B—Coverage

2. Add § 831.206 to subpart B to read as follows:

### § 831.206 Continuation of coverage for former Federal employees of the Civilian Marksmanship Program.

(a) A Federal employee who was covered under the CSRS; was employed by the Department of Defense to support the Civilian Marksmanship Program as of the day before the date of the transfer of the Program to the Corporation for the Promotion of Rifle Practice and Firearms Safety; and was offered and accepted employment by the Corporation as part of the transition described in section 1612(d) of Public Law 104–106, 110 Stat. 517; shall remain covered by the CSRS during continuous employment with the Corporation unless the individual files an election under paragraph (c) of this section. Such a covered individual shall be treated as if he or she were a Federal employee for purposes of this part, and of any other part within this title relating to the CSRS. The individual shall be entitled to the benefits of, and be subject to all conditions under, the CSRS on the same basis as if the individual were an employee of the Federal Government.

(b) Cessation of employment with the Corporation for any period shall terminate eligibility for coverage under the CSRS during any subsequent employment by the Corporation.

(c) An individual described by paragraph (a) of this section may at any time file an election to terminate continued coverage under the Federal benefits described in § 1622(a) of Public Law 104–106, 110 Stat. 521. Such an election shall be in writing and filed with the Corporation. It shall take effect immediately when received by the Corporation. It shall apply to all Federal benefits described by § 1622(a) of Public Law 104–106, 110 Stat. 521, and shall be irrevocable. Upon receipt of an election, the Corporation shall transmit the election to OPM with the individual's retirement records.

(d) The Corporation shall withhold from the pay of an individual described by paragraph (a) of this section an amount equal to the percentage withheld from Federal employees' pay for periods of service covered by CSRS and, in accordance with procedures established by OPM, pay into the Civil Service Retirement and Disability Fund the amounts deducted from the individual's pay.

(e) The Corporation shall, in accordance with procedures established by OPM, pay into the Civil Service Retirement and Disability Fund amounts equal to any agency contributions required under CSRS.

## PART 842—FEDERAL EMPLOYEES RETIREMENT SYSTEM—BASIC ANNUITY

3. The authority citation for Part 842 is revised to read as follows:

**Authority:** 5 U.S.C. 8461(g); Secs. 842.104 and 842.106 also issued under 5 U.S.C. 8461(n); Sec. 842.104 also issued under sections 3 and 7(c) of Pub. L. 105–274, 112 Stat. 2419; Sec. 842.105 also issued under 5 U.S.C. 8402(c)(1) and 7701(b)(2); Sec. 842.106 also issued under section 102(e) of Pub. L. 104–8, 109 Stat. 102, as amended by section 153 of Pub. L. 104–134, 110 Stat. 1321; Sec. 842.107 also issued under sections 11202(f), 11232(e), and 11246(b) of Pub. L. 105–33, 111 Stat. 251; Sec. 842.107 also issued under section 7(b) of Pub. L. 105–274, 112 Stat. 2419; Sec. 842.108 also issued under section 7(e) of Pub. L. 105–274, 112 Stat. 2419; Sec. 842.109 also issued under section 1622(b) of Pub. L. 104–106, 110 Stat. 521; Sec. 842.213 also issued under 5 U.S.C. 8414(b)(1)(B) and section 7001 of Pub. L. 105–174, 112 Stat. 58, as amended by section 651 of Pub. L. 106–58, 113 Stat. 430; Secs. 842.604 and 842.611 also issued under 5 U.S.C. 8417; Sec. 842.607 also issued under 5 U.S.C. 8416 and 8417; Sec. 842.614 also issued under 5 U.S.C. 8419; Sec. 842.615 also issued under 5 U.S.C. 8418; Sec. 842.703 also issued under section 7001(a)(4) of Pub. L. 101–508, 104 Stat. 1388; Sec. 842.707 also issued under section 6001 of Pub. L. 100–203, 101 Stat. 1300; Sec. 842.708 also issued under section 4005 of Pub. L. 101–239, 103 Stat. 2106 and section 7001 of Pub. L. 101–508, 104 Stat. 1388; subpart H also issued under 5 U.S.C. 1104; Sec. 842.810 also issued under section 636 of H.R. 5658, incorporated by reference in Pub. L. 106–554, 114 Stat. 2763, and published as Appendix C to Pub. L. 106–554 at 114 Stat. 2763A–125.

## Subpart A—Coverage

4. Add § 842.109 to subpart A to read as follows:

### § 842.109 Continuation of coverage for former Federal employees of the Civilian Marksmanship Program.

(a) A Federal employee who was covered under the FERS; was employed by the Department of Defense to support the Civilian Marksmanship Program as of the day before the date of the transfer of the Program to the Corporation for the Promotion of Rifle Practice and Firearms Safety; and was offered and accepted employment by the Corporation as part of the transition described in section 1612(d) of Public Law 104–106, 110 Stat. 517; shall remain covered by the FERS during continuous employment with the Corporation unless the individual files an election under paragraph (c) of this section. Such a covered individual shall be treated as if he or she were a Federal employee for purposes of this part, and of any other part within this title relating to the FERS. The individual shall be entitled to the benefits of, and be subject to all conditions under, the FERS on the same basis as if the individual were an employee of the Federal Government.

(b) Cessation of employment with the Corporation for any period shall terminate eligibility for coverage under the FERS during any subsequent employment by the Corporation.

(c) An individual described by paragraph (a) of this section may at any time file an election to terminate continued coverage under the Federal benefits described in § 1622(a) of Public Law 104–106, 110 Stat. 521. Such an election shall be in writing and filed with the Corporation. It shall take effect immediately when received by the Corporation. It will apply to any and all Federal benefits described by § 1622(a) of Public Law 104–106, 110 Stat. 521, and shall be irrevocable. The Corporation shall transmit the election to OPM with the individual's retirement records.

(d) The Corporation shall withhold from the pay of an individual described by paragraph (a) of this section an amount equal to the percentage withheld from Federal employees' pay for periods of service covered by FERS

and, in accordance with procedures established by OPM, pay into the Civil Service Retirement and Disability Fund the amounts deducted from the individual's pay.

(e) The Corporation shall, in accordance with procedures established by OPM, pay into the Civil Service Retirement and Disability Fund amounts equal to any agency contributions required under FERS.

## PART 870—FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM

5. The authority citation for Part 870 is revised to read as follows:

**Authority:** 5 U.S.C. 8716; subpart J also issued under section 599C of Public Law 101–513, 104 Stat. 2064, as amended; § 870.302(a)(3)(ii) also issued under sec. 153 of Public Law 104–134, 110 Stat. 1321; § 870.302(a)(3) also issued under sections 11202(f), 11232(e), and 11246(b) and (c) of Public Law 105–33, 111 Stat. 251 and section 721 of Pub. L. 105–261, 112 Stat. 2061; § 870.510 also issued under section 1622(b) of Pub. L. 104–106, 110 Stat. 521.

### Subpart E—Coverage

6. Add § 870.510 to subpart E to read as follows:

**§ 870.510 Continuation of eligibility for former Federal employees of the Civilian Marksmanship Program.**

(a) A Federal employee who was employed by the Department of Defense to support the Civilian Marksmanship Program as of the day before the date of the transfer of the Program to the Corporation for the Promotion of Rifle Practice and Firearms Safety, and was offered and accepted employment by the Corporation as part of the transition described in section 1612(d) of Public Law 104–106, 110 Stat. 517, shall be deemed to be an employee for purposes of this part during continuous employment with the Corporation unless the individual files an election under § 831.206(c) or § 842.109(c) of this title. Such a covered individual shall be treated as if he or she were a Federal employee for purposes of this part, and of any other part within this title relating to FEGLI. The individual shall be entitled to the benefits of, and be subject to all conditions under, FEGLI on the same basis as if the individual were an employee of the Federal Government.

(b) Cessation of employment with the Corporation for any period shall terminate eligibility for coverage under FEGLI as an employee during any subsequent employment by the Corporation.

(c) The Corporation shall withhold from the pay of an individual described by paragraph (a) of this section an amount equal to the premiums withheld from Federal employees' pay for FEGLI coverage and, in accordance with procedures established by OPM, pay into the Employees' Life Insurance Fund the amounts deducted from the individual's pay.

(d) The Corporation shall, in accordance with procedures established by OPM, pay into the Employees' Life Insurance Fund amounts equal to any agency contributions required under FEGLI.

## PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

7. The authority citation for Part 890 is revised to read as follows:

**Authority:** 5 U.S.C. 8913; Sec. 890.111 also issued under section 1622(b) of Pub. L. 104–106, 110 Stat. 521; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c–1; subpart L also issued under sec. 599C of Pub. L. 101–513, 104 Stat. 2064, as amended; § 890.102 also issued under sections 11202(f), 11232(e), 11246 (b) and (c) of Pub. L. 105–33, 111 Stat. 251; and section 721 of Pub. L. 105–261, 112 Stat. 2061.

### Subpart A—Administration and General Provisions

8. Add § 890.111 to subpart A to read as follows:

**§ 890.111 Continuation of eligibility for former Federal employees of the Civilian Marksmanship Program.**

(a) A Federal employee who was employed by the Department of Defense to support the Civilian Marksmanship Program as of the day before the date of the transfer of the Program to the Corporation for the Promotion of Rifle Practice and Firearms Safety, and was offered and accepted employment by the Corporation as part of the transition described in section 1612(d) of Public Law 104–106, 110 Stat. 517, shall be deemed to be an employee for purposes of this part during continuous employment with the Corporation unless the individual files an election under § 831.206(c) or § 842.109(c) of this title. Such a covered individual shall be treated as if he or she were a Federal employee for purposes of this part, and of any other part within this title relating to the FEHB Program. The individual shall be entitled to the benefits of, and be subject to all conditions under, the FEHB Program on the same basis as if the individual were an employee of the Federal Government.

(b) Cessation of employment with the Corporation for any period shall terminate eligibility for coverage under the FEHB Program as an employee during any subsequent employment by the Corporation.

(c) The Corporation shall withhold from the pay of an individual described by paragraph (a) of this section an amount equal to the premiums withheld from Federal employees' pay for the FEHB Program coverage and, in accordance with procedures established by OPM, pay into the Employees Health Benefits Fund the amounts deducted from the individual's pay.

(d) The Corporation shall, in accordance with procedures established by OPM, pay into the Employees Health Benefits Fund amounts equal to any agency contributions required under the FEHB Program.

[FR Doc. 02–13740 Filed 5–31–02; 8:45 am]

BILLING CODE 6325–50–P

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## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. 2000–NE–57–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Titeflex Corporation

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The Federal Aviation Administration (FAA) proposes to adopt a new airworthiness directive (AD) that is applicable to certain Titeflex Corporation high-pressure and medium-pressure hoses. This proposal would require inspecting certain Titeflex hoses for a date of manufacture, and if necessary, replacing the hose with a serviceable part. This proposal is prompted by reports of hoses that failed to meet the fire test requirements during laboratory testing. The actions specified by the proposed AD are intended to prevent failure of a hose when exposed to fire.

**DATES:** Comments must be received by August 2, 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–57–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected, by appointment, at this location 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 the proposed rule may be obtained from Titeflex Corporation, 603 Hendee Street, P.O. Box 90054, Springfield, MA 01139, Tel. (413) 271–8244. 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.

**FOR FURTHER INFORMATION CONTACT:** Terry Fahr, Aerospace Engineer, Boston Aircraft Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7155; fax (781) 238–7199.

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NE–57–AD.'' The postcard will be date stamped and returned to the commenter.

## Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000–NE–57–AD, 12 New England Executive Park, Burlington, MA 01803–5299.

## Discussion

Titeflex Corporation has notified the FAA of high- and medium-pressure hoses failing to meet the fire test requirements of AS1072 for their Teflon (PTFE) hoses. The failures were first encountered during a new hose qualification test. All of the failures occurred during laboratory testing. The causes of those failures have been determined to be the result of the firesleeves shrinking away from the end fittings during the flame test due to incorrect clamping force on the metal bands. No failures in the field have been reported. The group of suspect hoses consists of high- and medium-pressure hoses. The suspect high-pressure hoses were fabricated at the Springfield, MA facility from January 1996 through June 2000. The suspect medium-pressure hoses were fabricated at the Springfield, MA facility from February 2000 through May 2000. This condition, if not corrected, could result in failure of a hose when exposed to fire.

## Manufacturer's Service Information

The FAA has reviewed and approved the technical contents of Titeflex Corporation Service Bulletin (SB) 73–2, dated November 27, 2000, that provides part numbers (P/N's) of the suspect hoses, and dates of manufacture of the hoses.

## FAA's Determination of Compliance Period

The 48 month compliance period was established based on allowing sufficient time for operators to incorporate hose replacement within their maintenance schedules, ensuring availability of parts from Titeflex, and the risk analysis indicating this to be an acceptable compliance period.

## FAA's Determination of an Unsafe Condition and Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other hoses of the same type design, the proposed AD would require inspection of the applicable P/N hoses to determine where they were fabricated and the date on which they were fabricated. If the hose is part of the suspect hose population, this proposal would require replacing the hose within 48 months after the effective date of this AD. The actions would be required to be done in accordance with the service bulletin described previously. The technical requirements of this proposed AD were coordinated with Transport Airplane Directorate.

## Economic Analysis

The FAA estimates that 2,500 hoses installed on airplanes of U.S. registry would be affected by this proposed AD. The FAA also estimates that it would take approximately 5 work hours per product to do the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $1,000 per product. Based on these figures, the total cost of the proposed AD on U.S. operators is estimated to be $3,250,000.

## Regulatory Analysis

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

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

## List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**Titeflex Corporation:** Docket No. 2000–NE–57–AD.

**Applicability**

This airworthiness directive (AD) is applicable to certain part number (P/N) Titeflex Corporation high- and medium-pressure hoses that were fabricated at the Titeflex Springfield, MA, facility from January 1996 through June 2000. These hoses are installed on Airbus A300, A310, A340, Boeing, 737, 777, Cessna 650, Bombardier CL–600, BAE Avro 146 and Bae 146, McDonnell Douglas Corporation DC8 series airplanes, General Electric CF6–80C and CFM–56 series, and Honeywell International Inc. ALF502 and LF507 series turbofan engines.

**Note 1:** This AD applies to each engine and 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 engines or airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner or 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 within 48 months after the effective date of this AD, unless already done.

To prevent failure of a hose when exposed to fire, do the following:

(a) Inspect all high-pressure and medium-pressure hoses, with a P/N specified in paragraph 1.A. of Titeflex Corporation service bulletin (SB) 73–2.

(b) If the hose has a brown, integral firesleeve, no further action is required. If the hose has an orange, slip-on firesleeve, then inspect the metal tag for the assembly location.

(1) If the assembly location on the metal tag is TITEFLEX/API, TITEFLEX/API LGB, TITEFLEX E, TITEFLEX EUROPE, or SHAC 1S353, no further action is required.

(2) If the assembly location on the metal tag is TITEFLEX, inspect for a date and disposition as specified in the following Table:

| If the hose is | And the date is | Then |
|---|---|---|
| (i) High-pressure, | (A) Before January 1996 or after June 2000, | No further action is required. |
| | (B) January 1996 through June 2000, | Replace hose with a serviceable part. |
| (ii) Medium-pressure, | (A) Before February 2000 or after May 2000, | No further action is required. |
| | (B) February 2000 through May 2000, | Replace hose with a serviceable part. |

**Definition of a Serviceable Hose**

(c) For the purposes of this AD, a serviceable hose is defined as a hose that has an assembly location listed in paragraph (b)(1) of this AD, that has an integral brown firesleeve, as a high-pressure hose that was fabricated before January 1996 or after June 2000, and as a medium-pressure hose that was fabricated before February 2000 or after May 2000.

**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, Boston Aircraft Certification Office (ACO). Operators must submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Boston ACO.

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

**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 airplane to a location where the requirements of this AD can be done.

Issued in Burlington, Massachusetts on May 24, 2002.

**Jay J. Pardee,**

*Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 02–13766 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–13–U

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

**[REG–125626–01]**

**RIN 1545–BA25**

## Unit Livestock Price Method; Hearing Cancellation

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking.

**SUMMARY:** This document provides notice of cancellation of a public hearing on proposed regulations under section 471 of the Internal Revenue Code.

**DATES:** The public hearing originally scheduled for June 12, 2002, at 10 a.m., is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Treena Garrett of the Regulations Unit, Associate Chief Counsel (Income Tax and Accounting), (202) 622–7180 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on February 4, 2002, (67 FR 5074), announced that a public hearing was scheduled for June 12, 2002, at 10 a.m., in room 4716, Internal Revenue Service Building, 1111 Constitution Avenue, NW, Washington, DC. The subject of the public hearing is proposed regulations under section 471 of the Internal Revenue Code. The public comment period for these proposed regulations expired on May 6, 2002.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of May 22, 2002, no one has requested to speak. Therefore, the public hearing scheduled for June 12, 2002, is cancelled.

**Cynthia E. Grigsby,**

*Chief, Regulations Unit, Associate Chief Counsel, (Income Tax and Accounting).*

[FR Doc. 02–13847 Filed 5–31–02; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 1

**[REG–248110–96]**

**RIN 1545–AY48**

## Guidance Under Section 817A Regarding Modified Guaranteed Contracts

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of proposed rulemaking and notice of public hearing.

**SUMMARY:** This document contains proposed regulations affecting insurance companies that define the interest rate to be used with respect to certain insurance contracts that guarantee higher returns for an initial, temporary period. Specifically, the proposed regulations define the appropriate interest rate to be used in the determination of tax reserves and required interest for certain modified guaranteed contracts. The proposed regulations also address how temporary guarantee periods that extend past the end of a taxable year are to be taken into account. This document also provides notice of a public hearing on these proposed regulations.

**DATES:** Written or electronic comments must be received by August 20, 2002. Requests to speak (with outlines of oral comments to be discussed) at the public hearing scheduled for August 27, 2002, at 10 a.m., must be received by August 6, 2002.

**ADDRESSES:** Send submissions to: CC:ITA:RU (REG–248110–96), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Comments may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to CC:ITA:RU (REG–248110–96), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC. Alternatively, taxpayers may submit comments electronically directly to the IRS internet site at: *http://www.irs.gov/regs.* The public hearing will be held in Room 4718, 1111 Constitution Avenue, NW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Concerning the regulations, Ann H. Logan, 202–622–3970. Concerning the hearing, LaNita Van Dyke of the Regulations Unit, 202–622–7180 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

## Background

### *History*

Section 817A was added by section 1612 of the Small Business Job Protection Act of 1996, Public Law 104–188, 110 Stat. 1755. Section 817A is effective for taxable years beginning after December 31, 1995. See Small Business Job Protection Act section 1612(c)(1).

Previous guidance on the matters addressed by these proposed regulations is provided in Notice 97–32 (1997–1 C.B. 420), which specifies the appropriate interest rate to be used during the temporary guarantee period of modified guaranteed contracts. Generally, the specified rate is the greater of the interest rate assumed by the insurance company to determine future guaranteed benefits or Moody's Corporate Bond Yield Average—Monthly Average Corporates (Moody's rate). For equity-indexed modified guaranteed contracts whose market value adjustment is based on the performance of stocks, other equity instruments or equity-based derivatives, the specified rate is obtained by multiplying whichever of the two rates is greater by 1.1. Notice 97–32 was to be effective pending the publication of further guidance. Comments received after publication of the Notice indicated the need for further consideration of the appropriate rate to be used.

### *Interest Rates Affecting Modified Guaranteed Contracts*

These proposed regulations govern the interest rate to be used when life insurance companies issue certain modified guaranteed annuity and life insurance contracts. A modified guaranteed contract temporarily guarantees a higher return than the permanently guaranteed crediting rate, in exchange for shifting additional investment risk to the policyholder in the form of a market value adjustment. The temporary guarantee may be a fixed rate (non-equity-indexed modified guaranteed contracts) or a rate based on bond or equity yields (equity-indexed modified guaranteed contracts). During the temporary guarantee period, the amount paid to the policyholder upon surrender is increased or decreased by a market value adjustment, which is determined by a formula in the modified guaranteed contract. Modified guaranteed contracts can be issued out of a life insurance company's general account or one or more segregated accounts.

Section 817A provides special tax treatment for certain modified guaranteed contracts issued out of a segregated account. For this purpose, the term modified guaranteed contract is defined as an annuity, life insurance, or pension plan contract (other than a variable contract described in section 817) under which all or part of the amounts received under the contract are allocated to a segregated account. Assets and reserves in this segregated account must be valued from time to time with reference to market values for annual statement purposes. Further, a modified guaranteed contract must provide either for a net surrender value or for a policyholder's fund (as defined in section 807(e)(1)). If only a portion of a contract is not described in section 817, such portion is treated as a separate contract for purposes of applying section 817A.

The tax reserves for a modified guaranteed contract are computed under either sections 807(c)(3) or (d)(2), depending upon whether the reserves are also life insurance reserves as defined by section 816(b). If the reserves are not life insurance reserves, section 807(c)(3) provides that reserves for obligations under insurance and annuity contracts not involving life, accident, or health contingencies are computed using an appropriate rate of interest. The appropriate rate of interest is the highest (as of the time the obligation first did not involve life, accident, or health contingencies) of the following rates: (1) The applicable Federal interest rate (as defined in section 807(d)(2)(B)(i)); (2) the prevailing State assumed interest rate (as defined in section 807(d)(2)(B)(ii)); or (3) the rate of interest assumed by the insurance company to determine the contract's guaranteed benefit. Section 807(c) also provides that the reserves computed under section 807(c)(3) are never less than the net surrender value of the contract.

For a modified guaranteed contract that does give rise to life insurance reserves, as defined in section 816(b), reserves are computed under section 807(d). Under section 807(d)(1), the life insurance reserves for a contract cannot exceed the statutory reserves for the contract. Subject to that cap, a contract's life insurance reserves equal the greater of: (1) The contract's net surrender value; or (2) the contract's Federally prescribed reserve determined under section 807(d)(2).

Section 807(d)(2) provides that the Federally prescribed reserves for a contract are determined using: (1) The tax reserve method applicable to the contract; (2) the greater of the applicable Federal interest rate or the prevailing State assumed interest rate in effect on the date of the issuance of the contract; and (3) the prevailing commissioners' standard tables for mortality and morbidity. In the case of a life insurance contract covered by the Commissioners' Reserve Valuation Method (CRVM) or an annuity contract covered by the Commissioners' Annuities Reserve Valuation Method (CARVM), section 807(d)(3) provides that the tax reserve method applicable to a contract is the CRVM or CARVM prescribed by the National Association of Insurance Commissioners (NAIC), which is in effect on the date of the issuance of the contract.

Section 811(d) imposes an additional reserve computation rule for contracts that guarantee beyond the end of the

taxable year payment or crediting of amounts in the nature of interest in excess of the greater of the prevailing state assumed interest rate or the applicable Federal interest rate. In those circumstances, section 811(d) requires that the contract's future guaranteed benefits be determined as though the interest in excess of the greater of the prevailing state assumed interest rate or the applicable Federal rate were guaranteed only to the end of the taxable year.

*Required Interest*

Section 812(b) defines the company's share of net investment income for the taxable year the computation of which also requires use of an interest rate. The company's share equals the excess, if any, of the net investment income over the sum of the policy interest (as defined in section 812(b)(2)) and the gross investment income's proportionate share of policyholder dividends (as defined in section 812(b)(3)) for the taxable year. Policy interest includes required interest on reserves under section 807(c) (other than section 807(c)(2) reserves), determined under section 812(b)(2)(A) by using the greater of the prevailing State assumed rate or the applicable Federal interest rate. If neither the prevailing State assumed interest rate nor the applicable Federal interest rate is used, another appropriate rate is used to calculate required interest.

*Legislation Affecting Modified Guaranteed Contracts*

The interest rates used for both reserves and required interest for modified guaranteed contracts are governed by section 817A. Under section 817A(e)(2), the IRS is authorized to determine annually the applicable interest rate to be used under sections 807(c)(3), 807(d)(2)(B) and 812 for a modified guaranteed contract. The IRS is authorized to exercise this authority by issuing a periodic announcement of the appropriate market interest rates or formula for determining such rates. H.R. Conf. Rept. No. 737, 104th Cong. 2d Sess. 313 (1996). Section 817A(e) also authorizes the IRS to modify or waive the application of section 811(d) (relating to interest guaranteed beyond the end of the taxable year), and to prescribe other regulations that are necessary or appropriate to carry out the purposes of section 817A.

The legislative history of section 817A indicates that an appropriate interest rate is a current market rate. H.R. Conf. Rep. No. 737, at 313. The interest rate may be determined, for example, using either a rate that is appropriate for the obligations under the contract to which the reserve relates or the yield on the assets underlying the modified guaranteed contract. In light of this legislative history and the purpose of section 817A, the statutory grant of authority to prescribe regulations to specify the appropriate interest rate is broad, granting discretion to the Secretary to determine that rate which will best match the obligations under modified guaranteed contracts to the market fluctuations of the underlying assets.

**Explanation of Provisions**

This document contains proposed amendments to 26 CFR part 1 under sections 807, 811, 812, and 817A of the Internal Revenue Code (Code). These proposed rules specify the appropriate interest rates to be used by insurance companies in the determination of tax reserves under sections 807(c)(3) and (d)(2)(B), and the company's share of net investment income under 812(b)(2)(A), for certain modified guaranteed contracts, as defined in section 817A(d). It also describes the manner in which section 811(d) governing the calculation of reserves for certain insurance contracts is to be applied to these contracts. The proposed regulations do not adopt the position set forth in Notice 97–32, and instead provide that the appropriate interest rate for each non-equity-indexed modified guaranteed contract is the current market rate. These proposed regulations define the current market rate as the Treasury constant maturity interest rate published by the Board of Governors of the Federal Reserve System. The Treasury constant maturity interest rates are released each Monday as part of statistical release H.15, Selected Interest Rates, and can also be found at *http://www.federalreserve.gov/releases/#weekly.* Availability of the release is announced on (202) 452–3206. The proposed regulations do not take a position as to the appropriate interest rate to be used for an equity-indexed modified guaranteed contract whose market value adjustment is based on the performance of stocks, other equity instruments or equity-based derivatives.

The proposed regulations under section 817A, relating to the definition of the appropriate interest rate to be used in determining tax reserves under sections 807(c)(3) and (d)(2), the appropriate interest rate to be used under section 811(d), and required interest under 812(b)(2)(A), will be effective on the date that the regulations become final. However, pursuant to section 7805(b)(7), taxpayers will be permitted to apply the final regulations retroactively for all tax years beginning after December 31, 1995, the effective date of section 817A.

**Effect on Other Documents**

Notice 97–32 will not be revoked or superseded until final regulations are published in the **Federal Register**.

**Special Analyses**

It has been determined that this notice of proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because the regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business.

**Comments and Public Hearing**

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (preferably a signed original and eight copies) or electronic comments that are timely submitted to the IRS. The IRS and Treasury specifically request comments on the clarity of the proposed regulations and how they can be made easier to understand. All comments will be available for public inspection and copying.

Comments are specifically requested on the use of a different current market rate for non-equity-indexed modified guaranteed contracts than the rate specified in these proposed regulations. Comments are also requested concerning the appropriate interest rate to use for equity-indexed modified guaranteed contracts. Any comments on these topics should address not only the definitions of such rates, but whether such approaches are presently in use among taxpayers, why such rates would produce superior measures of reserves and net income than the current market rate proposed in these regulations, and whether the use of such rates would produce simpler and less costly compliance burdens than the current market rate proposed in these regulations.

With regard to any comments submitted regarding non-equity-indexed modified guaranteed contracts that suggest the use of a insurer's contract crediting rate offered for newly issued

contracts with temporary guarantee periods equal in duration to the remaining duration of the temporary guarantee period of the original contract, several additional questions should be addressed. In the event the insurer does not offer modified guaranteed contracts with an identical temporary guarantee period as the temporary guarantee period remaining for the original contract, what rule should be used? If an interpolation of other rates should be used, what rule should be used? In the event interpolation is not meaningful because (1) The duration periods of the modified guaranteed contracts being newly issued are too dissimilar from the contract's remaining duration, (2) there are not enough newly issued modified guaranteed contracts to make a reasonable interpolation, or (3) the insurer has ceased issuing modified guaranteed contracts, what rule should be used? For example, should the federal rate defined in section 1272(d) applicable for the number of years remaining in the temporary guarantee period of the contract be used?

Comments may also be submitted requesting that section 811(d) be modified or waived regarding modified guarantee contracts. The requested waiver or modification should include details on the implementation of any proposed rules.

Finally, if the application of the regulation for earlier tax years, once made final, requires clarification or amplification, affected taxpayers should detail their concerns and proposed solutions. All comments will be available for public inspection and copying in their entirety.

A public hearing has been scheduled for August 27, 2002, at 10 a.m., in Room 4718 in the Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, DC. Because of access restrictions, visitors must enter at the main entrance, located at 1111 Constitution Avenue, NW. All visitors must present photo identification to enter the building and visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** portion of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the nearing must submit written or electronic comments, an outline of the topics to be discussed, and the time to be devoted to each topic (preferably a signed original and eight (8) copies) by August 6, 2002. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

## Drafting Information

The principal author of these proposed regulations is Ann H. Logan, Office of the Associate Chief Counsel (Financial Institutions and Products), Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the IRS and the Treasury Department participated in their development.

## List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

## Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

1. The authority citation for part 1 is amended by adding entries in numerical order to read as follows:

**Authority:** 26 U.S.C. 7805 * * *

Section 1.807–2 also issued under 26 U.S.C. 817A(e) * * *

Section 1.811–3 also issued under 26 U.S.C. 817A(e) * * *

Section 1.812–9 also issued under 26 U.S.C. 817A(e) * * *

Section 1.817A–1 also issued under 26 U.S.C. 817A(e) * * *

2. Section 1.807–2 is added to read as follows:

### § 1.807–2 Cross-Reference.

For special rules regarding the treatment of modified guaranteed contracts (as defined in section 817A and § 1.817A–1(a)(1)), see § 1.817A–1.

3. Section 1.811–3 is added to read as follows:

### § 1.811–3 Cross-Reference.

For special rules regarding the treatment of modified guaranteed contracts (as defined in section 817A and § 1.817A–1(a)(1)), see § 1.817A–1.

4. Section 1.812–9 is added to read as follows:

### § 1.812–9 Cross-Reference.

For special rules regarding the treatment of modified guaranteed contracts (as defined in section 817A and § 1.817A–1(a)(1)), see § 1.817A–1.

5. Sections 1.817A–0 and 1.817A–1 are added to read as follows:

### § 1.817A–0 Table of contents.

This section lists the captions that appear in section 1.817A–1:

### § 1.817A–1 Certain modified guaranteed contracts.

(a) Definitions.
(1) Modified guaranteed contract.
(2) Temporary guarantee period.
(3) Equity-indexed modified guaranteed contract.
(4) Non-equity-indexed modified guaranteed contract.
(5) Current market rate for non-equity-indexed modified guaranteed contract.
(6) Current market rate for equity-indexed modified guaranteed contract. [Reserved.]
(b) Applicable interest rates for non-equity-indexed modified guaranteed contracts.
(1) Tax reserves during temporary guarantee period.
(2) Required interest during temporary guarantee period.
(3) Application of section 811(d).
(4) Periods after the end of the temporary guarantee period.
(5) Examples.
(c) Applicable interest rates for equity-indexed modified guaranteed contracts. [Reserved.]
(d) Effective date.

### § 1.817A–1 Certain modified guaranteed contracts.

(a) *Definitions*—(1) *Modified guaranteed contract.* The term *modified guaranteed contract* (MGC) is defined in section 817A(d) as an annuity, life insurance, or pension plan contract (other than a variable contract described in section 817) under which all or part of the amounts received under the contract are allocated to a segregated account. Assets and reserves in this segregated account must be valued from time to time with reference to market values for annual statement purposes. Further, an MGC must provide either for a net surrender value or for a policyholder's fund (as defined in section 807(e)(1)). If only a portion of a contract is not described in section 817, such portion is treated as a separate contract for purposes of applying section 817A.

(2) *Temporary guarantee period.* An MGC may temporarily guarantee a return other than the permanently guaranteed crediting rate for a period specified in the contract (the *temporary guarantee period*). During the temporary guarantee period, the amount paid to the policyholder upon surrender is usually increased or decreased by a market value adjustment, which is determined by a formula set forth under the terms of the MGC.

(3) *Equity-indexed modified guaranteed contract.* An equity-indexed MGC is an MGC, as defined in paragraph (a)(1) of this section, that provides a return during or at the end

of the temporary guarantee period based on the performance of stocks, other equity instruments, or equity-based derivatives.

(4) *Non-equity-indexed modified guaranteed contract.* A non-equity-indexed MGC is an MGC, as defined in paragraph (a)(1) of this section, that provides a return during or at the end of the temporary guarantee period not based on the performance of stocks, other equity instruments, or equity-based derivatives.

(5) *Current market rate for non-equity-indexed modified guaranteed contracts.* The current market rate for a non-equity-indexed MGC issued by an insurer (whether issued in that tax year or a previous one) is the appropriate Treasury constant maturity interest rate published by the Board of Governors of the Federal Reserve System for the month containing the last day of the insurer's taxable year. The appropriate rate is that rate published for Treasury securities with the shortest published maturity that is greater than (or equal to) the remaining duration of the current temporary guarantee period under the MGC.

(6) *Current market rate for equity-indexed modified guaranteed contracts.* [Reserved]

(b) *Applicable interest rates for non-equity-indexed modified guaranteed contracts*—(1) *Tax reserves during temporary guarantee period.* An insurance company is required to determine the tax reserves for an MGC under sections 807(c)(3) or (d)(2). During a non-equity-indexed MGC's temporary guarantee period, the applicable interest rate to be used under sections 807(c)(3) and (d)(2)(B) is the current market rate, as defined in paragraph (a)(5) of this section.

(2) *Required interest during temporary guarantee period.* During the temporary guarantee period of a non-equity-indexed MGC, the applicable interest rate to be used to determine required interest under section 812(b)(2)(A) is the same current market rate, defined in paragraph (a)(5) of this section, that applies for that period for purposes of sections 807(c)(3) or (d)(2)(B).

(3) *Application of section 811(d).* An additional reserve computation rule applies under section 811(d) for contracts that guarantee certain interest payments beyond the end of the taxable year. Section 811(d) is not modified or waived for the taxable year in which a non-equity-indexed MGC is issued. The current market rate, as defined in paragraph (a)(5) of this section, is to be applied to the remaining years of the MGC's temporary guarantee period.

(4) *Periods after the end of the temporary guarantee period.* For periods after the end of the temporary guarantee period, sections 807(c)(3), 807(d)(2)(B), 811(d) and 812(b)(2)(A) are not modified when applied to non-equity-indexed MGCs. None of these sections are affected by the definition of current market rate contained in paragraph (a)(5) of this section once the temporary guarantee period has expired.

(5) *Examples.* The following examples illustrate this paragraph (b):

*Example 1.* (i) *IC*, a life insurance company as defined in section 816, issues a MGC (the Contract) on August 1 of 1996. Assume that the conditions invoking the application of section 811(d) are not present. The Contract is an annuity contract that gives rise to life insurance reserves, as defined in section 816(b). *IC* is a calendar year taxpayer. The Contract guarantees that interest will be credited at 8 percent per year for the first 8 contract years and 4 percent per year thereafter. During the 8-year temporary guarantee period, the Contract provides for a market value adjustment based on changes in a published bond index and not on the performance of stocks, other equity instruments or equity based derivatives. *IC* has chosen to avail itself of the provisions of these regulations for 1996 and taxable years thereafter. The 10-year Treasury constant maturity interest rate published for December of 1996 was 6.30 percent. The next shortest maturity published for Treasury constant maturity interest rates is 7 years. As of the end of 1996, the remaining duration of the temporary guarantee period for the Contract was 7 years and 7 months.

(ii) To determine under section 807(d)(2) the end of 1996 reserves for the Contract, *IC* must use a discount interest rate of 6.30 percent for the temporary guarantee period. The interest rate to be used in computing required interest under section 812(b)(2)(A) for 1996 reserves is also 6.30 percent.

(iii) The discount rate applicable to periods outside the 8-year temporary guarantee period is determined under sections 807(c)(3), 807(d)(2)(B), 811(d) and 812(b)(2)(A) without regard to the current market rate.

*Example 2.* Assume the same facts as in *Example 1* except that it is now the last day of 1998. The remaining duration of the temporary guarantee period under the Contract is now 5 years and 7 months. The 7-year Treasury constant maturity interest rate published for December of 1998 was 4.65 percent. The next shortest duration published for Treasury constant maturity interest rates is 5 years. A discount rate of 4.65 percent is used for the remaining duration of the temporary guarantee period for the purpose of determining a reserve under section 807(d) and for the purpose of determining required interest under section 812(b)(2)(A).

*Example 3.* Assume the same facts as in *Example 1* except that it is now the last day of 2001. The remaining duration of the temporary guarantee period under the Contract is now 2 years and 7 months. The 3-year Treasury constant maturity interest rate published for December of 2001 was 3.62 percent. The next shortest duration published for Treasury constant maturity interest rates is 2 years. A discount rate of 3.62 percent is used for the remaining duration of the temporary guarantee period for the purpose of determining a reserve under section 807(d) and for the purpose of determining required interest under section 812(b)(2)(A).

(c) *Applicable interest rates for equity-indexed modified guaranteed contracts.* [Reserved.]

(d) *Effective date.* Paragraphs (a), (b) and (d) of this proposed regulation are effective on the date this notice is filed as a final regulation in the **Federal Register**. However, pursuant to section 7805(b)(7), taxpayers may elect to apply the final regulations retroactively for all taxable years beginning after December 31, 1995, the effective date of section 817A.

**Robert E. Wenzel,**

*Deputy Commissioner of Internal Revenue.*

[FR Doc. 02–13848 Filed 5–31–02; 8:45 am]

BILLING CODE 4830–01–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[AK–02–001; FRL–7220–3]**

## Approval and Promulgation of Carbon Monoxide Implementation Plan; State of Alaska; Anchorage

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve a State Implementation Plan (SIP) revision submitted by the State of Alaska. This revision provides for attainment of the carbon monoxide (CO) national ambient air quality standards (NAAQS) in the Anchorage CO nonattainment area.

**DATES:** Comments must be received on or before July 3, 2002.

**ADDRESSES:** Written comments should be addressed to: Connie Robinson, EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the State's submittal, and other information relevant to this proposal are available for inspection during normal business hours at the following locations: EPA, Office of Air Quality (OAQ–107), 1200 Sixth Avenue, Seattle, Washington 98101, and the Alaska Department of Environmental

Conservation, 410 Willoughby Avenue, Suite 303, Juneau, Alaska 99801–1795.

**FOR FURTHER INFORMATION CONTACT:** Connie Robinson, Office of Air Quality (OAQ–107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–1086.

**SUPPLEMENTARY INFORMATION:** Throughout this document, wherever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information is organized as follows:

I. Background information
A. *What NAAQS is being considered in today's proposal?*
B. *What is the history behind this proposal?*
C. *What statutory, regulatory, and policy requirements must be met to approve this proposal?*
II. EPA's review of the Anchorage CO plan
A. *Does the Anchorage CO Plan meet all the procedural requirements as required by Section 110(a)(2) of the Act?*
B. *Does the Anchorage CO plan include a comprehensive, accurate, current base year inventory from all sources as required in section 187(a)(1)?*
C. *Does the Anchorage CO plan include periodic inventories as required in section 187(a)(5) of the Act?*
D. *Does the Anchorage CO plan meet the requirement of section 187(a)(7) of the Act that serious CO areas submit an Attainment Demonstration which includes annual emissions reductions necessary for reaching attainment by the deadline?*
E. *Has Anchorage adopted transportation control measures (TCMs) for the purpose of reducing CO emissions as required by section 182(d)(1) and described in section 108(f)(1)(A) of the Act?*
F. *Does the Anchorage CO plan include a forecast of vehicle miles traveled (VMT) for each year before the attainment year of 2000 as required by 187(a)(2)(A) of the Act?*
G. *Does the Anchorage CO plan include contingency measures required by Section 187(a)(3) of the Act?*
H. *Does the Anchorage CO plan provide for reasonable further progress (RFP) as required by Section 172(c)(2) and Section 171(1) of the Act?*
I. *Is the motor vehicle emission budget approvable as required by Section 176(c)(2)(A) of the Act and outlined in conformity rules, 40 CFR 93.118(e)(4)?*
J. *Does Anchorage have an I/M program in place that meets EPA requirements in section 182(a)(2)(B)of the Act?*
K. *Are there controls on stationary sources of CO as required by Section 172(c)(5) of the Act?*
L. *Has Anchorage implemented an oxygenated fuel program as described in Section 187(b)(3)?*
III. Summary of EPA's proposal
IV. Administrative Requirements

## I. Background Information

### *A. What NAAQS Is Considered in Today's Proposal?*

CO is among the ambient air pollutants for which EPA has established a health-based standard and is the pollutant that is the subject of this proposal. CO is a colorless, odorless gas emitted in combustion processes. CO enters the bloodstream through the lungs and reduces oxygen delivery to the body's organs and tissues. Exposure to elevated CO levels is associated with impairment of visual perception, work capacity, manual dexterity, and learning ability, and with illness and death for those who already suffer from cardiovascular disease, particularly angina or peripheral vascular disease.

Under section 109(a)(1)(A) of the Act, we have established primary, health-related NAAQS for CO: 9 parts per million (ppm) averaged over an 8-hour period, and 35 ppm averaged over 1 hour. Anchorage has never exceeded the 1-hour NAAQS; therefore, the State CO Implementation Plan (Anchorage CO plan), and this proposal address only the 8-hour CO NAAQS. Attainment of the 8-hour CO NAAQS is achieved if the non-overlapping 8-hour average per monitoring site does not exceed 9 ppm (values below 9.5 are rounded down to 9.0 and are not considered exceedances) more than once per year during a consecutive 2-year period.

### *B. What Is the History Behind This Proposal?*

Upon enactment of the 1990 Act, areas meeting the requirements of section 107(d) of the Act were designated nonattainment for CO by operation of law. Under section 186(a) of the Act, each CO nonattainment area was also classified by operation of law as either moderate or serious depending on the severity of the area's air quality problems. Anchorage was classified as a moderate CO nonattainment area. Moderate CO nonattainment areas were expected to attain the CO NAAQS as expeditiously as practicable but no later than December 31, 1995. Anchorage did not have the two years of clean data required to attain the standard by the required attainment date for CO moderate areas, and under section 186(a)(4) of the Act, Alaska requested and EPA granted a one-year extension of the attainment date deadline to December 31, 1996 (61 FR 33676, June 28, 1996). If a moderate CO nonattainment area was unable to attain the CO NAAQS by the attainment date deadline, the area was reclassified as a serious CO nonattainment area by operation of law. Anchorage was unable to meet the CO NAAQS by December 31, 1996, and was reclassified as a serious nonattainment area effective July 13, 1998. As a result of the reclassification, the State had 18 months or until January 13, 2000, to submit a new Anchorage CO plan demonstrating attainment of the CO NAAQS as expeditiously as practicable but no later than December 31, 2000, the Act attainment date for all serious CO areas.

The required Anchorage CO plan was not submitted by January 13, 2000, and we made a finding of failure to submit the required plan (*See* 65 FR 43700, July 14, 2000) which triggered the 18-month time clock for mandatory application of sanctions and a 2-year time clock for additional sanctions and the requirement for a Federal Implementation Plan under the Act.

On July 12, 2001, EPA made a determination based on air quality data that the Anchorage CO nonattainment area in Alaska attained the NAAQS for CO by December 31, 2000, the deadline required by the Act. (*See* 66 FR 36476, July 12, 2001.)

On January 4, 2002, the Alaska Department of Environmental Conservation (ADEC) submitted the Anchorage CO plan as a revision to the Alaska SIP. A complete Anchorage CO plan was due by January 13, 2002, to stop the sanctions clocks. We determined the revision to be complete and stopped the sanctions' clocks effective January 11, 2002.

### *C. What Statutory, Regulatory, and Policy Requirements Must Be Met To Approve This Action?*

Section 172 of the Act contains general requirements applicable to SIP revisions for nonattainment areas. Sections 186 and 187 of the Act set out additional air quality planning requirements for CO nonattainment areas.

EPA has issued a ''General Preamble'' describing the agency's preliminary views on how EPA intends to review SIP revisions submitted under Title I of the Act. *See* generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992). The reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I requirements. In this proposed rulemaking, we are applying these policies to the Anchorage CO plan, taking into consideration specific factual issues presented.

## II. EPA's Review of the Anchorage CO Plan

*A. Does the Anchorage CO Plan Meet All the Procedural Requirements as Required by Section 110(a)(2) of the Act?*

Yes. The Act requires States to observe certain procedural requirements in developing implementation plans and revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing. Public notice for a public meeting held on October 1, 2001, occurred through advertisements in the Anchorage Daily News and the Internet. The SIP submittal includes a description of the public meeting where the public had the opportunity to comment on the issues addressed in the plan. Also included are the comments received from the public and the response developed by the ADEC staff. Following the required public participation, the State adopted the Anchorage CO plan on December 20, 2001.

*B. Does the Anchorage CO Plan Include a Comprehensive, Accurate, Current Base Year Inventory From All Sources as Required in Section 187(a)(1)?*

Yes. ADEC submitted a base year inventory for 1996 based on EPA guidance that determined that an inventory for 1996 would satisfy the requirement for a base year inventory. The inventory contains point, area, on-road and non-road mobile source data, and documentation. The inventory was prepared for a typical winter day.

TABLE 1.—1996 BASE YEAR EMISSIONS

| Emission category | Point sources | Area sources | Non-road mobile sources | On-road mobile sources | Total emissions (tons/day) |
|---|---|---|---|---|---|
| Base Year 1996 | 1.42 | 8.79 | 14.92 | 71.68 | 96.81 |

The methodologies used to prepare the emissions inventory, as described in the Anchorage CO plan, are acceptable. A discussion of how the inventory meets the requirements needed for approval is in the technical support document (TSD) for this proposal. Detailed inventory data is contained in the docket maintained by EPA.

*C. Does the Anchorage CO Plan Include Periodic Inventories as Required in Section 187(a)(5) of the Act?*

Yes. Section 187(a)(5) of the Act requires the submission of periodic emission inventories at three year intervals until an area is redesignated to attainment. ADEC submitted a 2000 attainment year inventory with the Anchorage CO Plan and has agreed to submit periodic inventories at three-year intervals until Anchorage is redesignated to attainment.

*D. Does the Anchorage CO Plan Meet the Requirement of Section 187(a)(7) of the Act That Serious CO Areas Submit an Attainment Demonstration Which Includes Annual Emissions Reductions Necessary for Reaching Attainment by the Deadline?*

Yes. The Anchorage CO Plan contains an attainment demonstration using rollback modeling to show that emission reductions resulting from implementation of control measures are sufficient to ''roll back'' the design value to a concentration at or below the NAAQS for CO of 9 ppm. Alaska showed that the 8-hour design value concentration of 9.0 predicted for 2000, the attainment year, documents attainment of the 8-hour CO NAAQS.

A summary of the EPA approved emission reductions for the control measures contained in the Anchorage CO Plan is listed in Table 2.

TABLE 2.—SUMMARY OF ATTAINMENT YEAR 2000 EMISSION REDUCTIONS FOR LOCAL CONTROL MEASURES

| Control measure | Tons/day reduction—percent |
|---|---|
| I/M *Program* | 7.48 |
| Ethanol blended gasoline | 7.61 |
| Share-A-Ride Program | .24 |
| Promotion of Engine Preheaters | .48 |
| Free Winter Transit Service | .21 |
| Total | 16.02–16.5% |

The emission reductions reduced the total emissions for 2000 to 82.46 tons per day. Reductions to 82.57 tons per day were needed to show attainment. Our full review of all of the control measures is contained in the TSD for this proposal.

*E. Has the State Adopted Transportation Control Measures (TCMs) for the Purpose of Reducing CO Emissions as Required by Section 182(d)(1) and Described in Section 108(f)(1)(A) of the Act?*

Yes. Section 187(b)(2) of the Act requires States with serious CO nonattainment areas to submit a SIP revision that includes transportation control strategies and measures to offset any growth in emissions due to growth in vehicle miles traveled (VMT) or vehicle trips. In developing such strategies, a State must consider measures specified in section 108(f) of the Act and choose and implement such measures as are necessary to demonstrate attainment with the NAAQS. TCMs are designed to reduce mobile pollutant emissions by either improving transportation efficiency or reducing single-occupant vehicle trips. The EPA has reviewed two new TCMs in the Anchorage CO plan and proposes to approve them. Following is a brief description of the new TCMs included in the plan. Our full review is included in the TSD for this proposal.

Promotion of Engine Preheaters

Engine preheaters are used extensively throughout Anchorage to ensure vehicles can be easily started under extremely cold conditions. Vehicle emission testing in Alaska has confirmed that preheating vehicles, a practice commonly referred to as ''plugging-in,'' provides a substantial reduction in motor vehicle idling time and cold start emissions as described in section 108(f)(1)(A)(xi)and (xii). Recognizing the many benefits of plugging-in, the Municipality of Anchorage (MOA) conducted a public awareness campaign to urge motorists to use their engine block heaters prior to their morning commute and when parked at parking spaces with electrical outlets. During the winters of 1999–2000 and 2000–2001, television commercials, radio advertising and newspaper inserts were used to promote the advantages of using block heaters. Telephone surveys were conducted at the end of each winter's campaign. Results of the survey show that plug-in rates increased from 10% prior to the campaign to 20% by the end of the 2000–2001 winter. This amounts to a

reduction of approximately 1.1% in the year 2000 motor vehicle emissions.

Free Winter Transit Service

Free Winter Transit Service was provided during the winters of 1999–2000, 2000–2001. Ridership surveys conducted by the Transit Department show that transit usage increased by as much as 35%. The number of daily trips increased from an average of 11,000 to an average of 14,000.

EPA previously approved the Share-A-Ride Program (51 FR 32638, September 15, 1986).

*F. Does the Anchorage CO Plan Include a Forecast of Vehicle Miles Traveled (VMT) for Each Year Before the Attainment Year of 2000 as Required by 187(a)(2) (A) of the Act?*

Because this plan is for the 1996–2000 period, actual count-based VMT estimates from the Highway Performance Monitoring System were available for comparison with the model forecasts used to develop the year 2000 attainment projection. Modeled VMT estimates for 2000 fall within the 3% margin of error allowed by EPA guidance.

The MOA has committed to preparing annual VMT estimates and forecasts and to submitting VMT tracking reports to EPA until Anchorage is redesignated to attainment. Under section 187(a)(3) of the Act, annual VMT tracking reports provide a potential basis for triggering implementation of contingency measures in the event that estimates of actual VMT exceed the forecasts contained in the prior annual VMT tracking report.

*G. Does the Anchorage CO Plan Include Contingency Measures Required by Section 187(a)(3) of the Act?*

Yes. Section 187(a)(3) of the Act requires serious CO nonattainment areas, such as Anchorage, to submit a plan revision that provides for contingency measures. The Act specifies that such measures are to be implemented if any estimate of VMT submitted in an annual VMT tracking report exceeds the VMT predicted in the most recent prior forecast or if the area fails to attain the NAAQS by the attainment date. As a general rule, contingency measures must be structured to take effect without further action by the State or EPA upon the occurrence of certain triggering events.

ADEC has committed to implementing an enhanced I/M evader enforcement program. ADEC will be implementing this program whether or not they have a violation which automatically triggers contingency measures. Funding for this program is included in the current MOA Transportation Improvement Program.

The 1990 Act does not specify how many contingency measures are needed or the magnitude of emission reductions (or VMT reductions) they must provide. However, if the contingency measures do not provide enough benefit, additional contingency measures will, within one year of finding VMT levels are exceeding forecasts, be included in a required plan revision. Thus, the submittal satisfies EPA's minimum criteria for contingency measure effectiveness.

*H. Does the Anchorage CO Plan Provide for Reasonable Further Progress (RFP) as Required by Section 172(c)(2) and Section 171(1) of the Act?*

Under the Act, states have the responsibility to inventory emissions contributing to NAAQS nonattainment, to track these emissions over time, and to ensure that control strategies are being implemented that reduce emissions and move areas toward attainment. Section 172(c)(1) of the Act requires all nonattainment plans to contain provisions to provide for ''the implementation of all reasonably available control measures as expeditiously as practicable'' and to provide for the attainment of the applicable national ambient standard. Further, section 172(c)(2) states that such plan provisions shall require RFP.

Anchorage has made considerable progress in reducing carbon monoxide emissions over the past three decades. CO concentrations have decreased from a second-high eight-hour average of 26.3 ppm and 66 exceedances in 1980 to a second high eight-hour average of 10.5 ppm and 6 exceedances in 1996, and to a second-high eight-hour average of 5.5 ppm and zero exceedances in calendar year 2000. The implementation of local control programs contributed to these reductions. These programs in combination with state and federal programs such as the Federal Motor Vehicle Control Program and activity changes have produced a 16.5% reduction in total emissions in the nonattainment area between 1996, and 2000, and RFP has been demonstrated.

*I. Is the Motor Vehicle Emission Budget Approvable as Required by Section 176(c)(2)(A) of the Act and Outlined in Conformity Rules, 40 CFR 93.118(e)(4)?*

Yes. Section 176(c)(2)(A) of the Act requires regional transportation plans to be consistent with the motor vehicle emissions budget contained in the applicable air quality plans for the Anchorage area. We propose to approve the motor vehicle emissions budget that is established for Anchorage.

ANCHORAGE MOTOR VEHICLE EMISSIONS BUDGET

| Source category | CO emissions for 2000 (tons/day) |
|---|---|
| On-Road Sources—Initial Idle .. | 22.98 |
| On-Road Sources—Traveling .. | 33.07 |
| Motor Vehicle Emissions Budget (total on-road source emissions) ..... | 56.05 |

The TSD summarizes how the CO motor vehicle emissions budget meets the criteria contained in the conformity rule (40 CFR 93.118(e)(4)). The initial idle emissions are based on actual vehicle testing and the traveling emissions are based on an emissions model.

A previous action approved the use of the ''CO Emissions Model'' for SIP development purposes (67 FR 5064, February 4, 2002). The CO Emissions Model is an on-road motor vehicle emission factor model that was specifically developed for cases like the Anchorage CO plan.

The CO Emissions Model is considered an interim update to MOBILE5b developed to take advantage of the best information available on CO emissions, particularly for cold climates, such as Alaska. As such, the CO Emissions Model is not required to be used for SIP development in any area, however, it was approved for use on a voluntary basis for SIP development prior to the official release of MOBILE6, EPA's newest motor vehicle emission factor model. MOBILE6 was not available at the time that the Anchorage CO plan was being developed to meet Anchorage's regulatory time constraints. However, since EPA released MOBILE6 on January 29, 2002, MOBILE6 should be used for the next control strategy SIP for Anchorage. Anchorage must rely upon either the CO Emissions Model or MOBILE6 for new conformity analyses that begin prior to the end of the grace period for use of MOBILE6, which EPA established under 40 CFR 93.111 as two years after MOBILE6's official release. After the end of the MOBILE6 conformity grace period, all new conformity analyses must be based on MOBILE6.

*J. Does Anchorage Have an Inspection and Maintenance (I/M) Program in Place That Meets EPA Requirements in Section 182(a)(2)(B) of the Act?*

Yes. Anchorage's I/M program was initially implemented in 1985. Since then, Anchorage has continued to improve its performance. Improved program elements include: test equipment and procedures, quality assurance and quality control procedures, vehicle repair requirements and enforcement. The Anchorage I/M program, improvements and amendments, have been adopted through previous SIP revisions (51 FR 8203, September 15, 1986; 54 FR 31522, July 31, 1989; 60 FR 17232, April 5, 1995; 64 FR 72940, December 29, 1999, 67 FR 822, January 8, 2002).

*K. Are There Controls on Stationary Sources of CO as Required by Section 172(c)(5) of the Act?*

Yes. Section 172(c)(5) of the Act requires States with nonattainment areas to include in their SIPs a permit program for the construction and operation of new or modified major stationary sources in nonattainment areas. In a separate, prior action, we approved the new source review permit program for Alaska. (See 60 FR 8943, February 16, 1995.)

*L. Has Anchorage Implemented an Oxygenated Fuel Program as Described in Section 187(b)(3)?*

Yes. In a separate, prior action, we approved the oxygenated gasoline program for Anchorage (61 FR 24712, May 16, 1996).

**III. Summary of EPA's Proposal**

We are proposing approval of the following elements of the Anchorage CO Attainment Plan, as submitted on January 4, 2002:

A. Procedural requirements, under section 110(a)(1) of the Act;

B. Base year emission inventory, periodic emission inventory and commitments under sections 187(a)(1) and 187(a)(5) of the Act;

C. Attainment demonstration, under section 187(a)(7) of the Act;

D. The TCM programs under 182(d)(1) and 108(f)(1)(A) of the Act

E. Contingency measures under section 187(a)(3) of the Act.

F. RFP demonstration, under sections 171(1) and 172(c)(2) of the Act; and

H. The conformity budget under section 176(c)(2)(A) of the Act and § 93.118 of the transportation conformity rule (40 CFR part 93, subpart A).

**IV. Administrative Requirements**

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

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

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

**List of Subjects in 40 CFR Part 52**

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

Dated: May 22, 2002.

**Elbert Moore,**

*Acting Regional Administrator, Region 10.*

[FR Doc. 02–13698 Filed 5–31–02; 8:45 am]

BILLING CODE 6560–50–P

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 141**

**[FRL–7221–8]**

**RIN 2040–AD61**

## Announcement of Preliminary Regulatory Determinations for Priority Contaminants on the Drinking Water Contaminant Candidate List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of preliminary regulatory determination.

**SUMMARY:** The Safe Drinking Water Act (SDWA), as amended in 1996, directs the Environmental Protection Agency (EPA) to publish a list of contaminants (referred to as the Contaminant Candidate List, or CCL) to assist in priority-setting efforts. SDWA also directs the Agency to select five or more contaminants from the current CCL and determine by August 2001 whether or not to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). Today's action presents the preliminary regulatory determinations for nine contaminants and describes the supporting rationale for each.

**DATES:** Comments must be received on or before August 2, 2002.

**ADDRESSES:** Please send your comments to the W–01–14 Comments Clerk. Submit electronic comments to: *ow-docket@epa.gov.* Written comments should be mailed to: Water Docket (MC–4101), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC, 20460. Hand deliveries should be delivered to EPA's Water Docket at East Tower Basement (EB Room 57), Waterside Mall, 401 M Street, SW., Washington, DC, 20460. You may contact the docket at (202) 260–3027 between 9 a.m. and 3:30 p.m. Eastern Time, Monday through Friday. Comments may be submitted electronically. *See* **SUPPLEMENTARY INFORMATION** for file formats and other information about electronic filing and docket review.

**FOR FURTHER INFORMATION CONTACT:** For information regarding today's action, contact Karen Wirth, Office of Ground Water and Drinking Water, EPA, 1200 Pennsylvania Avenue, NW. (MC 4607M), Washington, DC 20460; telephone 202–564–5246, e-mail: *wirth.karen@epa.gov.* General information may also be obtained from the EPA Safe Drinking Water Hotline, phone: (800) 426–4791 or its local number (703) 412–3330, e-mail: *hotline.sdwa@epa.gov.* The Hotline is open Monday through Friday, excluding Federal holidays, from 9:00 a.m. to 5:30 p.m. Eastern Time.

**SUPPLEMENTARY INFORMATION:**

## Submission of Comments

EPA will accept written or electronic comments (please do not send both). EPA prefers electronic comments. Commenters should use a separate paragraph for each issue discussed. No facsimiles (faxes) will be accepted. Commenters who want EPA to acknowledge receipt of their comments should also send a self-addressed, stamped envelope. If you submit written comments, please submit an original and three copies of your comments and enclosures (including references).

Electronic comments must be submitted in WordPerfect 8 (or an older version) or ASCII file format. Compressed or zipped files will not be accepted. You may file electronic comments on this action online at many Federal Depository Libraries.

The Agency's response-to-comments document for the final decision will address the comments received on this action. The response-to-comments document will be made available in the docket.

## Obtaining Docket Materials

The docket is available for inspection from 9:00 a.m. to 4:00 p.m. Eastern Time, Monday through Friday, excluding legal holidays, at the Water Docket, East Tower Basement (EB Room 57), Waterside Mall, USEPA, 401 M Street, SW; Washington, D.C. For access to docket (Docket Number W–01–03) materials, please call (202) 260–3027 between 9:00 a.m. and 3:30 p.m., Eastern Time, Monday through Friday, to schedule an appointment.

## Abbreviations and Acronyms

<—Less than
>—Greater than
μ—Microgram, one-millionth of a gram
μg/L—Micrograms per liter
AIDS—Acquired immunodeficiency syndrome
ATSDR—Agency for Toxic Substances and Disease Registry
AWWA—American Water Works Association
AWWARF—American Water Works Association Research Foundation
BW—Body weight for an adult, assumed to be 70 kilogram (kg)
CASRN—Chemical Abstract Services Registry Number
CCL—Contaminant Candidate List
CDC—Centers for Disease Control and Prevention
CFR—Code of Federal Regulations
CMR—Chemical Monitoring Reform
DASH—Dietary Approaches to Stop Hypertension
DW—Drinking water consumption, assumed to be 2 L/day
EPA—U.S. Environmental Protection Agency
FR—Federal Register
g/day—Grams of contaminant per day g/L—Grams of the contaminant per liter
G6PD—Glucose-6-phosphate dehydrogenase
GAE—Granulomatous amoebic encephalitis
HIV—Human immunodeficiency virus
HRL—Health reference level
IOC—Inorganic compound
IRIS—Integrated Risk Information System
kg—Kilogram
L—Liter
$LD_{50}$—Lethal Dose 50; the dose at which 50% of the test animals died; a calculated value ($LD_{50}$)
LOAEL—Lowest-observed-adverse-effect level
MCLG—Maximum contaminant level goal
mg—Milligram, one-thousandth of a gram
mg/kg—Milligrams of contaminant per kilogram body weight
mg/L—Milligrams of the contaminant per liter
$mg/m^3$—Milligrams per cubic meter
NAS—National Academy of Sciences
NDWAC—National Drinking Water Advisory Council
NIH—National Institute of Health
NIRS—National Inorganic and Radionuclide Survey
NOAEL—No-observed-adverse-effect level
NPDWR—National Primary Drinking Water Regulation
NRC—National Research Council
NTP—National Toxicology Program
OW—Office of Water
PWS—Public Water System
RfD—Reference dose
RSC—Relative source contribution
SDWA—Safe Drinking Water Act
SDWIS/FED—Safe Drinking Water Information System, Federal version
SOC—Synthetic organic compound
TRI—Toxic Release Inventory
UCM—Unregulated Contaminant Monitoring
UF—Uncertainty factor
URIS—Unregulated Contaminant Information System
U.S.—United States of America
USGS—United States Geological Survey
VOC—Volatile organic compound
WHO—World Health Organization

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## I. Background and Summary of Today's Action

### *A. What Is the Purpose of Today's Action?*

Section 1412(b)(1)(A) of the SDWA, as amended in 1996, directs EPA to make determinations by August 2001 of whether or not to regulate at least five contaminants from EPA's Contaminant Candidate List of unregulated contaminants. For those contaminants that EPA determines to regulate, EPA has 24 months to propose Maximum Contaminant Level Goals (MCLGs) and National Primary Drinking Water Regulations (NPDWRs) and has 18 months following proposal to publish final MCLGs and promulgate NPDWRs. Today's action presents EPA's preliminary regulatory determinations for nine CCL contaminants together with the determination process, rationale, and supporting technical information for each.

The contaminants discussed in today's action include: Three inorganic compounds (IOCs) (manganese, sodium, and sulfate); three synthetic organic compounds (SOCs) (aldrin, dieldrin, and metribuzin); two volatile organic compounds (VOCs) (hexachlorobutadiene and naphthalene); and one microbial contaminant, *Acanthamoeba.*

### *B. What Is EPA's Preliminary Determination, and What Happens Next?*

EPA's preliminary determination is that no regulatory action is appropriate for the contaminants *Acanthamoeba,* aldrin, dieldrin, hexachlorobutadiene, manganese, metribuzin, naphthalene, sodium, and sulfate.

EPA will make final determinations on these contaminants after a 60-day comment period and a public meeting. The public meeting will be held in the spring of 2002 in the Washington, D.C. area, to provide an information exchange with stakeholders on issues related to today's action. Further information about this meeting will be given in a future **Federal Register** Notice and will be available from the Drinking Water Hotline at 1–800–426–4791.

EPA is making preliminary regulatory determinations on CCL contaminants that have sufficient information to support a regulatory determination at this time. The Agency continues to conduct research and/or to collect occurrence information on the remaining CCL contaminants. EPA has been aggressively conducting research to fill identified data gaps and recognizes that stakeholders may have a particular interest about the planned timing for future regulatory determinations for other contaminants on the CCL. The Agency is not precluded from taking action when information becomes available and will not necessarily wait until the end of the next regulatory determination cycle before making other regulatory determinations.

### *C. What Is the CCL?*

SDWA, as amended in 1996, directs EPA to publish a list of contaminants to assist in priority setting for the Agency's drinking water program. This list is called the Contaminant Candidate List or CCL. Section 1412(b)(1)(B) states that the EPA Administrator shall publish a list of contaminants which " * * * are not subject to any proposed or promulgated national primary drinking water regulation, which are known or anticipated to occur in public water systems, and which may require regulation under this title [SDWA]."

The CCL was developed with considerable input from the scientific community and stakeholders. A draft CCL requesting public comment was published on October 6, 1997 (62 FR 52193). The first CCL was published on March 2, 1998 (63 FR 10273). The SDWA requires that a new CCL will be published every five years thereafter (e.g., February 2003). The 1998 CCL contained 60 contaminants, including 50 chemicals or chemical groups and 10 microbiological contaminants or microbial groups. Many of these contaminants lacked some of the information necessary to support a regulatory determination and were identified as having data needs. CCL contaminants were divided into categories to represent next steps and data needs associated with each contaminant. The categories were: (1) Regulatory determination priorities (i.e., no data needs); (2) health effects research priorities; (3) treatment research priorities; (4) analytical methods research priorities; and (5) occurrence priorities. Twenty contaminants were classified as regulatory determination priorities on the 1998 CCL because EPA believed in 1998 that there were sufficient data to evaluate both exposure and risk to public health, and to support a determination of whether or not to proceed to promulgation of a NPDWR.

Since the March 1998 CCL, EPA found that there was insufficient information to support a regulatory determination for 12 of the 20 priority contaminants (see Table 1). In addition, sodium was added to the list of eight remaining regulatory determination priorities primarily as a means of reassessing the current guidance level. Thus, EPA is now presenting preliminary regulatory determinations for nine priority contaminants that have sufficient information to support a regulatory determination at this time: *Acanthamoeba,* aldrin, dieldrin, hexachlorobutadiene, manganese, metribuzin, naphthalene, sodium, and sulfate.

TABLE 1.—1998 PRIORITY CONTAMINANTS WHICH ARE NOW JUDGED TO LACK INFORMATION SUFFICIENT TO SUPPORT A REGULATORY DETERMINATION

| Chemical contaminant | Research needs |
|---|---|
| Boron | Treatment technology and finalization of a health risk assessment (reference dose—RfD). |
| Bromobenzene | Non-cancer health effects data including subchronic toxicity tests, immunotoxicity, neurotoxicity, and structure-activity analyses. Further work to identify an appropriate treatment technology. |
| 1,1-dichloroethane | Health effects data—cancer, reproductive, developmental, and pharmacokinetic studies. Further work to identify an appropriate treatment technology. |
| 1,3-dichloropropene | Occurrence information using revised sample preservation method. |
| 2,2-dichloropropane | Health effects data—mutagenicity and carcinogenicity screening tests, and structure-activity analysis. Further work to identify an appropriate treatment technology. |
| p-isopropyltoluene | Health effects data—subchronic, chronic, cancer, neurodevelopmental, reproductive, and developmental. Evaluate related findings on cumene and other alkylbenzenes. |
| Metolachlor, s-metolachlor, and metolachlor degradation products: ethane sulfonic acid, and oxanilic acid. | Analysis of health effects of metolachlor degradation degradates and occurrence information. |

TABLE 1.—1998 PRIORITY CONTAMINANTS WHICH ARE NOW JUDGED TO LACK INFORMATION SUFFICIENT TO SUPPORT A REGULATORY DETERMINATION—Continued

| Chemical contaminant | Research needs |
|---|---|
| Organotins | Non-cancer health effects data—developmental and reproductive toxicity, neurotoxicity, and immunotoxicity. Pharmacokinetic studies and structure-activity analysis recommended. Further work needed to identify appropriateness of treatment technology and analytical methods. Additional occurrence information. |
| 1,1,2,2-tetrachloroethane | Non-cancer health effects data—developmental and reproductive toxicity, neurotoxicity, and immunotoxicity. Carcinogenicity studies. Further work to identify an appropriate treatment technology. |
| Triazines & degradation products | Analytical methods data and occurrence information. Finalize list of degradates to evaluate. |
| 1,2,4-trimethylbenzene | Health effects data—neurotoxicity screening tests. Further work to identify an appropriate treatment technology. |
| Vanadium | Health effects data on neurotoxicity and toxicokinetics of inhalation and oral routes. Further work to identify an appropriate treatment technology. |

The Agency continues to conduct research and/or to collect occurrence information for all other contaminants on the CCL. The overall research approach is closely aligned with the 1983 National Research Council (NRC) risk assessment/risk management paradigm, which involves a systematic evaluation of data on health effects, exposure, and risk management options (NRC 1983) and is detailed in the Draft CCL Research Plan (USEPA 2001a). The plan was drafted in close consultation with outside stakeholders including the American Water Works Association (AWWA), the AWWA Research Foundation (AWWARF), other governmental agencies, universities, as well as other public and private sector groups. EPA and the AWWARF jointly sponsored a conference, in late September of 1999, to review all aspects of the proposed CCL Research Plan and to make suggestions for future research activities. The three-day meeting was attended by representatives from the water utility industry, State and Federal health and regulatory agencies, professional associations, academia, and public interest groups. The recommendations and results from this meeting have been incorporated into the draft research plan (USEPA 2001a).

EPA's Science Advisory Board reviewed the research plan in August of 2000 and again in June of 2001. The plan is targeted for completion in 2002. It will be available to the public at that time and will be posted on EPA's web site. Implementation of the research plan will require the coordinated efforts of both governmental and non-governmental entities. EPA intends to make all aspects of CCL research planning, implementation, and communication a collaborative process.

*D. Does Today's Action Apply to My Public Water System?*

Today's action itself does not impose any requirements on anyone. Instead, it notifies interested parties of EPA's preliminary determination not to regulate nine CCL contaminants.

## II. What Criteria and Approach Did EPA Use To Make the Preliminary Regulatory Determinations?

Section 1412(b)(1)(A) of SDWA directs that EPA shall publish a MCLG and promulgate a NPDWR for a contaminant if the Administrator determines that (i) the contaminant may have adverse effects on the health of persons; (ii) the contaminant is known to occur, or there is substantial likelihood that the contaminant will occur, in public water systems with a frequency, and at levels of public health concern; and (iii) in the sole judgment of the Administrator, regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems.

This section presents the decision-making framework for selecting contaminants from a CCL for future action. It also discusses criteria that EPA used for making the preliminary regulatory determinations announced in today's action.

The process of making preliminary regulatory determinations benefitted from substantial expert input and reflects major recommendations and themes suggested by different groups including stakeholders, the NRC, and the National Drinking Water Advisory Council (NDWAC).

*A. Recommended Criteria and Approaches*

The Agency held a stakeholders meeting on November 16–17, 1999. The purpose of the meeting was to provide an update and to seek comment from stakeholders on the following: The regulatory determination process, specific factors to consider when making regulatory determinations, the draft CCL research plan, and the process for developing future CCLs. Participants at the meeting included representatives of public water utilities, State drinking water programs, public health and environmental groups, local government, the private sector, EPA and other Federal agencies. EPA intends to hold an additional stakeholders meeting in the spring of 2002 to solicit input on the preliminary regulatory determinations that are outlined in today's action.

1. The National Research Council's Recommended Approach

EPA asked the NRC for assistance in developing a scientifically sound approach for deciding whether or not to regulate contaminants on the current and future CCLs. In response to the request, the NRC's Committee on Drinking Water Contaminants published the report, Setting Priorities for Drinking Water Contaminants (NRC 1999). This report evaluated various existing schemes for setting priorities among environmental contaminants and recommended a framework to guide EPA in deciding which contaminants on the CCL to regulate.

The recommended framework applies to both chemical and microbial contaminants and would proceed as follows: (1) Gather and analyze health effects, exposure, treatment, and analytical methods data for each contaminant; (2) conduct a preliminary risk assessment for each contaminant based on the available data; and (3) issue a decision document for each contaminant describing the outcome of the preliminary risk assessment. The NRC notes that in using this decision framework, EPA should keep in mind the importance of involving all interested parties, recognize that the

process requires considerable expert judgment to address uncertainties from gaps in information about exposure potential and/or health effects, evaluate the many different effects that contaminants can cause, and interpret available data in terms of statutory requirements.

2. The National Drinking Water Advisory Council's Recommended Criteria and Approach

One of the formal means by which EPA works with its stakeholders is through the NDWAC. The Council comprises members from the general public, State and local agencies, and private groups concerned with safe drinking water. It advises the EPA Administrator on key aspects of the Agency's drinking water program. The NDWAC provided specific recommendations to EPA on a protocol to assist the Agency in its efforts to make regulatory determinations for current and future CCL contaminants. These recommendations were the result of a working group formed by the NDWAC charged with developing regulatory determination criteria and protocols. Separate but similar protocols were developed for chemical and microbial contaminants. These protocols are intended to provide a consistent approach to evaluating contaminants for regulatory determinations.

The NDWAC protocol uses the three statutory requirements of SDWA section 1412(b)(1)(A)(i)–(iii) (specified in section II of today's action) as the foundation for guiding EPA in making regulatory determination decisions. For each statutory requirement, evaluation criteria were developed and are summarized later in this section for the chemical contaminants only.

To address whether a contaminant may have adverse effects on the health of persons (a statutory requirement in section 1412(b)(1)(A)(i)), the NDWAC recommended that EPA characterize the health risk and estimate a health reference level for evaluating the occurrence data for each contaminant.

To evaluate the known or likely occurrence of a contaminant, (required by statute 1412(b)(1)(A)(ii)), the NDWAC recommended that EPA consider: (1) The actual and estimated national percent of public water systems (PWSs) reporting detections above half the health reference level; (2) the actual and estimated national percent of PWSs with detections above the health reference level; and (3) the geographic distribution of the contaminant.

To address whether regulation of a contaminant presents a meaningful opportunity for health risk reduction (a statutory requirement in section 1412(b)(1)(A)(iii)), the NDWAC recommended that EPA consider estimating the national population exposed above half the health reference level and the national population exposed above the health reference level.

*B. EPA's Criteria and Approach*

EPA developed its evaluation approach based on the recommendations from NRC and NDWAC. For the nine contaminants addressed in today's action, EPA evaluated the following: the adequacy of current analytical and treatment methods; the best available peer reviewed data on health effects; and approximately seven million analytical data points on contaminant occurrence. For those contaminants with adequate monitoring methods, as well as health effects and occurrence data, EPA employed an approach to assist in making preliminary regulatory determinations that follows the themes recommended by the NRC and NDWAC to satisfy the three SDWA requirements under section 1412(b)(1)(A)(i)–(iii). The process was independent of many of the more detailed and comprehensive risk management factors that will influence the ultimate regulatory decision making process. Thus, a decision to regulate is the beginning of the Agency regulatory development process, not the end.

Specifically, as described in section III.A. of today's action, EPA characterized the human health effects that may result from exposure to a contaminant found in drinking water. Based on this characterization, the Agency estimated either a health reference level (HRL) or a benchmark value for each contaminant.

As described in section III.B., for each contaminant EPA estimated the number of PWSs with detections greater than one-half the HRL (>½ HRL) and greater than the HRL (>HRL); the population served at these benchmark values; and the geographic distribution using a large number of State occurrence data (approximately seven million analytical points) that broadly reflect national coverage. If a benchmark value was used instead of a HRL, the same process was carried out with ½ the benchmark value and the full benchmark value. Use and environmental release information, as well as ambient water quality data were used to augment the State data and to evaluate of the likelihood of contaminant occurrence.

The findings from these evaluations were used to determine if there was adequate information to evaluate the three SDWA statutory requirements and to make a preliminary determination of whether to regulate a contaminant.

EPA prepared Regulatory Determination Support Documents that are available for review and comment in the EPA Water Docket. These documents present summary information and data on a contaminant's physical and chemical properties, uses and environmental release, environmental fate, health effects, occurrence, and exposure. The documents discuss in detail the rationale used to support the preliminary regulatory determination.

As a parallel effort during the comment period, EPA intends to have the Science Advisory Board review the analysis, the approach used for making regulatory determinations, and the preliminary regulatory determinations.

## III. What Analysis Did EPA Use To Support the Preliminary Regulatory Determinations?

Sections III.A. and B. of today's action outline the evaluation steps EPA used to support the preliminary determinations.

*A. Evaluation of Adverse Health Effects*

The purpose of this section is to discuss the health effects information evaluated, the approach used to derive a HRL for evaluating the occurrence data, and to briefly describe the support documents that provide detailed information on adverse health effects and their dose response.

As discussed previously, section 1412(b)(1)(A)(i) directs EPA to determine whether each candidate contaminant has an adverse effect on public health. The potential for adverse health effects for each contaminant are presented in section IV.B. of today's action.

For those contaminants considered to be human carcinogens or likely to be human carcinogens, EPA evaluated data on the mode of action of the chemical to determine the method of low dose extrapolation. When this analysis indicates that a low dose extrapolation is needed and when data on the mode of action are lacking, EPA uses a default low dose linear extrapolation to calculate risk specific doses. These are estimated oral exposures associated with risk levels that range from one cancer in ten thousand ($10^{-4}$) to one cancer in a million ($10^{-6}$). These risk specific doses are combined with drinking water consumption data to estimate drinking water concentrations corresponding to this risk range, which are then used as HRLs for these contaminants. Of the nine contaminants discussed in today's action, only aldrin,

dieldrin, and hexachlorobutadiene had data to consider them to be likely or possible human carcinogens. They are also the only contaminants for which linear low dose extrapolation was done. The Agency selected the $10^{-6}$ risk specific concentration as the HRL for these three contaminants.

For those chemicals not considered to be carcinogenic to humans, EPA generally calculates a reference dose (RfD). An RfD is an estimate of a daily oral exposure to the human population (including sensitive subgroups) that is likely to be without an appreciable risk of deleterious effects during a lifetime. It can be derived from a ''no-observed-adverse-effect level (NOAEL),'' ''lowest-observed-adverse-effect level (LOAEL),'' or benchmark dose, with uncertainty factors generally applied to reflect limitations of the data used.

The Agency uses an uncertainty factor (UF) to address uncertainty resulting from incompleteness of the toxicological database. Generally, the UFs are factors ranging from 3 to 10-fold that are multiplied together and used in deriving the RfD from experimental data. UFs are intended to account for: (1) The variation in sensitivity among the members of the human population (*i.e.,* intraspecies variability); (2) the uncertainty in extrapolating animal data to humans (*i.e.,* interspecies variability); (3) the uncertainty in extrapolating from data obtained in a study with less-than-lifetime exposure to lifetime exposure (*i.e.,* extrapolating from subchronic to chronic exposure); (4) the uncertainty in extrapolating from a LOAEL rather than from a NOAEL; and (5) the uncertainty associated with extrapolation from animal data when the data base is incomplete.

For manganese, metribuzin and naphthalene EPA derived the HRLs using the RfD approach as follows: HRL = (RfD × BW)/DW × RSC.

Where:

RfD = Reference Dose

BW = Body weight for an adult, assumed to be 70 kilograms (kg)

DW = Drinking water consumption, assumed to be 2 L/day (90th percentile)

RSC = The relative source contribution, or the level of exposure believed to result from drinking water when compared to other sources (*e.g.,* air). The RSC is assumed to be 20% unless noted otherwise.

The HRL for sulfate was not established using the RfD approach. The available data do not provide the necessary dose-response information to support the derivation of an RfD for sulfate. However, 500 milligram/liter (mg/L) is a concentration at which adverse effects did not occur in any of the reported studies. This value was used as the HRL. Further details on the sulfate HRL are included in section IV.B.8.

In the case of sodium, the benchmark value used to evaluate the occurrence data is not designated as an HRL because of the lack of suitable dose-response data and the considerable controversy regarding the role of sodium in the etiology of hypertension. The benchmark value for sodium of 120 mg/L was derived from the recommended daily dietary intake of 2.4 grams/day (g/day). Additional information regarding the sodium benchmark value is included in section IV.B.7.

Monitoring data are not available from PWSs for Acanthamoeba. Accordingly, an HRL was not established.

EPA has prepared Health Effects Support Documents for each contaminant that are available for review and comment at the EPA Water Docket. These documents address the following: exposure from drinking water and other media; toxicokinetics; hazard identification; dose-response assessment; and an overall characterization of risk from drinking water. The Acanthamoeba health effects support document addresses the details of the following: occurrence in water and soil, exposure, populations at risk, association with contact lenses and poor hygiene, symptoms of keratitis eye infections, incidence, diagnosis and treatment of granulomas amoebic encephalitis (GAE), risk factors and prevention.

EPA used the best available peer reviewed data and analyses in evaluating adverse health effects. Health effects information is available for aldrin, dieldrin, hexachlorobutadiene, manganese, metribuzin, and naphthalene in the Integrated Risk Information System (IRIS) database. IRIS is an electronic EPA data base (*www.epa.gov/iris/index.htm*) containing peer reviewed information on human health effects that may result from exposure to various chemicals in the environment. These chemical files contain descriptive and quantitative information on hazard identification and dose response, RfDs for chronic noncarcinogenic health effects; as well as slope factors and unit risks for carcinogenic effects. In all cases, the IRIS information was supplemented with more recent data from peer reviewed publications. In cases where the new data impacted the IRIS evaluation, the Office of Water (OW) Health Effects Support Documents are being independently peer reviewed.

*B. Evaluation of National Occurrence and Exposure*

As noted previously in today's action, section 1412(b)(1)(A)(ii) directs EPA to determine whether each candidate for regulation is known to occur, or is substantially likely to occur, in PWSs with a frequency, and at levels, of public health concern. A substantial amount of State finished drinking water occurrence data for unregulated contaminants are provided under the Agency's Unregulated Contaminant Monitoring (UCM) program. These data form part of the Agency's basis for its estimates of national occurrence. The UCM program was initiated in 1987 to fulfill a SDWA requirement of the 1986 amendments that PWSs monitor for specified ''unregulated'' contaminants to gather scientific information on their occurrence for future regulatory decision making purposes. An additional EPA study conducted in the mid-1980s, the National Inorganic and Radionuclide Survey (NIRS), provides a statistically representative sample of the national occurrence of many regulated and unregulated inorganic contaminants in ground water CWSs.

EPA prepared a report entitled Analysis of National Occurrence of the 1998 Contaminant Candidate List (CCL) Regulatory Determination Priority Contaminants in Public Water Systems (USEPA 2001b) that provides detailed reviews of the State monitoring data for each CCL regulatory determination priority contaminant. This report includes detailed information regarding how the data were assessed for quality, completeness, and representativeness, how the data were aggregated into national cross-sections, and presents summary occurrence findings. In EPA's contaminant-specific Regulatory Determination Support Documents described earlier (*see* section II.B. of today's action), additional information is included that presents an analysis of the occurrence data for special trends as well as populations served by PWSs with detections. EPA also reviewed information on the use, environmental release, and ambient occurrence of each contaminant to augment the State drinking water data (UCM and supplemental State monitoring data) and aid in the evaluation of occurrence. Summary descriptions of these data and analyses for each regulatory determination priority contaminant are presented in section IV. of today's action.

Section III.B. describes how the drinking water data sets were used to evaluate the occurrence of the regulatory determination priority

contaminants, including data sources, data quality, and analytical methods. Also included are summary descriptions of the ambient occurrence data, as well as the use and environmental release information that were considered.

The primary drinking water occurrence data for the regulatory determination priority contaminants are from the UCM program and the NIRS (*see* Table 2). The sources of these data, their quality, national aggregation, and the approach used to estimate a given contaminant's occurrence are discussed in the following sections.

TABLE 2.—PRIMARY DRINKING WATER OCCURRENCE DATA SOURCES USED IN THE REGULATORY DETERMINATION PROCESS

| Contaminant | UCM round 1 cross section | UCM round 2 cross section | NIRS |
|---|---|---|---|
| Aldrin | | X | |
| Dieldrin | | X | |
| Hexachlorobutadiene | X | X | |
| Manganese | | | X |
| Metribuzin | | X | |
| Naphthalene | X | X | |
| Sodium | | | X |
| Sulfate | | X | |

1. The Unregulated Contaminant Monitoring Program

Occurrence data for most of the regulatory determination priority contaminants (aldrin, dieldrin, hexachlorobutadiene, metribuzin, naphthalene, and sulfate) are from the monitoring results of the UCM program. This program was implemented in two phases, or ''rounds.'' The first round of UCM monitoring began in 1987, and the second in 1993. EPA reviewed and edited the data for the purposes of this analysis.

*a. UCM Rounds 1 and 2.* The 1987 UCM (52 FR 25720, July 8, 1987) contaminants include 34 VOCs including the regulatory determination priority contaminants hexachlorobutadiene and naphthalene. The UCM (1987) contaminants were first monitored during the period 1988–1992. This period is referred to as ''Round 1'' monitoring. The Round 1 data were put into a database called the Unregulated Contaminant Information System (URIS).

The 1993 UCM contaminants included 34 VOCs (including naphthalene and hexachlorobutadiene), 13 SOCs, and sulfate (52 FR 25720, July 8, 1987). Aldrin, dieldrin, and metribuzin were among the 13 SOCs monitored. Monitoring for the UCM (1993) contaminants began in 1993 and continued through 1999. This is referred to as ''Round 2'' monitoring. The UCM (1987) contaminants (the 34 VOCs monitored in Round 1) were also included in the Round 2 monitoring. As with other monitoring data, PWSs reported these results to the States. During the past several years, States have submitted Round 2 data to EPA's Safe Drinking Water Information System (Federal version; SDWIS/FED) database.

The details of the actual individual monitoring periods are complex. The timing and procedures for required monitoring are outlined in the report entitled Analysis of National Occurrence of the 1998 Contaminant Candidate List (CCL) Regulatory Determination Priority Contaminants in Public Water Systems (USEPA 2001b). Round 1 and Round 2 data were analyzed separately because they represent different time periods, include different States (only eight States are represented in the data from both rounds), and only two CCL priority contaminants are common to both rounds.

*b. Development of occurrence data cross-sections.* The Round 1 database contains contaminant occurrence data from 38 States, Washington, D.C. and the United States (U.S.) Virgin Islands. The Round 2 database contains data from 34 States and Tribes. Therefore, neither database contains data from all States. Also, data from some of the States in the databases are incomplete. As a result, unadjusted national results could be skewed to low-occurrence or high-occurrence settings (*e.g.,* some States only reported detections). To address this lack of representativeness, national cross-sections from the Round 1 and Round 2 State data were established using a similar approach developed for the EPA report entitled A Review of Contaminant Occurrence in Public Water Systems (USEPA 1999a). The cross-section approach in this report was developed to support occurrence analyses for EPA's Chemical Monitoring Reform (CMR) evaluation, and was supported by scientific peer reviewers and stakeholders.

For SOCs and VOCs on the CCL, two national cross-sections were developed from the UCM data. The Round 1 national cross-section consists of data from 24 States with approximately 3.3 million analytical data points from approximately 22,000 unique PWSs. The Round 2 national cross-section consists of data from 20 States with approximately 3.7 million analytical data points from slightly more than 27,000 unique PWSs. The actual number of systems and records varies for each contaminant according to the number of reported records for a particular contaminant. The support document, Analysis of National Occurrence of the 1998 Contaminant Candidate List (CCL) Regulatory Determination Priority Contaminants in Public Water Systems (USEPA 2001b), provides a summary description of how the national cross-sections for the Round 1 and Round 2 data sets were developed.

All samples in the Round 1 and Round 2 State data sets were taken from finished drinking water, representing the product delivered to the public. Data were limited to samples with confirmed water source and sampling type information. Only routine monitoring samples were used; ''special'' samples, ''investigation'' samples (investigating a contaminant problem, that would likely bias the results), and samples of unknown type were excluded from the data set. Various quality control and review checks were made of the results, including follow-up questions to the States providing the data to clarify potential reporting inconsistencies, records with invalid codes, or use of analytical units. The State data sets were then compiled into single database in a unified format.

While the national cross-sections of States provides a good picture of

national occurrence, there are limitations in the data in that the original monitoring data were not collected by a statistical random sample. Since the data sets do not include the entire U.S., they cannot capture all local variations in contaminant occurrence. However, EPA believes the cross-sections do provide a reasonable estimate of the overall distribution, including the central tendency, of contaminant occurrence across the U.S.

*c. Occurrence analysis.* The summary descriptive statistics presented in section IV of today's action for each contaminant generally include the following: The number of samples, the total number of systems, the percent of samples with at least one observed detection that has a concentration above the HRL (the HRL is an estimated health effect level used for the purposes of this analysis), and the 99th percentile concentration and median concentration of the observed detections. As described in section III. A, in the case of sodium, the benchmark was used to evaluate the occurrence data rather than a designated HRL. The 99th percentile concentration is commonly used to characterize upper bound data to avoid maximum values that are often problematic outlier observations. Because most of the regulatory determination priority contaminants have very low occurrence (<1% of samples with detections), these statistics are presented for the detections only. One exception is sulfate, for which the median and 99th percentile concentrations are presented for all samples (i.e., the entire universe of samples) because of its relatively high occurrence. The percentages of PWSs, and population served, having at least one detected concentration above >½HRL and >HRL are also presented. As noted, the occurrence values and summary statistics presented are the actual data from the aggregated State cross-sections. EPA considered this the most straightforward and accurate way to present the data that were available for the determination process. EPA extrapolated values for national occurrence (based on the actual cross-section data). However, because the State data used for the cross-section are not a statistical sample, national extrapolations can be problematic, especially for contaminants with such low occurrence as was the case for many of these CCL contaminants. National extrapolations based on peak concentrations, such as the percent of systems with at least one observed concentration above the HRL, may also be misleading, since peak concentrations are highly variable from one location to another. For these reasons, the nationally extrapolated estimates of occurrence and exposure are not presented in today's action and are not used as the basis for the preliminary regulatory determinations. However, to provide additional perspective, the nationally extrapolated occurrence and exposure values are presented in the support documents and are available for review and comment.

At this phase of consideration, more involved statistical modeling of the data was not performed. The presentation of the actual results of the cross-section analysis provides a straight-forward presentation and demonstrates the integrity of the data available for stakeholder review. As noted, however, the cross-section analysis should provide a reasonable estimate of the central tendency of occurrence for these contaminants because of the large number of States included with complete monitoring data sets for the intended purposes (Round 1 consists of approximately 3.3 million analytical data points from 22,000 PWSs in 24 States; and Round 2 consists of approximately 3.7 million analytical data points from 27,000 PWSs in 20 States) that are representative of the range of pollution potential indicators and spatial/hydrogeologic diversity in the nation. EPA believes that the current approach is appropriate and protective but is seeking comments on the necessity of applying a further, more rigorous statistical modeling effort that could be conducted on the cross-section data. This additional effort could use probabilistic modeling to estimate the distribution of mean contaminant concentrations in PWSs in the U.S. Because this approach is based on estimating mean concentrations, instead of peaks as in the current approach, the results would be more statistically robust and more suitable to national extrapolation. This approach allows for better quantification of estimation error. It would also allow an assessment of systems with mean, rather than peak concentrations which exceed the HRL and ½ the HRL, which may be more appropriate for chronic health effects. However, EPA does not believe that such an undertaking would fundamentally change the conclusions drawn from the data for these nine contaminants or the resulting preliminary regulatory determinations. The approach is currently being peer reviewed for use by the Agency to review and revise, if necessary, existing NPDWRs (*i.e.,* the ''six-year review''). The model is described in the report entitled, Occurrence in Estimation Methodology and Occurrence Findings Report for Six-Year Regulatory Review (USEPA 2001c).

*d. Comparison to the Six-Year Review.* EPA is using a similar methodology for occurrence analysis for the six-year review of existing NPDWRs. For this effort, EPA compiled a separate and different contaminant occurrence database and constructed a cross-section that consists of 13 million compliance monitoring results from approximately 41,000 PWSs in 16 States. Also, as for the CCL, contaminant occurrence is reported in terms of the number of PWSs having at least one sample concentration above the levels of regulatory interest. For the six-year review effort, however, the Agency has also performed the more detailed statistical modeling as previously described, in order to estimate, for a certain number of the regulated contaminants, the number of PWSs with mean concentrations over time that exceed the levels of interest. This effort is driven by the underlying nature of the data and the type of data analysis it can support (i.e., the data base has a significant number of detections) as contrasted with the CCL data set.

2. National Inorganic and Radionuclide Survey and Supplementary IOC Occurrence Data

The NIRS database includes 36 IOCs (including 10 now-regulated IOCs), two regulated radionuclides, and four unregulated radionuclides. Manganese and sodium were two of the IOCs monitored. The NIRS provides contaminant occurrence data from 989 community water systems served by ground water. The NIRS does not include surface water systems. The selection of CWSs included in NIRS was designed so that the contaminant occurrence results are statistically representative of national occurrence at CWSs using ground water sources (the survey was focused on ground water systems, in part, because ground water has a higher occurrence and concentrations of naturally occurring IOCs). Most of the NIRS data are from smaller systems (based on population served) and each of the 989 statistically randomly selected CWSs was sampled at a single time between 1984 and 1986.

The NIRS data were collected from ground water CWSs in 49 States. Data were not available for the State of Hawaii. NIRS data were designed to be stratified based on system size (population served by the system), and uniform analytical detection limits were employed.

The summary descriptive statistics presented in section IV of today's action

for manganese and sodium are derived from NIRS data analyses and generally include the total number of systems and samples, the percent systems with detections, the 99th percentile concentration of all samples, the 99th percentile concentration of samples with detections, and the median concentration of samples with detections. The percentages of PWSs, and population served, with detections >½ HRL and >HRL are also presented. Because the NIRS data were collected in a statistically designed sample survey, these summary statistics are representative of national occurrence in ground water PWSs. The actual values for the NIRS analyses are also reported, similar to the treatment for the cross-section data.

One limitation of the NIRS study is a lack of occurrence data for surface water systems. To provide perspective on the occurrence of the CCL determination priority contaminants in surface water systems relative to ground water systems, additional State monitoring data were reviewed. These State ground water and surface water PWS occurrence data were available to EPA from an independent review of the occurrence of regulated contaminants in PWSs and published in the report A Review of Contaminant Occurrence in Public Water Systems (USEPA 1999a). The review contains data from Alabama, California, Illinois, New Jersey, and Oregon for manganese (approximately 38,700 samples from 5,500 systems total) and sodium (approximately 36,000 samples from 6,500 PWSs total). The data were subject to the same quality review and editing process as the Round 1 and Round 2 data described previously. The data analysis, and presentation of results, were similar as well. However, because State surface water and ground water data were available from only a few States for manganese and sodium, the State data were analyzed individually. National cross-sections could not be developed for them.

3. Supplemental Data

EPA collected supplemental data for each contaminant, including use and environmental release information (*e.g.,* EPA's Toxic Release Inventory, academic and private sector publications) and ambient water quality data (*i.e.,* source water existing in surface waters and aquifers before extraction and treatment as drinking water), to augment the drinking water data and better characterize the contaminant's presence in the environment. Data from the U.S. Geological Survey's National Water Quality Assessment program, the most comprehensive and nationally consistent data describing ambient water quality in the U.S. were included when available. A detailed discussion of the supplemental data collected for each contaminant can be found in the respective Regulatory Determination Support Document.

## IV. Preliminary Regulatory Determinations

### *A. Summary*

The Agency is soliciting public comment on whether a preliminary determination that nine contaminants do not meet all three SDWA requirements is appropriate and thus no NPDWRs should be considered for those nine contaminants, identified by chemical abstract service registry number (CASRN) in Table 3.

TABLE 3.—PRELIMINARY REGULATORY DETERMINATIONS

| Contaminant | CASRN | Preliminary Regulatory Determination |
|---|---|---|
| Acanthamoeba. | N/A | Do not regulate. |
| Aldrin | 309–00–2 | Do not regulate. |
| Dieldrin | 60–57–1 | Do not regulate. |
| Hexachlorobutadiene. | 87–68–3 | Do not regulate. |
| Manganese | 7439–96–5 | Do not regulate. |
| Metribuzin | 21087–64–9. | Do not regulate. |
| Naphthalene | 91–20–3 | Do not regulate. |
| Sodium | 7440–23–5 | Do not regulate. |
| Sulfate | 14808–79–8. | Do not regulate. |

As previously stated, EPA is only making regulatory determinations on CCL contaminants that have sufficient information to support a regulatory determination at this time. The Agency continues to conduct research and/or to collect occurrence information on the remaining CCL contaminants. EPA has been aggressively conducting research to fill identified data gaps and recognizes that stakeholders may have a particular interest in the timing of future regulatory determinations for other contaminants on the CCL. Stakeholders may be concerned that regulatory determinations for such contaminants should not necessarily wait until the end of the next regulatory determination cycle.

In this regard, it is important to recognize that the Agency is not precluded from monitoring, conducting research, developing guidance, or regulating contaminants not included on the CCL to address an urgent threat to public health (see SDWA section 1412(b)(1)(D)); or taking action on CCL contaminants when information becomes available. As previously mentioned, the Agency continues to conduct research and/or to collect occurrence information for contaminants on the CCL (except the nine mentioned in today's action) and may proceed with regulatory determination prior to the end of the next regulatory determination cycle. EPA solicits comment on which of the remaining CCL contaminants stakeholders believe should have the highest priority for future regulatory determinations and their reasons in support of such comments.

The following sections summarize the data and rationale used by the Agency to reach these preliminary decisions.

### *B. Contaminant Profiles*

This section discusses the following background information for each regulatory priority contaminant: The available human and toxicological data; how the drinking water data sets were used to evaluate occurrence in PWSs; and the population served at levels of public health concern. The findings from these evaluations were used to determine if the three SDWA statutory requirements were satisfied for each contaminant, and in making preliminary determinations whether to regulate the contaminants. Table 4 presents summary statistics describing the occurrence of the regulatory determination priority contaminants. Monitoring data are not available from PWSs for Acanthamoeba, therefore, summary statistics are not represented in Table 4. In reviewing these statistics it is important to keep in mind that they are based on peak rather than mean concentrations at the sampled systems. In general, the percentages of systems with mean concentrations exceeding the HRL and ½ the HRL would be lower.

TABLE 4.—OCCURRENCE SUMMARY FOR THE CHEMICAL REGULATORY DETERMINATION PRIORITY CONTAMINANTS

| Contaminant | Actual cross-section and NIRS data | | | |
|---|---|---|---|---|
| | Systems >½HRL | Systems >HRL | Population >½HRL | Population >HRL |
| Aldrin (R2) HRL = 0.002 μg/L | 0.02% (2 of 12,165) | 0.02% (2 of 12,165) | 0.02% (8,700 of 47.7 M) | 0.02% (8,700 of 47.7 M) |
| Dieldrin (R2) HRL = 0.002 μg/L | 0.09% (11 of 11,788) | 0.09% (11 of 11,788) | 0.07% (32,200 of 45.8 M) | 0.07% (32,200 of 45.8 M) |
| Hexachlorobutadiene (R1 & R2) HRL = .9 μg/L | Round 1: 0.16% (20 of 12,284) | Round 1: 0.11% (14 of 12,284) | Round 1: 0.57% (407,600 of 71.6 M) | Round 1: 0.37% (262,500 of 71.6 M) |
| | Round 2: 0.08% (18 of 22,736) | Round 2: 0.02% (4 of 22,736) | Round 2: 2.3% (1.6 M of 67.1 M) | Round 2: 0.005% (3,100 of 67.1 M) |
| Manganese (NIRS) HRL = 300 μg/L | 6.1% (60 of 989) | 3.2% (32 of 989) | 4.6% (68,100 of 1.5 M) | 2.6% (39,000 of 1.5 M) |
| Metribuzin (R2) HRL = 91 μg/L | 0% (0 of 13,512) | 0% (0 of 13,512) | 0% (0 of 50.6 M) | 0% (0 of 50.6M) |
| Naphthalene (R1 & R2) HRL = 140 μg/L | Round 1: 0.01% (2 of 13,452) | Round 1: 0.01% (2 of 13,452) | Round 1: 0.007% (5,600 of 77.2 M) | Round 1: 0.007% (5,600 of 77.2 M) |
| | Round 2: 0.01% (2 of 22,923) | Round 2: 0% (0 of 22,923) | Round 2: 0.002% (1,700 of 67.5 M) | Round 2: 0% (0 of 67.5 M) |
| Sodium (NIRS) Benchmark = 120,000 μg/L | 22.6% (224 of 989) | 13.2% (131 of 989) | 18.5% (274,300 of 1.5 M) | 8.3% (123,600 of 1.5 M) |
| Sulfate (R2) HRL = 5000,000 μg/L | 4.97% (819 of 16,495) | 1.8% (295 of 16,495) | 10.2% (5.2 M of 50.4 M) | 0.9% (446,200 of 50.4 M) |

1. Acanthamoeba

After reviewing the best available public health and occurrence information, EPA has made a preliminary determination not to regulate Acanthamoeba with a National Primary Drinking Water Regulation (NPDWR). EPA's finding is that Acanthamoeba does have adverse effects on the health of persons primarily as a result of infections affecting the eye, lung, brain, and skin. EPA has no national monitoring data for Acanthamoeba occurrence in PWSs. The Agency, however, believes that filtration practices commonly used to treat drinking water in the U.S. have a high removal rate for Acanthamoeba cysts. Moreover, EPA finds that the disease incidence for Acanthamoeba is extremely low and that exposure to Acanthamoeba-related infections are not typically produced by ingestion of drinking water, inhalation during showering, or other standard uses of drinking water. Rather, Acathamoeba related infections are typically associated with poor hygiene practices among contact lens wearers. Thus, EPA finds that regulation of Acanthamoeba does not present a meaningful opportunity for health risk reduction for persons served by PWSs. The Agency believes issuing guidance targeted to individuals at risk is a more appropriate action at this time. Detailed information supporting EPA's finding and tentative determination is provided in the Health Effects Support Document for Acanthamoeba, and is summarized later in this section.

*a. Background.* Acanthamoeba is a common free-living microbe found in water, soil, and air. The protozoa exists in two stages: an active infective trophozoite form, and a dormant cyst form. The cyst stage also has potential to cause infection as it reverts to a trophozoite under appropriate conditions (Ferrante 1991). The cysts are resistant to inactivation by the levels of chlorine routinely used to disinfect municipal drinking water, swimming pools, and hot tubs and can survive for many years in the environment. However, because the cysts are fairly large (larger than *Giardia* and *Cryptosporidium*), they are very likely removed by filtration practices commonly used to treat drinking water.

*b. Health effects.* Acanthamoeba species have been associated with human infections affecting the eye, lung, brain, and skin. There are two major clinically distinct human infections: Acanthamoeba keratitis and GAE.

Acanthamoeba keratitis infection is a chronic ulceration and perforation of the cornea. Infection occurs predominantly in individuals who wear soft contact lenses and is thought to be a consequence of improper storage, handling, and disinfection of the lenses or lense case (Stehr-Green *et al.* 1989, Seal *et al.* 1992); wearing lenses in hot tubs and during swimming; and the formation of bacterial biofilms on contact lenses and lens storage cases (Schaumberg, *et al.* 1998). Acanthamoeba keratitis does not result from ingestion of contaminated drinking water.

GAE can be caused by some species of Acanthamoeba. GAE is diagnosed more frequently in people with compromised immune systems including individuals with human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) (Martinez and Visvesvera 1997). Reports indicate that possible routes of entry of Ancanthamoeba in immunocompromised individuals may be through the respiratory tract and skin lesions. Once inside the body, it spreads throughout the bloodstream to other parts of the body, and the central nervous system and may cause personality changes, cranial nerve palsies, nausea and headaches (Martinez and Visvesvera 1997, Marshall *et al.* 1997).

*c. Occurrence and exposure. i. Acanthamoeba* occurrence. Members of the genus Acanthamoeba are widespread in nature and have been isolated worldwide from brackish and sea water, tap water, bottled water, airborne dust, swimming pools, hot springs, thermal effluents of power plants, ocean sediments, vegetables, and hot tubs. *Acanthamoeba* has also been recovered from the nose and throat of humans with impaired respiratory function and from apparently healthy persons, suggesting that the amoeba is

commonly inhaled. There are no monitoring data for *Acanthamoeba* under the UCMR or other programs. There is a published report on a presumed *Acanthamoeba* contamination of municipal drinking water supply occurring after a flooding incident in Iowa during 1993–1994 (Meier *et al.* 1998). The report suggests that increase in the incidence of *Acanthamoeba* keratitis in areas affected by flooding was associated with a higher than normal concentration of *Acanthamoeba* in surface water supplies. However, the overall risk of keratitis in the U.S., even with the Iowa flooding, is less than the 1:10,000 risk of infection per year that EPA has set as a goal for surface water supplies.

ii. *Acanthamoeba* keratitis disease incidence. The Centers for Disease Control and Prevention (CDC) published a survey identifying 208 cases of *Acanthamoeba* keratitis (between 1973 and 1988) in the U.S. based on requests made to their laboratories for analysis of samples from individuals affected with ocular keratitis and from a limited survey of eye health care practitioners in four States. The data indicate that keratitis has been reported from 34 States and the District of Columbia. While most cases were reported from California, Texas, Florida, and Pennsylvania (Stehr-Green *et al.* 1989), there were no distinct regional patterns of occurrence. Because keratitis is not a disease which is required to be reported to CDC, these reports may underestimate a national occurrence.

Between 1973 and 1996 an estimated 700 *Acanthamoeba* keratitis cases have occurred in the U.S. (Martinez and Visvesvera 1997, Stehr-Green et al. 1989). There appears to be an increased keratitis incidence over the past decade that may be attributed to the increase in the number of contact lens wearers. The available published data on incidence from 1985 to 1987 (Schaumberg et al. 1998) was used to conservatively estimate incidence at 1.65 to 2.01 cases per million contact-lens wearers. This would forecast a total of 64 cases per year for the U.S. contact-lens wearing population (about 34 million people wear contact lenses). The estimated number of Acanthamoeba keratitis cases is small compared to the population at risk.

iii. GAE Disease Incidence. GAE is not a reportable disease in the U.S. Between 1957 and 1998 about 110 cases of GAE have been reported world-wide; 64 of the 110 cases were reported in the U.S., of which 30 cases were diagnosed in AIDS patients. GAE has been reported to occur predominantly in patients who are immunocompromised, those with diabetes or alcoholism, and those receiving radiation therapy (Visvesvera and Stehr-Green 1990). Based on an EPA demographic distribution of sensitive population groups, there are approximately two million people in the U.S. who are considered immunocompromised from cancer chemotherapy, genetic factors, and HIV/AIDS (CDC 1997 and USEPA 1998a). Diabetics are also more vulnerable to GAE (Visvesvera and Stehr-Green 1990). Because the number of diabetics in the U.S. is about eight million (USEPA 1998a), the total population group more vulnerable to GAE because of preexisting disease is about 10 million. Note that cases in these populations are more likely to be diagnosed since the individuals are under a degree of medical surveillance not typical of the general population. The number of cases of GAE is very small when compared to the population of the U.S. even considering the more vulnerable subgroups.

d. *Preliminary determination.* The Agency has made the preliminary determination not to regulate *Acanthamoeba* with a NPDWR since regulation would not present a meaningful opportunity for health risk reduction for the people served by public drinking water systems. Several species of *Acanthamoeba* infect humans and can be found worldwide in a range of environmental media (*e.g.,* soil, dust, and fresh water). Because of this, it is assumed that finished drinking water may be a source of exposure. However, *Acanthamoeba* keratitis is not known to be produced by ingestion of drinking water, inhalation during showering, or other standard uses of drinking water. Rather, keratitis is associated with poor hygiene practices among contact lens wearers. GAE has been reported in a very small number of individuals known to be at risk for developing this disease; there have been a total of 64 U.S. cases which is a low incidence even considering the possible vulnerability of an estimated number of immunocompromised and diabetic individuals of 10 million. Reports indicate that the possible routes of entry of *Acanthamoeba* in immunocompromised individuals are through the respiratory tract and from skin lesions. Thus, it is unlikely that any of the 64 U.S. cases were associated with ingestion of *Acanthamoeba* in drinking water.

EPA does not believe that there is an opportunity for meaningful public health protection through issuance of a drinking water regulation for *Acanthamoeba.* An effective means to protect public health is to identify those groups of individuals who may be at risk or more sensitive than the general population to the harmful effects of *Acanthamoeba* in drinking water and target them with protective measures (*e.g.,* encourage contact lens wearers to follow manufacturers' or health care practitioners' instructions for cleaning and rinsing their contact lens). EPA intends to release a guidance document addressing the risks of *Acanthamoeba* infection.

2. Aldrin and Dieldrin

After reviewing the best available public health and occurrence information, EPA has made a preliminary determination not to regulate the contaminants aldrin and dieldrin with National Primary Drinking Water Regulations (NPDWRs). EPA's findings are that aldrin and dieldrin may have adverse effects on the health of persons, and both are classified by EPA as likely to be carcinogenic to humans. EPA also finds that aldrin and dieldrin occur in PWSs, but not at a frequency or level of public health concern. Aldrin at >½ health reference level (HRL) was found at approximately 0.02% of PWS surveyed, affecting approximately 0.02% of the population served; dieldrin at >½ HRL was found at approximately 0.09% of PWS surveyed, affecting approximately 0.07% of the population served. As discussed later, EPA does not consider exposure to aldrin and dieldrin to be widespread nationally. Most uses of these compounds were canceled in 1987. Thus, EPA finds that regulating aldrin and dieldrin would not present a meaningful opportunity for health risk reduction for persons served by PWSs.

Detailed information supporting our findings and preliminary determinations is provided in the Health Effect Support Document for Aldrin and Dieldrin, the Analysis of National Occurrence of the 1998 Contaminant Candidate List (CCL) Regulatory Determination Priority Contaminant in Public Water Systems, and the Regulatory Determination Support Document for Aldrin and Dieldrin. This information is summarized later in this section.

*a. Background.* Aldrin and dieldrin (CASRNs 309–00–2 and 60–57–1, respectively) are the common names of two structurally similar insecticides. They are discussed together in today's action because aldrin readily changes to dieldrin in the body and in the environment, and they cause similar adverse health effects.

The Shell Chemical Company was the sole U.S. manufacturer and distributor of aldrin and dieldrin; although neither

compound has been produced in the U.S. since 1974 (ATSDR 1993). From 1950–1970, aldrin and dieldrin were popular pesticides used for crops such as corn and cotton. Because of concerns about damage to the environment and the potential harm to human health, EPA banned most uses of aldrin and dieldrin in 1974 except for the control of termites. In 1987, EPA banned all uses.

*b. Health effects.* EPA issued health advisories for aldrin and dieldrin in 1992 and 1988, respectively. These chemicals caused liver tumors in mice, but not in rats, and are classified as Group B2, probable human carcinogens, under the 1986 cancer guidelines. Under EPA's 1999 proposed Guidelines for Carcinogen Risk Assessment (USEPA 1999b), aldrin and dieldrin are classified as likely to be carcinogenic to humans.

In animals, oral exposure to aldrin and dieldrin has produced a variety of dose-dependent systemic, neurological, immunological, endocrine, reproductive, developmental, genotoxic and tumorigenic effects over a collective dose range of at least three orders of magnitude (<0.05–50 mg/kg body weight), depending on the specific endpoint and the duration of exposure.

In general, animal studies have provided only mixed evidence that exposures to aldrin and dieldrin at moderate-to-high levels can result in adverse reproductive or developmental effects such as reduced fertility or litter size, reduced pup survival, fetotoxicity, or teratogenicity. Various in vivo and in vitro studies have provided evidence that aldrin and dieldrin may be weak endocrine disruptors (ATSDR 2000a), that is to say, they may weakly disrupt the hormones responsible for the maintenance of normal body function and the regulation of developmental processes.

EPA derived the RfD of $3 \times 10^{-5}$ mg/kg/day for aldrin by dividing the LOAEL for liver toxicity from a lifetime study on rats of 0.025 mg/kg/day by an uncertainty factor (UF) of 1,000 (USEPA 1988, see section III.A. of today's action). The UF is a product of three 10-fold factors that account for the variation in sensitivity among the members of the human population, the uncertainty in extrapolating animal data to humans, and the uncertainty in extrapolating from a LOAEL rather than from a NOAEL.

EPA derived the RfD of $5 \times 10^{-5}$ mg/kg/day for dieldrin by dividing the NOAEL for liver toxicity from a lifetime study on rats of 0.005 mg/kg/day by a UF of 100 (10 to extrapolate from rats to humans, and 10 to protect sensitive humans) (USEPA 1990).

The most sensitive endpoint of concern is cancer for both aldrin and dieldrin. The Agency used a linearized multi-stage model to extrapolate from effects seen at high doses in animal studies to predict tumor response at low doses. This model is based on the biological theory that a single exposure to a carcinogen can initiate tumor formation, and it assumes that a threshold does not exist for carcinogenicity. Based on this approach, it is estimated that aldrin and dieldrin carcinogenic potencies are 17 per mg/kg-day and 16 per mg/kg-day, respectively. Using these cancer potencies, the concentrations associated with a specific risk levels for both contaminants are 0.2, 0.02, and 0.002 μg/L at the theoretical cancer risk of $10^{-4}$, $10^{-5}$, and $10^{-6}$, respectively (*i.e.*, 1 case in 10,000; 1 case in 100,000; and 1 case in 1,000,000) (USEPA 1993a and 1993b). EPA adopted the dose level of 0.002 μg/L for both contaminants as the HRL, or the benchmark against which to evaluate the occurrence data.

Potential susceptibility of life-stages and other sensitive populations. Aldrin and dieldrin are found as residues in food and mother's milk; however, no long-term studies demonstrating adverse effects on children are available. Although these chemicals are thought to be weak endocrine disruptors the HRL should adequately protect sensitive individuals from this and other adverse effects because cancer is assumed to be the most sensitive endpoint of concern.

No other sensitive subpopulations were identified that may be affected by exposure to these contaminants.

*c. Occurrence and exposure.* For most people, exposure to aldrin and dieldrin occurs when people eat contaminated foods. Contaminated foods might include fish or shellfish from contaminated lakes or streams, root crops, dairy products, and meats. Exposure to aldrin and dieldrin also occurs when you drink water, breathe air, or touch contaminated soil at hazardous waste sites containing these contaminants.

Aldrin was monitored under Round 2 of the Unregulated Contaminant Monitoring (UCM). Cross-section occurrence estimates are very low with only 0.006% of the samples (2 out of 31,083) showing detections at 0.58 μg/L and 0.69 μg/L.

The cross-section analysis shows that 0.02% of the reporting PWSs (2 out of 12,165) experienced detections of aldrin at both >½ HRL and >HRL, affecting 0.02% of the population served (8,600 out of 47.8 million people).

Dieldrin was also monitored under Round 2 of the UCM. The cross-section occurrence estimates are also very low with only 0.064% of samples (19 out of 29,603) showing detections. For samples with detections, the median and the 99th percentile concentrations are 0.16 μg/L and 1.36 μg/L, respectively.

The cross-section analysis shows that 0.09% of the reporting PWSs (11 out of 11,788) have detections of dieldrin at both >½ HRL and >HRL, affecting 0.07% of the population served (32,000 out of 45.8 million).

To augment SDWA drinking water data analysis, and to provide additional coverage of the corn belt States where aldrin and dieldrin use as agricultural insecticides was historically high but not represented in the Round 2 data, independent analyses of SDWA drinking water data from the States of Iowa, Illinois, and Indiana were undertaken. There were no detections of aldrin in Iowa or Indiana surface or ground water PWSs (Hallberg et al. 1996, USEPA 1999a). While Illinois had no detections in ground water, aldrin was detected in 2 out of 109 (1.8%) surface water PWSs, the maximum concentrations of aldrin was 2.4 μg/L. A survey of Illinois community water supply wells during the mid-1980s also showed very low occurrence of aldrin.

Dieldrin was not reported in Iowa surface or ground water PWSs (Hallberg et al. 1996). While Illinois and Indiana also had no detections of the compound in ground water PWSs, dieldrin was detected in surface water PWSs in those States (USEPA 1999a). Dieldrin occurrence was relatively low in both States: 2 out of 109 (1.8%) surface water systems showed detections in Illinois and 1 out of 47 (2.1%) surface water systems showed detections in Indiana. For Illinois and Indiana surface water PWSs, the maximum concentrations of dieldrin were 0.1 μg/L and 0.04 μg/L, respectively (USEPA 1999a).

Even the data from all Round 2 reporting States, including States with incomplete or potentially skewed data, show very low occurrence of aldrin and dieldrin. Approximately 0.21% (32 out of 15,123) of the reporting PWSs have detections of aldrin at both >½ HRL and >HRL, affecting approximately 291,000 of the population served (out of 59 million). For dieldrin, approximately 0.21% (31 out of 14,725) of the reporting PWSs have detections at both >½ HRL and >HRL, affecting about 212,000 of the population served (out of 57 million).

*d. Preliminary determination.* The Agency has made a preliminary determination not to regulate aldrin or dieldrin with a NPDWR. Since the

contaminants occur in PWSs at a very low frequency and at low levels, a regulation would not present a meaningful opportunity for health risk reduction for the people served by public drinking water systems. EPA recognizes that aldrin and dieldrin are probable human carcinogens, but the chemicals have been banned for most uses since 1974, and have relatively low levels of occurrence in drinking water supplies. It is likely that there will be so few people exposed to aldrin and dieldrin in their drinking water that a national regulation to control these two pesticides in drinking water would not provide a meaningful opportunity to reduce risk.

EPA will work closely with those few States that show aldrin and dieldrin contamination and encourage them to work with affected systems to evaluate site specific protective measures and to consider State-level regulation.

3. Hexachlorobutadiene

After reviewing the best available public health and occurrence information, EPA has made a preliminary determination not to regulate hexachlorobutadiene with a National Primary Drinking Water Regulation (NPDWR). EPA's finding is that hexachlorobutadiene may have adverse effects on the health of persons. It is classified by EPA as likely to be carcinogenic to humans. EPA also finds that hexachlorobutadiene occurs in PWSs, but not at a frequency or level of public health concern. Hexachlorobutadiene at >½ health reference level (HRL) was found at approximately 0.16% of PWS surveyed in Round 1 cross section samples and 0.08% of Round 2 cross section samples, affecting approximately 0.57% of the population served in Round 1 and 2.3% in Round 2. (The Round 2 affected population percentage is strongly influenced by a >½ HRL detection at one PWS serving 1.5 million people.) Thus, EPA finds that regulating hexachlorobutadiene with a NPDWR would not present a meaningful opportunity for health risk reduction for persons served by PWSs.

Detailed information supporting our finding and tentative determination is provided in the Health Effects Support Document for Hexachlorobutadiene, the Analysis of National Occurrence of the 1998 Contaminant Candidate List (CCL) Regulatory Determination Priority Contaminant in Public Water Systems, and the Regulatory Determination Support Document for Hexachlorobutadiene. These findings are summarized later in this section.

*a. Background.* Hexachlorobutadiene (CASRN 87–68–3) is a VOC that is relatively insoluble in water (solubility of 2–2.55 mg/L) and has never been manufactured as a commercial product in the U.S. However, significant quantities of the chemical are generated in the U.S. as a waste by-product from the chlorination of hydrocarbons, and lesser quantities are imported mostly from Germany as a commercial product. Hexachlorobutadiene is mainly used to make rubber compounds. It is also used as a solvent, to make lubricants, in gyroscopes, as a heat transfer liquid, and as a hydraulic fluid.

Eight million pounds of hexachlorobutadiene were generated as a waste by-product in the U.S. in 1975, with 100,000 pounds released into the environment. By 1982, the annual U.S. by-product generation of the chemical increased to 28 million pounds. In contrast, the annual import rate of hexachlorobutadiene dropped from 500,000 pounds per year imported annually in the late 1970's, to 145,000 pounds per year imported in 1981 (ATSDR 1994, Howard 1989).

Hexachlorobutadiene is listed by EPA as a toxic release inventory (TRI) chemical. Air emissions constitute most of the on-site releases. Also, over a 10-year period (1988–1998), surface water discharges generally increased, peaked in 1992–93, and then decreased significantly through the late-1990s. The TRI data for hexachlorobutadiene are reported from eight States (USEPA 2001d).

*b. Health effects.* There are no reliable data of human health effects following exposure to hexachlorobutadiene. Hexachlorobutadiene is classified by EPA as a Group C, Possible Human Carcinogen, (USEPA 1991) in accordance with EPA's 1986 Guidelines for Carcinogen Risk Assessment (USEPA 1986), and is considered likely to be a carcinogen to humans by the 1999 Proposed Guidelines for Carcinogen Risk Assessment (USEPA 1999b). Studies in animals show the selective effect of hexachlorobutadiene on the proximal tubule of the kidney. Subchronic (NTP 1991) and chronic (Kociba *et al.* 1977) studies in rodents present a clear picture of dose-related renal (kidney) damage at 2 mg/kg/day and above. Progressive events over time include changes in kidney weight, altered renal function (as shown by increased excretion of coproporhyrin), renal tubular degeneration and regeneration, hyperplasia (abnormal growth of cells), and renal tumor formation. Developmental effects were also observed in the offspring of hexachlorobutadiene exposed female rats (Harleman and Seinen 1979). However, these effects were observed at higher doses than for renal toxicity. Pups with lower birth weights and reduced growth were reported at maternal dose of 8.1–15 mg/kg/day in rats (Badaeva 1983, Harleman and Seinen 1979).

Only one study of lifetime oral exposure to hexachlorobutadiene has been reported in peer reviewed literature (Kociba *et al.* 1977). At the highest dose of 20 mg/kg/day in the study, benign and malignant tumors were seen in approximately 23% (9/39) of the male rats, and 15% (6/40) of the female rats. This dose exceeded the maximum tolerated dose at which increased mortality, severe renal toxicity, and significant weight loss were also observed. There were no tumors found in rats at the second highest dose of 2 mg/kg/day. The conclusion from the dose response analysis is that hexachlorobutadiene is a weak carcinogen with its demonstrated carcinogenicity only at a cytotoxic dose.

EPA divided the NOAEL for damage to kidney cells (specifically, renal tubular epithelial cell degeneration and regeneration) in rats from the Kociba *et al.* (1977) study and in mice from the National Toxicology Program (NTP 1991) study of 0.2 mg/kg/day by an uncertainty factor (UF) of 1000 (see section III.A. of today's action). The UF is a product of four factors, and rounded from 900 to 1000, that account for: the uncertainty in extrapolating animal data to humans (UF=10), the variation in sensitivity among the members of the human population (UF=10), using a minimum effect NOAEL, that may be a minimal LOAEL (UF=3), and the uncertainty associated with extrapolation from an incomplete animal data base (UF=3, the data base lacks chronic oral exposure studies and 2-generation reproductive toxicity studies) to arrive at an RfD of $2 \times 10^{-4}$ mg/kg/day (USEPA 1998b). The RfD was used to develop the HRL of 1 μg/L as a benchmark against which to evaluate the occurrence data as described in section III.A. of today's action.

The nonlinear approach for low dose extrapolation (i.e., point of departure of 0.054 mg/kg/day divided by a margin of exposure 300), gives a result equal to the RfD. Thus, the RfD of $2 \times 10^{-4}$ mg/kg/day which protects against damage to kidney tubule cells will also be protective against tumor formation in the kidney.

Potential susceptibility of life-stages and other sensitive populations. Individuals with preexisting kidney damage may be more sensitive to

adverse health effects from hexachlorobutadiene. Studies in animals showed that young rats and mice were more sensitive to the acute effects of hexachlorobutadiene (Hook *et al.* 1983, Lock *et al.* 1984), suggesting that infants may also be more susceptible to hexachlorobutadiene toxicity, perhaps as a result of immature organ systems.

*c. Occurrence and exposure.* Most exposure to hexachlorobutadiene comes from breathing it in workplace air. People living near hazardous waste sites containing hexachlorobutadiene may be exposed to it by breathing air or by drinking contaminated water.

Hexachlorobutadiene was monitored under both Rounds 1 and 2 of the Unregulated Contaminant Monitoring (UCM). The cross-section occurrence estimates are low for Round 1 and Round 2 with only 0.13% (54 of 42,839) and 0.05% (43 of 93,585) of all samples showing detections, respectively. For Round 1 cross-section samples with detections, the median and the 99th percentile concentrations are 0.25 μg/L and 10 μg/L, respectively. For Round 2 cross-section samples with detections, the median and the 99th percentile concentrations are 0.30 μg/L and 1.5 μg/L, respectively.

For Round 1, the cross-section analysis shows that 0.16% of the reporting PWSs (20 out of 12,284) had detections >½ HRL, affecting 0.57% of the population served (407,000 out of 71.6 million). The percentage of reporting PWSs with detections >HRL is 0.11% (14 out of 12,284), affecting 0.37% of the population served (263,000 out of 71.6 million).

For Round 2, the cross-section analysis shows that 0.08% of the reporting PWSs >½ HRL (18 out of 22,736), affecting 2.3% of the population served (1.6 out of 67 million). The percentage of the reporting PWSs with detections >HRL is 0.02% (4 out of 22,736), affecting 0.005% of the population served (3,350 out of 67 million).

The Round 1 cross-section estimates of PWSs affected by hexachlorobutadiene are influenced by the State of Florida. Florida reports 5.4% of its PWSs experienced detections >HRL, a value considerably greater than the next highest State (1.5%). In addition, only 13% of the PWSs in Florida (112 out of 855 PWSs) provided data, suggesting that only systems experiencing problems submitted data for hexachlorobutadiene, thereby biasing Florida's results for occurrence measures.

The large values for the Round 2 cross-section estimates of population served with detections >½ HRL are influenced by the inclusion of one PWS serving a very large population (1.5 million people). While the percentages of systems with detections of hexachlorobutadiene >½ HRL are low for both rounds, the difference in population served is larger.

*d. Preliminary determination.* The Agency has made a preliminary determination not to regulate hexachlorobutadiene with a NPDWR since the contaminant occurs in PWSs at a very low frequency and at very low levels and would therefore not present a meaningful opportunity for health risk reduction for persons served by public drinking water supplies. Monitoring data indicate that hexachlorobutadiene is infrequently detected in public water supplies. It is important to note that when hexachlorobutadiene is detected, it very rarely exceeds the HRL or even a value of one-half the HRL.

4. Manganese

After reviewing the best available public health and occurrence information, EPA has made a preliminary decision not to regulate manganese with a National Primary Drinking Water Regulation (NPDWR). EPA's finding is that manganese is essential for normal physiological functioning in humans and all animal species, however, several diseases are associated with both deficiencies and excess intake of manganese. Nonetheless, manganese is generally considered to have low toxicity when ingested orally. EPA also finds that manganese occurs in PWSs, with 6.1% of reporting ground water PWSs having detections above the >½ health reference level (HRL) and 3.2% having detections above the HRL. But, because the toxicity of manganese by oral ingestion is low, EPA finds that regulation of manganese in drinking water does not present a meaningful opportunity for health risk reduction for persons served by PWSs.

Detailed information supporting our finding and tentative determination is provided in the Health Effects Support Document for Manganese, the Analysis of National Occurrence of the 1998 Contaminant Candidate List (CCL) Regulatory Determination Priority Contaminant in Public Water Systems, and the Regulatory Determination Support Document for Manganese. These findings are summarized later in this section.

*a. Background.* Manganese (CASRN 7439–96–5) is a naturally occurring element that constitutes approximately 0.1% of the earth's crust. It does not occur in the environment in its pure metal form, but is ubiquitous as a component of more than 100 minerals including many silicates, carbonates, sulfides, oxides, phosphates, and borates (ATSDR 2000b). Manganese occurs naturally at low levels in soil, water, and food, and is essential for normal physiological functioning in humans and all animal species.

EPA established a National Secondary Drinking Water Standard for manganese at 0.05 mg/L to prevent clothes from staining and to minimize taste problems. Secondary standards are non-enforceable Federal guidance for aesthetic effects (such as color, taste, or odor) or cosmetic effects (such as skin or tooth discoloration) and are provided as a guideline for States and PWSs.

*b. Health effects.* Manganese is needed for normal growth and function; however, several diseases are associated with both deficiencies and excess intake of manganese.

There is no information available on the carcinogenic effects of manganese in humans, and animal studies have reported mixed results. EPA considers manganese to be not classifiable with respect to carcinogenicity; Group D according to the Guidelines for Carcinogen Risk Assessment (1999b). Data from oral exposure suggest that manganese has a low developmental toxicity.

There are several reports of toxicity to humans exposed to manganese by inhalation. Inhaled manganese can lead to neurological symptoms (*e.g.,* tremor, gait disorders, etc.) as seen in miners exposed to manganese dusts or fumes. Much less is known about oral intake of manganese. The major source of manganese intake in humans (with the exception of possible occupational exposure) is dietary ingestion; however, manganese is not considered to be very toxic when ingested with food, and reports of adverse effects are rare.

An epidemiological study performed in Peloponnesus, Greece (Kondakis *et al.* 1989) showed that lifetime consumption of drinking water containing naturally high concentrations of manganese oxides may lead to neurological symptoms and increased manganese retention as reflected in the concentration of manganese in hair for people over 50 years old. For the group consuming the highest concentration (around 2 mg/L) for more than 10 years, the authors suggested that some neurologic impairment might be present. The study raises concerns about possible adverse neurological effects following chronic ingestion from drinking water at doses within ranges deemed essential. However, the study did not examine

manganese intake data from other routes/sources (*i.e.,* dietary intake, inhalation from air, etc.), precluding its use as a basis for the RfD.

Another long-term drinking water study in Germany (Vieregge *et al.* 1995) found no neurological effects in people older than 50 years of age who drank water containing 0.3 to 2.16 mg/L of manganese for more than 10 years. However, this study also lacks exposure data from other routes and sources, and the manganese concentration range in water is very wide. Thus, the study cannot be used for quantitative assessment.

A small Japanese community (total 25 individuals) ingested high levels of manganese in contaminated well water (leaked from dry cell batteries buried near the wells) over a three-month period (Kawamura *et al.* 1941). Manganese intake was not determined at the time of intoxication, but was assayed months later; it was estimated to be close to 29 mg/L (*i.e.,* 58 mg/day or 1.45 mg/kg/day). Symptoms included lethargy, increased muscle tonus (tension), tremor, mental disturbances, and even death. Autopsies revealed macroscopic and microscopic changes in the brain tissue. In contrast, six children (1 to 10 years old) were not as affected as were the adults by this exposure. The elderly were more severely affected. Some effects may have resulted from factors other than manganese exposure.

In various surveys, manganese intakes of adults eating western type and vegetarian diets ranged from 0.7 to 10.9 mg per day (Freeland-Graves 1994, Gibson 1994). Depending on individual diets, a normal intake may be well over 10 mg/day, especially from a vegetarian diet. Thus, from the dietary surveys taken together, EPA concluded that an appropriate RfD for manganese is 10 mg/day (0.14 mg/kg/day) (USEPA 1996). The Agency applied an uncertainty factor (UF) of 1 (see section III.A. of today's action) because the information used to determine the RfD was considered to be complete—it was taken from many large human populations consuming normal diets over an extended period of time with no adverse health effects. EPA derived a HRL for evaluating the occurrence data of 0.30 mg/L. The HRL is based on the dietary RfD and application of a modifying factor of 3 for drinking water as recommended by IRIS (USEPA 1996) (see the description of an RfD in section III.A. of today's action) and allocation of an assumed 20% relative source contribution from water ingestion. The modifying factor accounts for concerns raised by the Kondakis study (1989); the potential for higher absorption of manganese in water compared to food; consideration of fasting individuals; and the concern for infants with potentially higher absorption and lower excretion rates of manganese.

Potential susceptibility of life-stages and other sensitive populations. There are no data to indicate that children are more sensitive to manganese than adults. Because manganese is an essential nutrient in developing infants, the potential adverse effects from manganese deficiency may be of greater concern than potential toxicity from over-exposure. Potential sensitive sub-populations include the elderly, pregnant women, iron-deficient individuals and individuals with impaired liver and bile duct function.

*c. Occurrence and exposure.* Manganese has been detected in ground water PWS samples collected through the National Inorganics and Radionuclide Survey (NIRS). Approximately 68% (671 of 989) of the systems that were sampled, showed manganese above detection levels. However, for samples with detections, the median and the 99th percentile concentrations are 0.01 mg/L and 0.72 mg/L, respectively. NIRS samples show that 6.1% of the reporting ground water PWSs had detections >½ HRL (60 out of 989), affecting about 4.6% of the population served (68,200 out of 1.5 million). The percentage of reporting ground water PWSs with detections >HRL is 3.2% (32 out of 989) affecting 2.6% of the population served (39,000 out of 1.5 million).

*d. Preliminary determination.* The Agency has made a preliminary determination not to regulate manganese with a NPDWR because it is generally not considered to be very toxic when ingested with the diet and because drinking water accounts for a relatively small proportion of manganese intake. Thus, regulation would not present a meaningful opportunity for health risk reduction for persons served by PWSs.

5. Metribuzin

After reviewing the best available public health and occurrence information, EPA has made a preliminary determination not to regulate metribuzin with a National Primary Drinking Water Regulation (NPDWR). EPA's finding is that metribuzin is not classifiable as a human carcinogen, but there may be other adverse health effects related to metabolic activity from chronic exposure to high doses. EPA also finds that metribuzin has a very low occurrence in PWSs. Only one sample out of 34,507, in Round 2 of the Unregulated Contaminant Monitoring (UCM), was reported as having a detection and the concentration of that sample was below ½ health reference level (HRL). Because metribuzin has such low occurrence, EPA finds that the regulation of metribuzin in drinking water does not present a meaningful opportunity for health risk reduction for persons served by PWSs.

Detailed information supporting our findings and preliminary determinations is provided in the Health Effect Support Document for Metribuzin, the Analysis of National Occurrence of the 1998 Contaminant Candidate List (CCL) Regulatory Determination Priority Contaminant in Public Water Systems, and the Regulatory Determination Support Document for Metribuzin. These findings are summarized later in this section.

*a. Background.* Metribuzin (CASRN 21087–64–9) is an SOC that does not volatilize readily, yet is very soluble in water. Metribuzin is relatively persistent in the environment and degrades primarily through exposure to sunlight.

Metribuzin is used as an herbicide on crops and has limited non-agricultural utility. Applications are primarily targeted to soybeans, potatoes, alfalfa, and sugar cane, and the geographic distribution of use largely reflects the distribution of these crops across the U.S. In terms of use, the herbicide is ranked 200th out of approximately 1,150 active ingredients used in agricultural pesticides (USGS 1999). According to the U.S. Department of Agriculture's Agricultural Resources Management Study, the amount of metribuzin used annually and the number of acres treated appears to be modestly declining over the 10-year survey period (1990–1999).

*b. Health effects.* Metribuzin is not classifiable as to human carcinogenicity (Group D) (USEPA 1998c). This classification is based on the lack of evidence of carcinogenicity in the following studies: (1) A mouse study in which there were no increases in tumor incidences at dosing levels up to 438 mg/kg/day in the diet for males and 567 mg/kg/day for females in the diet; (2) a rat study in which there were no statistically significant increases in tumor incidence at dosing levels up to 14.36 mg/kg/day for males and 20.38 mg/kg/day for females; and (3) a rat study which indicated no evidence for carcinogenicity at dosing levels up to 42.2 mg/kg/day for males and 53.6 mg/kg/day for females (USEPA 1998c).

Acute exposures to metribuzin, as reflected in high $LD_{50}$ values, are

indicative of low toxicity (USEPA 1998c). Subchronic studies in rats and dogs suggest that metribuzin causes decreased body weight gain, increased organ weight (liver, thyroid and brain) and small decreases in blood serum activities. Chronic effects of metribuzin exposure at high doses, in rats and dogs, include changes in body weight gain, mortality, elevated liver enzyme activity and histopathological changes in the liver. There are a few studies available on metribuzin exposure and reproductive and developmental effects. Developmental studies in rabbits and rats show that maternal toxicity occurs at or above doses of 1.3 mg/kg/day in the diet (USEPA 1998c). In general, effects to the fetus occur only as a result of maternal toxic effects. Similarly, in reproductive studies in rats, systemic toxicity was observed at mid- and high-doses (7.5 mg/kg/day and 37.5 mg/kg/day) in both parental animals and pups. Effects were expressed as slightly decreased body weights, decreased body weight gain and exaggerated liver cell growth (USEPA 1998c). Metribuzin exposure can also produce some endocrine effects in vivo as seen in the principal study used to derive the RfD.

A few inhalation studies are available on metribuzin exposure and the effects are comparable to the existing oral exposure studies. At high exposure (720 mg/m$^3$), increases in organ weights as well as liver enzyme activities were reported (USEPA 1998c).

The RfD for metribuzin is 0.013 mg/kg/day based on a two-year feeding study in rats where statistically significant increases in blood levels of T4 (thyroxine), decreases in blood levels of T3 (triiodothyronine), increased absolute and relative weight of the thyroid and decreased lung weight were observed at 1.3 mg/kg/day (LOAEL). However, these effects were of marginal biological significance and the 1.3 mg/kg/day dose was regarded as a NOAEL in the derivation of the RfD. The Agency applied an uncertainty factor (UF) of 100 (see section III.A. of today's action). The UF is a product of two 10-fold factors that account for the variation in sensitivity among the members of the human population and the uncertainty in extrapolating animal data to humans (USEPA 1998c).

EPA derived a HRL for evaluating the occurrence data of 91 µg/1 using the RfD approach (described in section III.A. of today's action).

Potential susceptibility of life-stages and other sensitive populations. There is no evidence to suggest that children, or any other population subgroup, would be more sensitive than others when exposed to metribuzin. In addition, the UF applied for variation in sensitivity for humans adequately protects sensitive subgroups of the population.

c. *Occurrence and exposure.* Metribuzin has been monitored under Round 2 of the UCM program. The cross-section shows that only 1 out of 34,507 samples had detections from the 13,512 PWSs sampled (0.10 µg/L). No cross-section PWSs had detection >½ HRL or >HRL.

The heaviest use of metribuzin is across the nation's corn-soybean production area. These States are not well represented in the Round 2 database. Therefore, additional data from the Midwest corn belt were also evaluated. Drinking water data from Iowa, Indiana, Illinois, and Ohio also show very low occurrence of metribuzin.

*d. Preliminary determination.* The Agency has made a preliminary determination not to regulate metribuzin with a NPDWR because it is not known to occur in PWSs at levels of public health concern. Monitoring data indicate that metribuzin is infrequently detected in public water supplies. When metribuzin is detected, it very rarely exceeds the HRL or a value of one-half of the HRL.

6. Naphthalene

After reviewing the best available public health and occurrence information, EPA has preliminarily determined not to regulate naphthalene with a National Primary Drinking Water Regulation (NPDWR). EPA's finding is that there is inadequate data to support a conclusion about carcinogenicity of naphthalene by the oral route of exposure. But, there may be other adverse health effects from exposure to naphthalene such as hemolytic anemia from very high doses of naphthalene (e.g. ingestion of mothballs). EPA also finds that naphthalene has a very low occurrence in PWSs. Naphthalene at >½ health reference level (HRL) was found at approximately 0.01% of public water supplies surveyed in Round 1 and Round 2 cross section samples, affecting less than 0.007% of the population served. Because naphthalene has such a low occurrence level, EPA finds that the regulation of naphthalene in drinking water does not present a meaningful opportunity for health risk reduction for persons served by PWSs.

Detailed information supporting our findings and preliminary determination is provided in the Health Effect Support Document for Naphthalene, the Analysis of National Occurrence of the 1998 Contaminant Candidate List (CCL) Regulatory Determination Priority Contaminant in Public Water Systems, and the Regulatory Determination Support Document for Naphthalene. These findings are summarized later in this section.

*a. Background.* Naphthalene (CASRN 91–20–3) is a VOC that is naturally present in fossil fuels such as petroleum and coal and is formed when wood or tobacco are burned. Naphthalene is produced in commercial quantities from either coal tar or petroleum. Most of naphthalene use (60%) is as an intermediary in the production of phthalate plasticizers, resins, phthaleins, dyes, pharmaceuticals, and insect repellents. Crystalline naphthalene is used as a moth repellent and as a solid block deodorizer for diaper pails and toilets.

Naphthalene production in the U.S. dropped from 900 million pounds per year in 1968 to 354 million pounds per year in 1982. Approximately seven million pounds of naphthalene were imported and nine million pounds were exported in 1978. By 1989, imports had dropped to four million pounds, and exports increased to 21 million pounds (ATSDR 1995).

*b. Health effects.* In inhalation studies (NTP 1992, 2000), rats and mice exposed to naphthalene developed tumors of the respiratory tract (nose, lungs). This appears to be a route-specific effect. Naphthalene is currently categorized as Group C, a possible human carcinogen, based on inadequate data in humans and limited evidence in animals (NTP 1992) via the inhalation route. According to the proposed 1999 cancer guidelines for carcinogen risk assessment, the carcinogenic potential of naphthalene cannot be determined via the oral or inhalation routes. A recent finding of clear evidence for nasal tumors in male and female mice (NTP 2000) suggests a need to reevaluate the carcinogenicity of naphthalene via the inhalation route of exposure.

The data on naphthalene's ability to cause cancer by the oral route of exposure are inadequate to support a conclusion about its carcinogenicity by this route. The tumor data from the only long term oral exposure study (Schmahl 1955) indicates that naphthalene was not carcinogenic by the oral route, but the published study did not present quantitative data on tumor incidence. Most of the studies of naphthalene's ability to damage DNA are negative.

Naphthalene can cause methemoglobinemia in humans, and humans are more sensitive to this effect than rats and mice. Methemoglobinemia is a condition where some of the red blood cells are chemically changed so

that they are not able to carry oxygen. It often leads to changes in the affected red blood cells so that they are broken down by the spleen (hemolysis) and removed from the bloodstream causing what is called hemolytic anemia. In the case of naphthalene, most of the data on methemoglobinemia and hemolysis come from cases in which large amounts of naphthalene (*e.g.,* mothballs) were ingested causing significant hemolysis and requiring medical attention.

In animal studies, high doses of naphthalene lead to cataracts in certain strains of rabbits, rats, and mice. The data on cataracts in humans are very limited and are confounded by exposure to other contaminants in addition to naphthalene. In the respiratory tract, naphthalene causes irritation, inflamation, and an increase in the number of cells (hyperplasia).

To calculate the RfD, EPA divided the NOAEL of 71 mg/kg/day for impaired weight gain in rats from the Battelle Columbus Laboratory study (1980) by an uncertainty factor (UF) of 3,000 (see section III.A. of today's action) to arrive at an RfD of 0.02 mg/kg-day (USEPA 1998d). The UF is a product of four factors that account for: the variation in sensitivity among the members of the human population (UF=10), the uncertainty in extrapolating animal data to humans (UF=10), the uncertainty in extrapolating from data obtained in a study with less-than-lifetime exposure to lifetime exposure (UF=10), and the uncertainty associated with extrapolation from an incomplete animal data set (UF=3, the data set lacks chronic oral exposure studies and 2-generation reproductive toxicity studies). The RfD of 0.02 mg/kg/day was used to develop the HRL of 140 µg/L as a benchmark against which to evaluate the occurrence data as described in section III.A. of today's action.

Potential susceptibility of life-stages and other sensitive populations. Newborn infants with one or two copies of a defective gene for the enzyme, glucose-6-phosphate dehydrogenase (G6PD) are most sensitive to the hemolytic effects of naphthalene. There is evidence of naphthalene toxicity in infants who reportedly were exposed by dermal contact with diapers or clothing that had been stored with naphthalene mothballs or naphthalene flakes (ATSDR 1995). However, inhalation of the naphthalene vapors was likely a contributing route of exposure in each case (ATSDR 1995, EPA 1998d). Adults with the G6PD defect are also susceptible to naphthalene, but to a lesser extent than infants. In infants, production of the enzyme methemoglobin reductase is delayed rendering them more sensitive than adults to methemoglobinemia. Based on the available data the 10-fold UF for intraspecies differences (*i.e.,* sensitivity among the members of the human population) used in developing the RfD will adequately protect individuals who are sensitive to naphthalene.

*c. Occurrence and exposure.* The major source of human exposure to naphthalene is through the use of moth-balls containing naphthalene. This exposure can be from breathing the vapors or handling the mothballs. People also may be exposed by breathing tobacco smoke and air near industries that produce naphthalene. Usually naphthalene is not found in water because it evaporates or biodegrades quickly. When it is found in water, it is usually at levels lower than 0.01 mg/L (ATSDR 1995).

Naphthalene was monitored under both Rounds 1 and 2 of the Unregulated Contaminant Monitoring (UCM). For Round 1 samples with detections, the median and the 99th percentile concentrations are 1.0 µg/L and 900 µg/L, respectively. There are indications that two ground water systems in one cross-section State had outlier values (i.e., atypically high values not consistent with the rest of the data) and, thus, the 99th percentile value is suspect. Excluding these outliers from the analyses, no other State that contributed Round 1 monitoring data had any detections that exceeded the HRL (140 µg/L). For Round 2 samples with detections, the median and the 99th percentile concentrations are 0.73 µg/L and 73 µg/L, respectively.

For Round 1, the cross-section analysis shows that 0.01% of the reporting PWSs (1 out of 13,452) had detections at both >½ HRL and >HRL, affecting 0.007% of the population served (5,400 out of 77.2 million).

For Round 2, the cross-section analysis shows that 0.01% of the reporting PWSs had detections >½ HRL (2 out of 22,923), affecting 0.002% of the population served (1,300 out of 67.5 million). No Round 2 PWSs had detections >HRL.

*d. Preliminary determination.* The Agency has made a preliminary determination not to regulate naphthalene with a NPDWR because it is not known to occur in PWSs at levels of public health concern. Monitoring data indicate that naphthalene is infrequently detected in public water supplies. When naphthalene is detected, it very rarely exceeds the HRL or a value of one-half of the HRL.

7. Sodium

After reviewing the best available public health and occurrence information, EPA has made a preliminary determination not to regulate sodium with a National Primary Drinking Water Regulation (NPDWR). Sodium is essential for normal physiological functioning in humans and all animal species; however, in humans several disorders are associated with excess intake of sodium, in particular, high blood pressure. EPA finds that sodium occurs in PWSs. Sodium at >½ benchmark value (60 mg/L) was found at approximately 22.6% of PWS in the National Inorganic and Radionuclides Survey (NIRS) samples. Sodium at > the benchmark value (120 mg/L) was found at 13.2% of PWS. EPA believes that the contribution of drinking water to daily sodium intake is very small when compared to the total dietary intake and that short-term excursions beyond the benchmark values pose no adverse health risk for most individuals, including the majority of persons with hypertension. Because sodium in drinking water is a very small contributor to daily dietary intake and because the levels at which sodium intake can contribute to increasing the blood pressure of individuals with normal blood pressures is not clearly established, EPA does not believe that a NPDWR presents a meaningful opportunity for public health protection. Concurrent with today's action, EPA intends to issue an updated advisory to provide guidance to communities that may be exposed to drinking water with elevated levels of sodium chloride and other sodium salts, so that those individuals with restricted sodium intake may take appropriate actions.

Detailed information supporting our finding and preliminary determination is provided in the Draft Drinking Water Advisory: Consumer Acceptability Advice and Health Effects Analysis on Sodium, Analysis of National Occurrence of the 1998 Contaminant Candidate List (CCL) Regulatory Determination Priority Contaminants in Public Water Systems, and Regulatory Determination Support Document for Sodium. These documents are available for review and comment at the EPA Water Docket.

*a. Background.* Sodium (CASRN 7440–23–5) is the sixth most abundant element on Earth and is widely distributed in soils, plants, water, and foods. Most of the world has numerous deposits of sodium-containing minerals. The sodium ion is ubiquitous in water,

due to the high solubility of many sodium salts. Ground water typically contains higher concentrations of minerals and salts than do surface waters. In addition to naturally occurring sources of sodium, it is used in deicing roads, water treatment chemicals, and domestic water softeners; sewage effluents can also contribute significant quantities of sodium to water.

Research indicates that the lower level of the taste threshold for sodium chloride in water is 30–60 mg/L (Pangborn and Pecore 1982). Individuals who are sensitive to the taste of sodium chloride can detect the taste in water at a concentration of 30 mg/L and recognize that taste as salty at a concentration of 60 mg/L. Accordingly, a moderate amount of sodium can be tolerated without any adverse impact on the aesthetic acceptability of the water. The taste threshold for sodium is influenced by a number of factors. It increases with the age of the consumer, in the presence of other dissolved minerals, and in waters with low chloride concentrations.

Sodium consumption and source contribution of drinking water. Sodium is a normal component of the body, and adequate levels of sodium are required for good health. Food is the main source of daily human exposure to sodium, primarily in the form of sodium chloride (table salt). Most of the sodium in our diet is added to food during food processing and preparation. Various studies have reported dietary intakes of sodium that range from 1,800 to 5,000 mg/day (Abraham and Carroll 1981, Dahl 1960, Pennington *et al.* 1984). Discretionary sodium intake is variable and can be quite large. The Food and Drug Administration has found that most American adults tend to eat between 4,000 and 6,000 mg/day. Sodium-restricted diets range from below 1,000 to 3,000 mg/day (Kurtzweil 1995). The NRC recommended daily dietary intake for sodium is 2,400 mg/day.

Drinking water generally accounts for a relatively small proportion of total sodium intake. An estimated 75% of dietary sodium comes from the sodium in processed foods, 15% is from discretional use of table salt during cooking and serving of foods, and 10% is from sodium naturally present in foods (Sanchez-Castillo *et al.* 1987). Drinking water is not considered in dietary intake surveys.

*b. Health end points.* The primary health effect of concern from long term exposures to excess sodium is increased blood pressure (hypertension). A large body of evidence suggests that excessive sodium intake may contribute to age-related increases in blood pressure (NAS 1977, WHO 1979). High blood pressure is a multi-factorial disorder with dietary sodium as one of a number of factors influencing its incidence.

Frost *et al.* (1991) conducted an analysis of 14 published studies (12,773 subjects) from the U.S., Europe, and Asia, which measured blood pressure and sodium intake. The analysis indicated that there is a significant positive association between blood pressure and dietary sodium within populations. Elliot (1991) performed a similar analysis of 14 studies in 16 populations (12,503 subjects) relating 24-hour urinary sodium excretion and blood pressures. This analysis also showed a significant positive correlation between urinary sodium and both systolic and diastolic blood pressure for both males and females.

Sullivan (1991) analyzed data on 183 subjects to determine sodium sensitivity, which was defined as an increase of mean blood pressure of more than five percent when progressing from low- to high-sodium intake. Using this criterion, sodium sensitivity was detected in 15% of Caucasian subjects with normal blood pressure, 29% of Caucasian borderline hypertensive subjects, 27% of African-American subjects with normal blood pressure and 50% of African-American borderline hypertensive subjects.

Recent controlled studies of borderline hypertensive subjects called the Dietary Approaches to Stop Hypertension (DASH) trials demonstrated decreases in blood pressure with a diet that combined a moderate sodium intake (3,000 mg/day) with a high fruit and vegetable diet (DASH diet). The DASH diet was (two to three times) higher in potassium, calcium, magnesium, and fiber than the control diet. It reduced average blood pressures compared with the control diet in this clinical study (Vogt et al. 1999). When the study was repeated with differing degrees of salt restriction, small but additional decreases in blood pressure were observed for subjects on the sodium restricted DASH diet as opposed to subjects on the control diet (Sacks *et al.* 2001). These results add to the weight-of-evidence that sodium is not the only factor in the diet to consider when managing blood pressure.

Some clinical studies on the effect of decreased sodium intake on blood pressure have not detected convincing evidence of a protective effect of low sodium intake on the risk of cardiovascular disease (Muntzel and Drueke 1992, Salt Institute 2000, NIH 1993, Callaway 1994, Kotchen and McCarron 1998, McCarron 1998). Thus, it has been difficult to clearly define the role of sodium in the development of hypertension. Experts at the National Heart, Lung and Blood Institute, the scientific experts at the American Heart Association, American Society of Hypertension, and the European and International Societies of Hypertension do not feel that universal salt reduction is warranted for individuals with normal blood pressure (Taubes 1998). However, the National Institutes of Health, National Academy of Sciences, American Heart Association and U.S. Department of Agriculture all recommend restricting daily dietary sodium intake to 2.4 g/day or less, even though present average intake of most people exceed this value. The current outdated EPA guidance level for sodium in drinking water is 20 mg/L. It was developed to protect those individuals restricted to a total sodium intake of 500 mg/day (EPA, 1976). The recently updated guidance document, Draft Drinking Water Advisory: Consumer Acceptability Advice and Health Effects Analysis on Sodium, is available for review and comment at the EPA Water Docket. It is based on current health effects and occurrence data, includes the taste effects of sodium in drinking water, and allows EPA to provide appropriate guidance to water suppliers.

Ingestion of sodium ion is not believed to cause cancer. However, some studies suggest that sodium chloride may enhance risk of gastrointestinal tract cancer caused by other chemicals. Sodium salts have generally produced inconclusive results in in vitro or in vivo genotoxicity tests.

Very high doses of sodium chloride (1,667 mg/kg) have been observed to cause reproductive effects in various strains of pregnant rats. Effects on the pregnant rats have included decreases in pregnancy rates and maternal body weight gain. Effects in offspring have included increased blood pressure and high mortality. No studies on developmental effects from exposure to sodium were identified.

Benchmark Value. In the case of sodium, the value used to evaluate the occurrence data is not designated as an health reference level (HRL) because of the lack of suitable dose-response data and the considerable controversy regarding the role of sodium in the etiology of hypertension. Instead a benchmark value is used. The benchmark value for sodium was derived from the recommended daily dietary intake of 2.4 g/day (NRC 1989). It is important to note that the recommended intake is not related

directly to dose-response information and is lower than most estimates of the present average daily intake of the U.S. population. A relative source contribution of 10% was applied in recognition that foods and other discretional use of table salt are the major source of sodium exposure. This results in a benchmark value of 120 mg/L, assuming 2 liters of water per day (i.e., 2,400 mg/day/2L x 10% = 120 mg/L). The ½ benchmark value coincides with the upper limit of the concentration at which those who are sensitive to the taste of sodium chloride in water are able to detect the salt taste. The EPA derived benchmark value of 120 mg/L was used as a means for evaluating the occurrence data. This value is more conservative than the values used for evaluating the other regulatory determination contaminants in today's action. It was derived from the NRC dietary guideline (NRC 1989) for adults of 2,400 mg/day for sodium from salt rather than from the highest NOAEL in a toxicological study or even average dietary intake.

Potential susceptibility of life-stages and other sensitive populations. Several studies have shown that children are more sensitive than adults to the acute effects of high sodium intake (Elton et al. 1963, DeGenaro and Nyhan 1971). This increased sensitivity is associated with a lower ability of the immature kidney to control sodium levels compared to the adult. The elderly may be sensitive to the hypertensive effects of sodium because they have a higher incidence of cardiovascular disease (including high blood pressure) than younger subjects (Sowers and Lester 2000). African-Americans may also be more susceptible to sodium-induced adverse health effects due to high prevalence of hypertension and increased salt sensitivity characteristics in this population (Sullivan 1991, Svetkey *et al.* 1996). Individuals with decreased kidney function or kidney insufficiency are more sensitive to high sodium intake compared to individuals with healthy kidneys.

*c. Occurrence and exposure.* Sodium was detected in 100% (989 of 989) of the ground water PWS samples collected through the National Inorganics and Radionuclides Survey (NIRS). The median and the 99th percentile concentrations of all samples are 16.4 mg/L and 517 mg/L, respectively.

Analysis of NIRS samples shows 22.6% of the reporting ground water PWSs have detections > ½ the benchmark level (60 mg/L) (224 out of 989) affecting approximately 18.5% of the population served (274,000 out of 1.5 million people). The percentage of reporting ground water PWSs with detections > the benchmark level (120 mg/L) is 13.2% (131 out of 989), affecting approximately 8.3% of the population served (123,000 out of 1.5 million people).

Additional SDWA data from the States of Alabama, California, Illinois, New Jersey, and Oregon, including both ground water and surface water PWSs, were examined through independent analyses and also show substantial sodium occurrence. These data add an additional perspective to the NIRS estimates that only include data for ground water systems. The supplemental State data show that all five States reported almost 100% detections in both ground water and surface water systems. For all PWSs in the five States, the median concentrations of all samples ranged from 5.26 to 31 mg/L and 99th percentile concentrations of all samples ranged from 150 to 370 mg/L. Surface water PWS detection frequencies > the benchmark value are slightly lower than those for ground water.

*d. Preliminary determination.* The Agency has made a preliminary determination not to regulate sodium with a NPDWR since the relatively small amount of sodium in drinking water is not projected to cause adverse health effects in most individuals. This preliminary decision is based on the minor impact of sodium in drinking water. Drinking water generally accounts for a relatively small proportion of total sodium intake. Thus, restriction of the amount of sodium in drinking water would not present a meaningful opportunity for health risk reduction for persons served by PWSs.

Sodium intake is a matter of concern for salt-sensitive individuals with hypertension. However, blood pressure is greatly influenced by other nutrients in the diet, lifestyle, and behavioral factors in addition to sodium itself, and is best treated under medical supervision giving consideration to the multiple factors that contribute to the blood pressure problems.

EPA's Draft Drinking Water Advisory: Consumer Acceptability Advice and Health Effects Analysis for Sodium provides guidance to communities that may be exposed to elevated concentrations of sodium chloride or other sodium salts in their drinking water. The advisory provides appropriate cautions for individuals on low-sodium or sodium-restricted diets. It is based on current health effects and occurrence data, includes the taste effects of sodium in drinking water, and allows EPA to provide appropriate guidance to water suppliers.

EPA presently requires periodic monitoring of sodium at the entry point to the distribution system. Monitoring is to be conducted annually for surface water systems and every three years for ground water systems (as defined in 40 CFR 141.41). The water supplier must report sodium test results to local and State public health officials by direct mail within three months of the analysis, unless this responsibility is assumed by the State. This requirement provides the public health community with information on sodium levels in drinking water to be used in counseling patients and is the most direct route for gaining the attention of the affected population.

8. Sulfate

After reviewing the best available public health and occurrence information, EPA has made a preliminary determination not to regulate sulfate with a National Primary Drinking Water Regulation (NPDWR). EPA's finding is that sulfate may have adverse health affects on persons, primarily as a laxative effect following high acute exposures. EPA also finds that sulfate occurs in PWSs. Approximately 87% of the Round 2 Unregulated Contaminant Monitoring (UCM) samples showed detections of sulfate. Sulfate at >½ health reference level (HRL) was found at 4.97% of PWS surveyed in the Round 2 cross section samples, affecting 10.2% of the population served; at >HRL, it was found at 1.8% of the PWS, affecting 0.9% of the population served. EPA finds that the weight of evidence suggests that the risk of adverse health effects to the general population is limited, of short duration, and only occurs at high concentrations. Hence, the regulation of sulfate in drinking water does not present a meaningful opportunity for health risk reduction for persons served by PWSs. EPA is issuing a Drinking Water Advisory, with today's action, to provide guidance to communities that may be exposed to drinking water with high sulfate concentrations.

Detailed information supporting our finding and preliminary determination is provided in the Draft Drinking Water Advisory: Consumer Acceptability Advice and Health Effects Analysis on Sulfate, the Analysis of National Occurrence of the 1998 Contaminant Candidate List (CCL) Regulatory Determination Priority Contaminant in Public Water Systems, and the Regulatory Determination Support

Document for Sulfate. These findings are summarized later in this section.

*a. Background.* EPA was required by the 1986 SDWA amendments to issue a proposed and final standard for sulfate. EPA grouped sulfate with 23 other organic and IOCs in the ''Phase V'' regulatory package that was proposed in 1990 (55 FR 30371, July 25, 1990). The notice stated that the adverse health effect from ingesting high levels of sulfate is diarrhea and associated dehydration. Because local populations usually acclimate to high sulfate levels, the impact is primarily on infants, transient populations (e.g., business travelers, visitors, and vacationers), and new residents.

In the 1990 notice, EPA proposed alternative MCLG levels for sulfate of 400 mg/L and 500 mg/L. Given the high cost of the rule, the relatively low risk, and the need to explore alternative regulatory approaches targeted at the transient consumer, EPA deferred the final regulatory decision on sulfate. A new schedule was established, in connection with litigation, that required EPA to finalize its regulatory action for sulfate by May 1996. In December of 1994, EPA re-proposed the MCLG at 500 mg/L. Before the rule was promulgated, SDWA, as amended in 1996, directed EPA to determine by August 2001 whether to regulate sulfate in drinking water. In addition, section 1412(b)(12)(B) of SDWA directs EPA and the CDC to conduct a study, discussed in more detail later in this section, to establish a reliable dose-response relationship for the adverse human health effects from exposure to sulfate in drinking water, including the health effects that may be experienced by sensitive subpopulations (i.e., infants and travelers). SDWA specifies that the study be conducted using the best available peer-reviewed science in consultation with interested States, and completed by February 1999.

Sulfate ($SO_4^{-2}$, CASRN 14808–79–8) exists in a variety of inorganic salts. Sulfate salts such as sodium, potassium and magnesium are very water soluble and are often found in natural waters. Sulfate salts of metals such as barium, iron, or lead have very low water solubility.

Sulfate is found in soil, sediments and rocks and occurs in the environment as a result of both natural processes and human activities. Sulfate is used for a variety of commercial purposes, including pickle liquor (sulfuric acid) used in the steel and metal industries and as a reagent in the manufacturing of products such as copper sulfate (a fungicide/algicide). Specific data on the total production of all sulfates are not available, but production is expected to be in the thousands of tons per year.

Sulfate may enter surface or ground water as a result of discharge or disposal of sulfate-containing wastes. In addition, sulfur oxides produced during the combustion of fossil fuels are transformed to sulfuric acid in the atmosphere. Through precipitation (acid rain), sulfuric acid can enter surface waters, lowering the pH and raising sulfate levels.

Sulfate is present in the diet. A number of food additives are sulfate salts and most (such as copper sulfate and zinc sulfate) are approved for use as nutritional supplements.

EPA established a National Secondary Drinking Water Regulation for sulfate at 250 mg/L based on aesthetic effects (i.e., taste and odor) in 1979 (40 CFR part 43.3). This value was adopted from the 1962 Public Health Service Drinking Water Standards. The taste threshold for sulfate is reported to range from 200 to 900 mg/L depending on the specific sulfate salt. The threshold for unpleasant taste for sodium sulfate is about 800 to 1,000 mg/L, based on the results of a study by Heizer et al. (1997) and a study conducted under a cooperative agreement by the CDC and EPA (USEPA 1999c).

*b. Health effects.* Sulfate induces a laxative effect following high acute exposures (Anderson and Stothers 1978, Fingl 1980, Schofield and Hsieh 1983, Stephen *et al.* 1991, Cocchetto and Levy 1981, Gomez *et al.* 1995, Heizer *et al.* 1997). The concentrations of sulfate that induced these effects varied, but all occurred at concentrations >500 mg/L. A sulfate intake sufficient to produce a laxative effect when taken in one dose (5,400 mg) did not have the same effect when divided into four sequential hourly doses (Cocchetto and Levy 1981).

Chronic exposure to sulfate may not have the same laxative effect as an acute exposure since humans appear to develop a tolerance to drinking water with high sulfate concentrations (Schofield and Hsieh 1983). It is not known when this acclimation occurs; however in adults, acclimation is thought to occur within one to two weeks (USEPA 1999c).

Evidence indicates that sulfate concentrations do not exert adverse reproductive or developmental effects at concentrations as high as 5,000 mg/L (Andres and Cline 1989).

Although several studies (Peterson 1951, Moore 1952, Cass 1953) have been conducted on the long-term exposure of humans to sulfate in drinking water, none of them can be used to derive the relationship between a quantified exposure and adverse health effects (a dose-response characterization).

As required by SDWA, and discussed previously in this section, EPA and the CDC completed a study, ''Health Effects from Exposure to High Levels of Sulfate in Drinking Water Study'', (CDC and USEPA 1999b) in January 1999. The overall purpose of the Sulfate Study was to examine the association between consumption of tap water containing high levels of sulfate and reports of osmotic diarrhea (an increase in stool volume) in susceptible populations (infants and transients). Specifically, the CDC researchers designed field investigations of infants naturally exposed to high levels of sulfate in the drinking water provided by PWSs and an experimental trial of exposure in adults.

The CDC investigators were unable to study infants receiving their first bottles containing tap water with high levels of sulfate because the population of infants exposed to sulfate through their formula was not large enough to support the statistical requirements of such a study (USEPA 1999b). In the study of adult volunteers representing a transient population, the investigators did not find an association between acute exposure to sodium sulfate in tap water and reports of diarrhea. A total of 105 adult participants were randomly assigned to five sulfate-exposure groups (0, 250, 500, 800, and 1,200 mg/L) and were exposed to sulfate in bottled water over a period of six days. There was no significant dose-response association between acute exposure to sodium sulfate in water and reports of diarrhea. However, there was a weak (not statistically significant) increase in reports of increased stool volume at the highest dose level when it was compared to the combined lower doses.

As a supplement to the Sulfate Study, the CDC, in coordination with EPA, convened an expert workshop (USEPA 1999d), open to the public, in Atlanta, Georgia, on September 28, 1998 (64 CFR 7028). The expert scientists reviewed the available literature and the Sulfate Study results. They favored a health advisory for sulfate-containing drinking water at levels greater than 500 mg/L (USEPA 1999d). The most sensitive endpoint was considered by the panelists to be osmotic diarrhea. The panel noted that none of the reported data for humans identify laxative effects at concentrations of 500 mg/L or below. In most situations where laxative effects were observed at concentrations below 800 mg/L, the water contained other osmotically active contaminants such as magnesium or had been mixed with powdered infant formula. These data

suggest that the total concentration of osmotically active contaminants needs to be significantly higher than the 500 mg/L health-based advisory. The Agency used an HRL of 500 mg/L for evaluating the occurrence data, based on the recommendations of the CDC and EPA Panel (USEPA 1999d).

Potential susceptibility of life-stages and other sensitive populations. A potential sensitive population for dehydration resulting from diarrhea are infants receiving formula made with unfiltered tap water containing sulfate. Other groups include transient populations (i.e., tourists, hunters, students, and other temporary visitors) and people moving from areas with low sulfate drinking water concentrations into areas with high concentrations.

The health-based advisory value of 500 mg/L will protect against sulfate's laxative effects, even in formula-fed infants, in the absence of high concentrations of other osmotically active chemicals in the water. In situations where the water contains high concentrations of total dissolved solids and/or other osmotically active ions, laxative-like effects may occur if the water is mixed with concentrated infant formula or powdered nutritional supplements. In such situations, an alternate low-mineral-content water source is advised.

*c. Occurrence and exposure.* Sulfate was monitored under Round 2 of the UCM program. The State cross-section occurrence estimate is very high with 87% of the samples (35,221 of 40,484) showing detections. The median and the 99th percentile concentrations of all samples are 24 mg/L and 560 mg/L, respectively.

The Round 2 cross-section analysis shows that approximately 5% of the reporting PWSs have detections >½ HRL (820 out of 16,495 PWSs), affecting about 10.2% of the population served (5.1 million out of 50.4 million people). The percentage of the reporting PWSs with detections >HRL is approximately 1.8% (300 out of 16,495 PWSs), affecting about 0.9% of the population served (448,300 out of 50.4 million people).

Additional data from the States of Alabama, California, Illinois, Montana, New Jersey, and Oregon were examined. Of these States three had 99th percentile concentrations that exceeded the suggested HRL. A comparison between the 20-State cross-section data and the supplemental State data shows very similar results for sulfate detection frequencies in PWSs.

*d. Preliminary determination.* The Agency has made a preliminary determination not to regulate sulfate with a NPDWR since regulation would not present a meaningful opportunity for health risk reduction for persons served by public drinking water systems. This preliminary decision is based on the weight of evidence suggesting that the risk of adverse health effects to the general population is limited and acute (a short duration laxative-related response) and occurs at high drinking water concentrations (>500 mg/L, and in many cases >1,000 mg/L). In addition, people either develop a tolerance for high concentrations of sulfate in drinking water, or they decrease the amount of water they drink at one time, most likely because of the taste of the water (the taste threshold is 250 mg/L).

EPA intends to issue an advisory to provide guidance to communities that may be exposed to drinking water contaminated with high sulfate concentrations.

## V. Specific Requests for Comment, Data or Information

EPA is requesting public comment on today's action. EPA intends to respond to the public comments it receives and issue final regulatory determinations in late 2002. If the Agency determines that regulations are warranted, the regulations would then need to be formally proposed within 24 months of the determination to regulate, and promulgated 18 months following the proposal.

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Dated: May 24, 2002.

**Christine Todd Whitman,**

*Administrator.*

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BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

## 47 CFR PART 73

**[DA 02–1158, MB Docket No. 02–110, RM–10406]**

## Radio Broadcasting Services; Rose Hill and La Grange, NC

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Conner Media, Inc. requesting the substitution of Channel 284C3 for Channel 284A at Rose Hill, North Carolina, reallotment of Channel 284C3 from Rose Hill, North Carolina, to La Grange, North Carolina, and modification of the license for Station WZUP to specify operation on Channel 284C3 at La Grange, North Carolina, as its community of license. The coordinates for Channel 284C3 at Rose Hill are 35–16–00 and 77–58–00. In accordance with Section 1.420(i) of the Commission's Rules, we shall not accept competing expressions of interest in the use of Channel 284C3 at La Grange.

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

**ADDRESSES:** Federal Communications Commission, 445 Twelfth Street, SW, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Peter Gutmann, Pepper & Corazzini, 1776 K Street, NW, Suite 200, Washington, DC 20006.

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

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 02–110, adopted May 1, 2002, and released May 17, 2002. The full text of this Commission decision is available for inspection and copying during regular business hours at the FCC's Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC, 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.* Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members

of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

## PART 73—RADIO BROADCAST SERVICES

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

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

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under North Carolina, is amended by removing Rose Hill, Channel 284A and adding La Grange, Channel 284C3.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau.*

[FR Doc. 02–13822 Filed 5–31–02; 8:45 am]

BILLING CODE 6712–01–P

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 660

**[Docket No. 020523131–2131–01; I.D. 051502C]**

**RIN 0648–AQ01**

## Fisheries off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; American Samoa; Control Date

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

**ACTION:** Advance notice of proposed rulemaking; establishment of a revised control date.

**SUMMARY:** NMFS announces that persons who enter the pelagic longline fishery in the U.S. exclusive economic zone (EEZ) around American Samoa after March 21, 2002, (''control date'') are not guaranteed future participation in the fishery if the Western Pacific Fishery Management Council (Council) prepares and NMFS approves a program limiting entry or effort. This action does not commit the Council or NMFS to limit entry, or prevent any other date from being selected for eligibility to participate in the American Samoa longline fishery. The Council or NMFS may also use other criteria to limit fishing effort or participation in a limited entry program that is developed in the future.

**DATES:** Comments must be submitted in writing by July 3, 2002.

**ADDRESSES:** Comments may be mailed to Dr. Charles Karnella, Administrator, NMFS, Pacific Islands Area Office, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814–4700; or faxed to 808–973–2941. Comments will not be accepted if submitted via e-mail or Internet.

**FOR FURTHER INFORMATION CONTACT:** Kitty M. Simonds, Council Executive Director, at 808–522–8220.

**SUPPLEMENTARY INFORMATION:** Between 1996 and 2001, the domestic longline fishery operating in waters of the EEZ around American Samoa grew appreciably in both size and landings. In 1996, 13 small vessels using longline gear landed approximately 233,000 lb (106 mt) of albacore in American Samoa; however, by the end of 2001 more than seven million lb (3,176 mt) of albacore were landed by 78 longline fishing vessels of various sizes. Due to their size and limited fishing range, the smaller local longline vessels generally do not travel beyond 50 nm offshore from the islands. Although the larger domestic longline vessels (≤50 ft in length) are capable of fishing beyond 200 nm from the islands of American Samoa, only a few have agreements with neighboring Pacific island nations, such as Tonga or Samoa (formerly known as Western Samoa), to fish the EEZs of Tonga and Samoa. Furthermore, U.S. longline fishing vessels do not have access to the high seas in proximity to American Samoa under the South Pacific Tuna Act. However, it is expected that access to those waters will be available no later than June 2003. Hence, domestic longline vessels are predominantly confined to fishing within the EEZ around American Samoa. In anticipation of an eventual need to limit this fishing effort due to the concentration of longliners operating around American Samoa, the Council recommended and NMFS established 50–nm area closures in nearshore EEZ waters around the islands to all large fishing vessels, including longliners, that target pelagic species (67 FR 4369, January 30, 2002). Also, the Council previously established two control dates (November 13, 1997 and July 15, 2000) for this fishery. Control dates are intended to discourage speculative entry into fisheries, as new entrants entering the fishery after the control date are forewarned that they are not guaranteed future participation in the fishery. The Council recommended that NMFS issue a third control date of March 21, 2002, while it develops a limited entry system for the domestic longline fishery based in American Samoa. The Council recommended this new control date, which is hereby established by NMFS, because fishery data up to March 21, 2002, did not indicate that the number of vessels or level of fishing effort was causing gear conflict or adverse impact on fishery stocks. It is assumed that limiting entry to the participants in the fishery before the previous control date would unnecessarily restrict fishing effort and limit economic returns from this resource. This new control date supersedes both the 1997 and 2000 control dates.

This control date does not commit the Council or NMFS to any particular management regime or criteria for entry into the American Samoa longline fishery. Fishermen are not guaranteed future participation in this fishery, regardless of their level of participation before or after the control date. The Council may choose a different control date or it may choose a management regime that does not involve a control date. Other criteria, such as documentation of commercial landings and sales, may be used to determine eligibility for participation in a limited access fishery. The Council also may choose to take no further action to control entry or access to the fishery, in which case the control date may be rescinded.

This advance notice of proposed rulemaking has been determined to be not significant for the purposes of Executive Order 12866.

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

Dated: May 28, 2002.

**John Oliver,**

*Deputy Assistant Administrator for Operations, National Marine Fisheries Service.*

[FR Doc. 02–13854 Filed 5–31–02; 8:45 am]

BILLING CODE 3510–22–S

# Notices

Federal Register

Vol. 67, No. 106

Monday, June 3, 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

### Agricultural Research Service

### Notice of Intent To Grant Exclusive License

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice of intent.

**SUMMARY:** Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant BTG International, Inc. of West Conshohocken, Pennsylvania, an exclusive license to U.S. Patent Application Serial No. 09/522,401, ''Transformation of Plants with a Chloroperoxidase Gene to Enhance Disease Resistance,'' filed on March 9, 2000. Notice of Availability of this invention for licensing was published in the **Federal Register** on March 13, 2001.

**DATES:** Comments must be received within thirty (30) calendar days of the date of publication of this notice in the **Federal Register**.

**ADDRESSES:** Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

**FOR FURTHER INFORMATION CONTACT:** June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

**SUPPLEMENTARY INFORMATION:** The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as BTG International, Inc. has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

**Michael D. Ruff,**

*Assistant Administrator.*

[FR Doc. 02–13772 Filed 5–31–02; 8:45 am]

BILLING CODE 3410–03–P

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### Notice of Intent to Grant Exclusive License

**AGENCY:** Agricultural Research Service, USDA.

**ACTION:** Notice of intent.

**SUMMARY:** Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant Princeton Multimedia Technologies Corp. of Princeton, New Jersey, an exclusive license to U.S. Patent No. 5,233,520, ''Method and System for Measurement of Intake of Foods, Nutrients and Other Food Components in the Diet,'' issued on August 3, 1993. Notice of Availability of this invention for licensing was published in the **Federal Register** on July 3, 1991.

**DATES:** Comments must be received within thirty (30) calendar days of the date of publication of this notice in the **Federal Register**.

**ADDRESSES:** Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

**FOR FURTHER INFORMATION CONTACT:** June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

**SUPPLEMENTARY INFORMATION:** The Federal Government's patent rights in this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Princeton Multimedia Technologies Corp. has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

**Michael D. Ruff,**

*Assistant Administrator.*

[FR Doc. 02–13771 Filed 5–31–02; 8:45 am]

BILLING CODE 3410–03–P

## DEPARTMENT OF AGRICULTURE

### Food Safety and Inspection Service

**[Docket No. 02–018N]**

### National Advisory Committee on Meat and Poultry Inspection

**AGENCY:** Food Safety and Inspection Service, USDA.

**ACTION:** Notice of public meeting.

**SUMMARY:** The National Advisory Committee on Meat and Poultry Inspection (NACMPI) will hold a public meeting on June 5–6, 2002, to review and discuss three issues: New Technologies in Meat and Poultry Operations, the Farm Security and Rural Investment Act of 2002 (Public Law 107–171), and the FSIS Field Workforce. Three subcommittees of the full committee will also meet on June 5, 2002, to work on the issues discussed during the full Committee session. All interested parties are welcome to attend the meetings and to submit written comments and suggestions concerning issues the Committee will review and discuss.

**DATES:** The full Committee will hold a public meeting on Wednesday, June 5, and Thursday, June 6, 2002 from 8:30 a.m. to 5 p.m. Subcommittees will hold open meetings on Wednesday, June 5, 2002 from 7 p.m. to 9 p.m.

**Note:** FSIS was not able to publish notification of this public meeting in the **Federal Register** at least 15 days prior to the meeting, as required by Departmental Regulation 1041–001, due to late changes to the agenda.

**ADDRESSES:** All Committee meetings will take place at the Georgetown University Conference Center, 3800 Reservoir Road NW, Washington, DC.

20057. The full committee will meet in the Grand Ballroom A & G. The subcommittee meetings will be held in Conference Room 2, Conference Room 4, and Conference Room 5 and 6. A meeting agenda is available on the FSIS Web site at *http://www.fsis.usda.gov/OPPDE/nacmpi,* which is a sub-Web page of the FSIS home page at *http://www.fsis.usda.gov.* Submit one original and two copies of written comments to FSIS Docket Room, Docket #02–018N, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 102 Cotton Annex, 300 12th Street SW, Washington, DC 20250–3700. Comments may also be sent by facsimile (202) 205–0381. The comments and the official transcript of the meeting, when they become available will be kept in the FSIS Docket Room at the address provided above. All comments received in response to this notice will be considered part of the public record and will be available for reviewing in the FSIS Docket Room between 8:30 a.m. and 4:30 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Charles L. Gioglio for technical information at (202) 205–0256 and Sonya L. West for meeting information at (202) 720–2561, FAX (202) 205–0157, or e-mail *sonya.west@usda.gov.* Persons requiring a sign language interpreter or other special accommodations should notify Ms. West by May 29, 2002, at the above numbers or by e-mail. Information is also available on FSIS Web site at *http://www.fsis.usda.gov/OPPDE/nacmpi.*

**SUPPLEMENTARY INFORMATION:**

## Background

On January 19, 2001, the Secretary of Agriculture renewed the charter for the NACMPI. The Committee provides advice and recommendations to the Secretary of Agriculture pertaining to the Federal and State meat and poultry inspection programs pursuant to sections 301 (a)(4),7(c), 24, 205, 301(a)(3), and 301(c) of the Federal Meat Inspection Act and sections 5(a)(3), 5 (a)(4), 5(c), 8(b), and 11(e) of the Poultry Products Inspection Act. The Administrator of FSIS is the chairperson of the Committee. Membership of the Committee is drawn from representatives of consumer groups; producers, processors, and marketers from the meat and poultry industry; State government officials; and academia. The current members of the NACMPI are: Dr. Gladys Bayse, Spelman College; Nancy Donley, Safe Tables Our Priority; Sandra Eskin, American Association of Retired Persons; Dr. James Denton, University of Arkansas; Carol Tucker Foreman, Food Policy Institute, Consumer Federation of America; Michael Govro, Oregon Department of Agriculture; Martin Holmes, North American Meat Processors; Dr. Lee C. Jan, Texas Department of Health; Dr. Alice Johnson, National Food Processors Association; Collette Schulty Kaster, Premium Standard Farms; Dr. Daniel E. Lafontaine, South Carolina Meat-Poultry Inspection Department; Dr. Irene Leech, Virginia Tech; Charles Link, Cargill Turkey Products; Dr. Catherine Logue, North Dakota State University; Dr. Dale Morse, New York Department of Health; John Neal, Courseys Smoked Meats, and Michael Mamminga, Iowa Department of Agriculture and Land Stewardship.

The Committee has three subcommittees to deliberate on specific issues and make recommendations to the whole Committee.

Members of the public will be required to register before entering the meeting.

*Additional Public Notification*

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and make copies of this **Federal Register** publication available through the FSIS Constituent Update. FSIS provides a weekly Constituent Update, which is communicated via Listserv, a free e-mail subscription service. In addition, the update is available on-line through the FSIS Web page located at *http://www.fsis.usda.gov.* The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent Listserv consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through the Listserv and Web page, FSIS is able to provide information to a much broader, more diverse audience.

For more information contact the Congressional and Public Affairs Office, at (202) 720–9113. To be added to the free e-mail subscription service (Listserv) go to the ''Constituent Update'' page on the FSIS Web site at *http://www.fsis.usda.gov/oa/update/update.htm.* Click on the ''Subscribe to the Constituent Update Listserv'' link, then fill out and submit the form.

Done at Washington, DC, on May 29, 2002.

**William J. Hudnall,**

*Acting Administrator.*

[FR Doc. 02–13797 Filed 5–31–02; 8:45 am]

BILLING CODE 3410–DM–P

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## DEPARTMENT OF AGRICULTURE

### Forest Service

### North Kennedy-Cottonwood Stewardship Project, Boise National Forest, Gem and Valley Counties, ID

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement.

**SUMMARY:** The Emmett Ranger District of the Boise National Forest will prepare an environmental impact statement (EIS) for a resource management project within the Squaw Creek drainage. The entire project area is within the Kennedy and Pine Creek subwatersheds, which are tributaries to Squaw Creek. The project area is located about 50 miles north of Boise, Idaho.

The Forest Service invites written comments and suggestions on the scope of the analysis. The agency also hereby gives notice of the environmental analysis and decisionmaking process that will occur on the proposal so interested and affected Federal, State, tribal, and local agencies, as well as individuals and organizations are aware of how they may participate and contribute to the final decision. The information received will be used in preparing a final EIS.

**DATES:** Written comments concerning the proposed project should be postmarked within 30 days from the date of publication of this announcement in the **Federal Register.**

**ADDRESSES:** Comments should be addressed to John Erickson, District Ranger, Emmett Ranger District, 1805 Highway 16, Emmett, ID 83617.

**FOR FURTHER INFORMATION CONTACT:** terry Hardy, Project Team Leader, by telephone at 208–373–4235.

**SUPPLEMENTARY INFORMATION:** *Proposed Action:* Two primary objectives have been identified for the project: (1) modify travel and access management in the North Kennedy-Cottonwood project area by improving road conditions and decreasing the open road density. These actions would decrease big game vulnerability, restore fish habitat connectivity, and reduce sediment delivery from roads to streams while enhancing motorized recreational vehicle opportunities, and (2) restore seral, shade intolerant species (e.g., ponderosa pine) by adjusting tree

stocking levels, stand structure, and species composition to conditions more consistent with the long-term disturbance regimes characteristic of the North Kennedy-Cottonwood project area. These action would promote the late- and early-seral forest structures that have declined within the project area and reduce the current and future stand susceptibility to forest insects.

The Proposed Action would eliminate yearlong travel by full-size motorized vehicles on 21 miles of roads, designate and sign 16 miles of roads as multiple-use to promote safe operation of motorized all-terrain vehicles (ATVs), decommission 2.5 miles of classified roads, reconstruct approximately 7 miles of classified roads to facilitate harvest activities, and replace/remove three culverts that are barriers to fish passage. Approximately 1 mile of unclassified roads would be improved to provide temporary access to facilitate harvest activities; these roads would be closed and revegetated upon completion of management activities.

The Proposed Action provides for vegetation management on approximately 4,500 acres in the 8,570-acre project area. The Proposed Action would employ a variety of silvicultural prescriptions that utilize commercial timber harvest and precommercial thinning. Silvicultural prescriptions for the proposed action are shaded fuel break (120 acres), commercial/precommercial thinning (3,380 acres), shelterwood regeneration (450 acres), and improvement (360 acres). Timber would be harvested using ground-based and skyline yarding systems. In addition, approximately 200 acres would be planted with seedlings to ensure desired species are established in a timely manner.

*Preliminary Issues:* A March 2001 scoping letter generated the following:

*Issue 1:* Too many open roads invite 4x4 vehicles and ATVs to drive off designated roads and harass wildlife. All roads that are either not graveled or a main access route should be closed after use. If roads are closed after use, big game security and vulnerability would be improved and the area will recover more quickly than if the public has too much access to keep the area disturbed.

*Issue 2:* Administrative road closures, as applied in the past, have been ineffective. Reclosing rather than obliterating, ineffectively closed roads will only prolong the ecological detriment associated with roads and illegal access. In addition, proposed road reconstruction, especially on those roads involving stream crossings, will not be adequate to substantially decrease sediment to area streams. Road obliteration/decommissioning of roads would be more effective in eliminating future risks to water quality and wildlife.

*Possible Alternatives to the Proposed Action:* The following alternatives to the proposed action have been discussed thus far and will be considered in the draft environmental impact statement: a no action alternative; a second action alternative that increases the miles of roads in a yearlong closure status and increases miles of roads decommissioned.

*Decisions to be Made:* The Boise National Forest supervisor will decide the following: (1) Should roads be closed, decommissioned and/or reconstructed within the North Kennedy-Cottonwood Stewardship project area at this time; and if so, where within the project area, and how many miles of road should be treated; (2) based on these management decisions for roads status, which culverts should be replaced or removed to provide habitat connectivity for aquatic species; and (3) should commercial thinning, precommercial thinning and timber harvest be conducted within the project area; and if so, where within the project area and how many acres.

*Public Involvement and Comments:* Written comments concerning the proposed project should be postmarked within 30 days from the day after publication of this announcement in the **Federal Register.**

Comments received in response to this solicitation, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available to public inspection. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments will not have standing to appeal the subsequent decision under 36 CFR 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request the agency to withhold a submission from the public record by showing how the Freedom of Information Act (FOIA) permits such confidentiality. Persons requesting such confidentiality should be aware that, under FOIA, confidentiality might be granted in only limited circumstances, such as to protect trade secrets. The Forest Service will inform the requester of the agency's decision regarding the request for confidentially, and where the request is denied, the agency will return the submission and notify the requester the comments may be resubmitted with or without name and address within 10 days.

*Schedule:* The draft EIS is anticipated to be available for public review and comment in June 2002, the final EIS is anticipated to be available in September 2002.

The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the draft EIS must structure their participation in the environmental review of the proposal so it is meaningful and alerts an agency to the reviewer's position and contentions, (*Vermont Yankee Nuclear Corp.* v. *NRDC*, 435 U.S. 519, 533 (1978)). Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts, (*City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (Ninth Circuit 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980)). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. Reviewer may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

*Responsible Official:* David D. Rittenhouse, Forest Supervisor, Boise National Forest is the responsible official, 1249 South Vinnell Way, Suite 200, Boise, Idaho 83709.

Dated: May 17, 2002.

**Paul W. Bryant,**

*Acting Forest Supervisor.*

[FR Doc. 02–13743 Filed 5–31–02; 8:45 am]

BILLING CODE 3410–11–M

## DEPARTMENT OF AGRICULTURE

### Grain Inspection, Packers and Stockyards Administration

**[02–02–A]**

### Opportunity for Designation in the Alabama, California, Kankakee (IL), Springfield (IL), and Washington Areas, and Request for Comments on the Official Agencies Serving These Areas

**AGENCY:** Grain Inspection, Packers and Stockyards Administration (GIPSA).

**ACTION:** Notice.

**SUMMARY:** The designations of the official agencies listed below will end in December 2002. GIPSA is asking persons interested in providing official services in the areas served by these agencies to submit an application for designation. GIPSA is also asking for comments on the services provided by these currently designated agencies: Alabama Department of Agriculture and Industries (Alabama); California Department of Food and Agriculture (California); Kankakee Grain Inspection, Inc., (Kankakee); Springfield Grain Inspection, Inc., (Springfield); and Washington Department of Agriculture (Washington).

**DATES:** Applications and comments must be postmarked or sent by telecopier (FAX) on or before July 1, 2002.

**ADDRESSES:** Submit applications and comments to USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW, Washington, DC 20250–3604; FAX 202–690–2755. If an application is submitted by FAX, GIPSA reserves the right to request an original application. All applications and comments will be made available for public inspection at Room 1647–S, 1400 Independence Avenue, SW, during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** Janet M. Hart at 202–720–8525, e-mail *Janet.M.Hart@usda.gov.*

**SUPPLEMENTARY INFORMATION:** This Action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this Action.

Section 7(f)(1) of the United States Grain Standards Act, as amended (Act), authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in section 7(f) of the Act.

**1. Current Designations Being Announced for Renewal**

| Official agency | Main office | Designation start | Designation end |
|---|---|---|---|
| Alabama | Mobile, AL | 03/01/2000 | 12/31/2002 |
| California | Sacramento, CA | 02/01/2000 | 12/31/2002 |
| Kankakee | Essex, IL | 02/01/2000 | 12/31/2002 |
| Springfield | Springfield, IL | 03/01/2000 | 12/31/2002 |
| Washington | Olympia, WA | 02/01/2000 | 12/31/2002 |

a. Pursuant to section 7(f)(2) of the Act, the following geographic area, the entire State of Alabama, except those export port locations within the State, is assigned to Alabama.

b. Pursuant to section 7(f)(2) of the Act, the following geographic area, the entire State of California, except those export port locations within the State, is assigned to California.

c. Pursuant to section 7(f)(2) of the Act, the following geographic area, in the State of Illinois, is assigned to Kankakee.

Bounded on the North by the northern Bureau County line; the northern LaSalle and Grundy County lines; the northern Will County line east-southeast to Interstate 57;

Bounded on the East by Interstate 57 south to U.S. Route 52; U.S. Route 52 south to the Kankakee County line;

Bounded on the South by the southern Kankakee and Grundy County lines; the southern LaSalle County line west to State Route 17; State Route 17 west to U.S. Route 51; U.S. Route 51 north to State Route 18; State Route 18 west to State Route 26; State Route 26 south to State Route 116; State Route 116 south to Interstate 74; Interstate 74 west to the western Peoria County line; and

Bounded on the West by the western Peoria and Stark County lines; the northern Stark County line east to State Route 88; State Route 88 north to the Bureau County line.

d. Pursuant to section 7(f)(2) of the Act, the following geographic area, in the State of Illinois, is assigned to Springfield.

Bounded on the North by the northern Schuyler, Cass, and Menard County lines; the western Logan County line north to State Route 10; State Route 10 east to the west side of Beason;

Bounded on the East by a straight line from the west side of Beason southwest to Elkhart on Interstate 55; a straight line from Elkhart southeast to Stonington on State Route 48; a straight line from Stonington southwest to Irving on State Route 16;

Bounded on the South by State Route 16 west to the eastern Macoupin County line; the eastern, southern, and western Macoupin County lines; the southern and western Greene County lines; the southern Pike County line; and

Bounded on the West by the western Pike County line west to U.S. route 54; U.S. Route 54 northeast to State Route 107; State Route 107 northeast to State Route 104; State Route 104 east to the western Morgan County line. The western Morgan, Cass, and Schuyler County lines.

The following grain elevator, located outside of the above contiguous geographic area, are part of this geographic area assignment: East Lincoln Farmers Grain Co., Lincoln, Logan County (located inside Central Illinois Grain Inspection, Inc.'s, area).

e. Pursuant to section 7(f)(2) of the Act, the following geographic area, the entire State of Washington, except those export port locations within the State, is assigned to Washington.

**2. Opportunity for Designation**

Interested persons, including Alabama, California, Kankakee, Springfield, and Washington, are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of section 7(f) of the Act and section 800.196(d) of the

regulations issued thereunder. Designation in the specified geographic areas is for the period beginning January 1, 2003, and ending December 31, 2005. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

**3. Request for Comments**

GIPSA also is publishing this notice to provide interested persons the opportunity to present comments on the Alabama, California, Kankakee, Springfield, and Washington official agencies. Commenters are encouraged to submit pertinent data concerning these official agencies including information on the timeliness, cost, quality, and scope of services provided. All comments must be submitted to the Compliance Division at the above address.

Applications, comments, and other available information will be considered in determining which applicant will be designated.

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

Dated: May 13, 2002.

**David R. Shipman,**

*Deputy Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 02–13783 Filed 5–31–02; 8:45 am]

BILLING CODE 3410–EN–P

## DEPARTMENT OF AGRICULTURE

## Grain Inspection, Packers and Stockyards Administration

**[01–04–S]**

## Designation for the Georgia, Mid-Iowa (IA), Montana, Oregon, and Schneider (IN) Areas

**AGENCY:** Grain Inspection, Packers and Stockyards Administration (GIPSA).

**ACTION:** Notice.

**SUMMARY:** GIPSA announces designation of the following organizations to provide official services under the United States Grain Standards Act, as amended (Act):

Georgia Department of Agriculture (Georgia);

Mid-Iowa Grain Inspection, Inc. (Mid-Iowa);

Montana Department of Agriculture (Montana);

Oregon Department of Agriculture (Oregon); and

Schneider Inspection Service, Inc. (Schneider).

**EFFECTIVE DATES:** July 1, 2002.

**ADDRESSES:** USDA, GIPSA, Janet M. Hart, Chief, Review Branch, Compliance Division, STOP 3604, Room 1647–S, 1400 Independence Avenue, SW, Washington, DC 20250–3604.

**FOR FURTHER INFORMATION CONTACT:** Janet M. Hart at 202–720–8525, e-mail *Janet.M.Hart@usda.gov.*

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

In the December 4, 2001, **Federal Register** (66 FR 63015), GIPSA asked persons interested in providing official services in the geographic areas assigned to the official agencies named above to submit an application for designation. Applications were due by January 2, 2002.

Georgia, Mid-Iowa, Montana, Oregon, and Schneider were the sole applicants for designation to provide official services in the entire area currently assigned to them, so GIPSA did not ask for additional comments on them.

GIPSA evaluated all available information regarding the designation criteria in section 7(f)(l)(A) of the Act and, according to Section 7(f)(l)(B), determined that Georgia, Mid-Iowa, Montana, Oregon, and Schneider are able to provide official services in the geographic areas specified in the December 4, 2001, **Federal Register**, for which they applied. Interested persons may obtain official services by calling the telephone numbers listed below.

| Official agency | Headquarters location and telephone | Designation start–end |
|---|---|---|
| Georgia | Atlanta, GA, 404–656–3600; Additional Service Location: Tifton, GA | 07/01/2002–06/30/2005 |
| Mid-Iowa | Cedar Rapids, IA, 319–363–0239; Additional Service Location: Clayton, IA | 07/01/2002–06/30/2005 |
| Montana | Helena, MT, 406–444–3144; Additional Service Location: Great Falls | 07/01/2002–06/30/2005 |
| Oregon | Salem, OR, 503–986–4620; Additional Service Location: Pendleton, OR | 07/01/2002–06/30/2005 |
| Schneider | Lake Village, IN, 219–992–2306 | 07/01/2002–06/30/2005 |

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

Dated: May 8, 2002.

**David R. Shipman,**

*Deputy Administrator, Grain Inspection, Packers and Stockyards Administration.*

[FR Doc. 02–13784 Filed 5–31–02; 8:45 am]

BILLING CODE 3410–EN–P

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

## Public Rights-of-Way Access Advisory Committee; Meeting

**AGENCY:** Architectural and Transportation Barriers Compliance Board.

**ACTION:** Notice of meeting.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board (Access Board) established a Public Rights-of-Way Access Advisory Committee (Committee) to assist the Board in developing a proposed rule on accessibility guidelines for newly constructed and altered public rights-of-way covered by the Americans with Disabilities Act of 1990 and the Architectural Barriers Act of 1968. This document announces the next meeting of the technical assistance sub-committee of that Committee, which will be open to the public.

**DATES:** The meeting of the sub-committee is scheduled for June 19, 2002 (beginning at 1 p.m. and ending at 5 p.m.), June 20, 2002 beginning at 9 a.m. and ending at 5 p.m.) and June 21, 2002 (beginning at 9 a.m. and ending at 12:30 p.m.).

**ADDRESSES:** The meeting will be held at the Northwest Marriott, 5605 Blazer Parkway, Dublin, OH 43017.

**FOR FURTHER INFORMATION CONTACT:** Scott Windley, Office of Technical and Information Services, Architectural and Transportation Barriers Compliance Board, 1331 F Street, NW., suite 1000, Washington, DC, 20004–1111. Telephone number (202) 272–0025 (Voice); (202) 272–5449 (TTY). E-mail *windley@access-board.gov.* This document is available in alternate formats (cassette tape, Braille, large print, or ASCII disk) upon request. This document is also available on the Board's Internet Site *(http://www.access-board.gov/prowmtg.htm).*

**SUPPLEMENTARY INFORMATION:** On October 20, 1999, the Architectural and Transportation Barriers Compliance Board (Access Board) published a notice appointing members to a Public Rights-of-Way Access Advisory Committee (Committee). 64 FR 56482 (October 20, 1999). The objectives of the Committee include providing recommendations for developing a proposed rule addressing accessibility guidelines for newly constructed and altered public rights-of-way covered by the Americans with Disabilities Act of 1990 and the Architectural Barriers Act of 1968, recommendations regarding technical assistance issues, and guidance for best practices for alterations in the public rights-of-way.

On January 10, 2001, the Committee presented its recommendations on accessible public rights-of-way in a report entitled ''Building a True Community''. The report is available on the Access Board's Web site at *www.access-board.gov* or can be ordered by calling the Access Board at (800) 872–2253 (voice) or (800) 993–2822 (TTY).

At its June meeting, the technical assistance sub-committee will continue to address the development and format of technical assistance materials relating to public rights-of-way. The sub-committee meeting will be open to the public and interested persons can attend the meeting and participate on subcommittees of the Committee. All interested persons will have the opportunity to comment when the proposed accessibility guidelines for public rights-of-way are issued in the **Federal Register** by the Access Board.

Individuals who require sign language interpreters or real-time captioning systems should contact Scott Windley by June 10, 2002. Notices of future meetings will be published in the **Federal Register**.

**Lawrence W. Roffee,**

*Executive Director.*

[FR Doc. 02–13786 Filed 5–31–02; 8:45 am]

**BILLING CODE 8150–01–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–846]**

### Brake Rotors From the People's Republic of China: Preliminary Results of the Sixth Antidumping Duty New Shipper Review

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

**ACTION:** Notice of preliminary results of sixth antidumping duty new shipper review.

**SUMMARY:** In response to a request from one exporter, Longkou TLC Machinery Co., Ltd., the Department of Commerce is conducting a new shipper administrative review of the antidumping duty order on brake rotors from the People's Republic of China. The review covers the period April 1, 2001, through September 30, 2001.

We have preliminarily determined that U.S. sales have not been made below normal value. If these preliminary results are adopted in our final results, we will instruct the U.S. Customs Service to assess no antidumping duties on the exports subject to this review.

Interested parties are invited to comment on these preliminary results.

**EFFECTIVE DATE:** June 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Brian Smith or Terre Keaton, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1766 or (202) 482–1280, respectively.

### The Applicable Statute

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

**SUPPLEMENTARY INFORMATION:**

### Background

On October 30, 2001, the Department received a request from Longkou TLC Machinery Co., Ltd. (''Longkou TLC''), for a new shipper review pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(b).

Section 751(a)(2) of the Act and 19 CFR 351.214(b)(2)(i) govern determinations of antidumping duties for new shippers. These provisions state that, in requesting a review, an exporter or producer of the subject merchandise must meet the following conditions: (1) It did not export the merchandise to the United States during the period covered by the original less-than-fair-value (''LTFV'') investigation; and (2) it is not affiliated with any exporter or producer who exported the subject merchandise during that period. If these provisions are met, the Department will conduct a new shipper review to establish an individual weighted-average dumping margin for such exporter or producer, if the Department has not previously established such a margin for the exporter or producer. The regulations require that the exporter or producer include in its request, with appropriate certifications, the following information: (i) The date on which the merchandise was first entered, or withdrawn from warehouse, for consumption, or, if it cannot certify as to the date of first entry, the date on which it first shipped the merchandise for export to the United States, or, if the merchandise has not yet been shipped or entered, the date of sale; (ii) a list of the firms with which it is affiliated; (iii) a statement from the exporter or producer, and from each affiliated firm, that it did not, under its current or a former name, export the merchandise during the period of investigation (''POI''); and (iv) in an antidumping proceeding involving inputs from a non-market-economy (''NME'') country, a certification that the export activities of such exporter or producer are not controlled by the central government. *See* 19 CFR 351.214(b)(ii) and (iii).

Longkou TLC's request was accompanied by information and certifications establishing the effective date on which it first shipped and entered brake rotors. The respondent also claims that it is not affiliated with companies which exported brake rotors from the People's Republic of China (''PRC'') during the POI and has certified that its export activities are not controlled by the central government. Based on the above information, the Department initiated a new shipper review covering Longkou TLC (*see Brake Rotors from the People's Republic of China: Initiation of Sixth New Shipper Antidumping Duty Review* (66 FR 63362, December 6, 2001)). The Department is now conducting this review in accordance with section 751 of the Act and 19 CFR 351.214.

On December 5, 2001, we issued the antidumping duty questionnaire to Longkou TLC. On December 17, 2001, the Department provided the parties an opportunity to submit publicly available information for consideration in these preliminary results.

On January 15, 2002, Longkou TLC submitted its questionnaire response.

On February 20 and 27, 2002, the petitioner and Longkou TLC submitted publicly available information and rebuttal comments, respectively.

On March 6, 2002, the Department issued a supplemental questionnaire to Longkou TLC, to which it received a response on April 5, 2002.

On March 12, 2002, the petitioner submitted a letter requesting that the Department conduct a verification of the response submitted by Longkou TLC.

**Scope of Order**

The products covered by this order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, ranging in diameter from 8 to 16 inches (20.32 to 40.64 centimeters) and in weight from 8 to 45 pounds (3.63 to 20.41 kilograms). The size parameters (weight and dimension) of the brake rotors limit their use to the following types of motor vehicles: automobiles, all-terrain vehicles, vans and recreational vehicles under ''one ton and a half,'' and light trucks designated as ''one ton and a half.''

Finished brake rotors are those that are ready for sale and installation without any further operations. Semi-finished rotors are those on which the surface is not entirely smooth, and have undergone some drilling. Unfinished rotors are those which have undergone some grinding or turning.

These brake rotors are for motor vehicles, and do not contain in the casting a logo of an original equipment manufacturer (''OEM'') which produces vehicles sold in the United States (*e.g.*, General Motors, Ford, Chrysler, Honda, Toyota, Volvo). Brake rotors covered in the order are not certified by OEM producers of vehicles sold in the United States. The scope also includes composite brake rotors that are made of gray cast iron, which contain a steel plate, but otherwise meet the above criteria. Excluded from the scope of the order are brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, with a diameter less than 8 inches or greater than 16 inches (less than 20.32 centimeters or greater than 40.64 centimeters) and a weight less than 8 pounds or greater than 45 pounds (less than 3.63 kilograms or greater than 20.41 kilograms).

Brake rotors are currently classifiable under subheading 8708.39.5010 of the *Harmonized Tariff Schedule of the United States* (''HTSUS''). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

**Period of Review**

The period of review (''POR'') is from April 1, 2001, through September 30, 2001.

**Verification**

As provided in section 782(i)(2) of the Act and 19 CFR 351.307, we intend to verify Longkou TLC's information.

**Separate Rates**

In proceedings involving NME countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and thus should be assessed a single antidumping duty deposit rate (*i.e.,* a PRC-wide rate).

The respondent in this review, Longkou TLC, is a joint venture. Thus, a separate-rates analysis is necessary to determine whether this exporter is independent from government control (*see Notice of Final Determination of Sales at Less Than Fair Value: Bicycles From the People's Republic of China* (''*Bicycles*'') 61 FR 56570 (April 30, 1996)).

To establish whether a firm is sufficiently independent in its export activities from government control to be entitled to a separate rate, the Department utilizes a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991) (''*Sparklers*''), and amplified in the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994) (''*Silicon Carbide*''). Under the separate-rates criteria, the Department assigns separate rates in NME cases only if the respondent can demonstrate the absence of both *de jure* and *de facto* governmental control over export activities.

*1. De Jure Control*

Longkou TLC has placed on the administrative record documents to demonstrate absence of *de jure* control, including the ''The Enterprise Legal Person Registration Administrative Regulations,'' promulgated on June 3, 1988, the 1990 ''Regulation Governing Rural Collectively-Owned Enterprises of PRC,'' and the 1994 ''Foreign Trade Law of the People's Republic of China.''

As in prior cases, we have analyzed these laws and have found that they establish a sufficient absence of *de jure* control of collectively owned enterprises. *See, e.g., Final Determination of Sales at Less than Fair Value: Furfuryl Alcohol from the People's Republic of China* (''*Furfuryl Alcohol*''), 60 FR 22544 (May 8, 1995), and *Preliminary Determination of Sales at Less Than Fair Value: Certain Partial-Extension Steel Drawer Slides with Rollers from the People's Republic of China,* 60 FR 29571 (June 5, 1995). We have no new information in this proceeding which would cause us to reconsider this determination with regard to Longkou TLC.

*2. De Facto Control*

As stated in previous cases, there is some evidence that certain enactments of the PRC central government have not been implemented uniformly among different sectors and/or jurisdictions in the PRC. *See Silicon Carbide* and *Furfuryl Alcohol.* Therefore, the Department has determined that an analysis of *de facto* control is critical in determining whether the respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

The Department typically considers four factors in evaluating whether each respondent is subject to *de facto* governmental control of its export functions: (1) Whether the export prices are set by, or subject to the approval of, a governmental authority; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding the disposition of profits or financing of losses (*see Silicon Carbide* and *Furfuryl Alcohol*).

Longkou TLC has asserted the following: (1) It establishes its own export prices; (2) it negotiates contracts without guidance from any governmental entities or organizations; (3) it makes its own personnel decisions; and (4) it retains the proceeds of its export sales, uses profits according to its business needs, and has the authority to sell its assets and to obtain loans. Additionally, Longkou TLC's questionnaire responses indicate that its pricing during the POR does not suggest coordination among exporters. This information supports a preliminary finding that there is absence of *de facto* governmental control of export functions performed by Longkou TLC. *See Pure Magnesium from the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Administrative Review,* 62 FR 55215 (October 23, 1997). Consequently, we have preliminarily determined that Longkou TLC has met the criteria for the application of separate rates.

**Normal Value Comparisons**

To determine whether sales of the subject merchandise by Longkou TLC to the United States were made at prices below normal value (''NV''), we compared its export prices to NV, as described in the ''Export Price'' and

''Normal Value'' sections of this notice, below.

**Export Price**

We used export price methodology in accordance with section 772(a) of the Act because the subject merchandise was sold by the exporter directly to an unaffiliated customer in the United States prior to importation and constructed export price was not otherwise indicated.

For Longkou TLC, we calculated export price based on an FOB foreign port price to the first unaffiliated purchaser in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for foreign inland freight and foreign brokerage and handling charges in the PRC in accordance with section 772(c) of the Act. Because foreign inland freight and brokerage and handling fees were provided by PRC service providers or paid for in an NME currency (*i.e.*, renminbi), we based those charges on surrogate rates from India (*see* ''Surrogate Country'' section below for further discussion of our surrogate-country selection). To value foreign inland trucking charges, we used a November 1999 average truck freight value based on price quotes from Indian trucking companies. To value foreign brokerage and handling expenses, we relied on public information reported in the 1997–1998 new shipper review of the antidumping duty order on stainless steel wire rod from India.

**Normal Value**

*A. Non-Market-Economy Status*

In every case conducted by the Department involving the PRC, the PRC has been treated as an NME country. Pursuant to section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority (*see Notice of Preliminary Results of Antidumping Duty Administrative Review and Preliminary Partial Rescission of Antidumping Duty Administrative Review: Freshwater Crawfish Tail Meat From the People's Republic of China,* 66 FR 52100, 52103 (October 12, 2001)). None of the parties to this proceeding has contested such treatment. Accordingly, we calculated NV in accordance with section 773(c) of the Act, which applies to NME countries.

*B. Surrogate Country*

Section 773(c)(4) of the Act requires the Department to value an NME producer's factors of production, to the extent possible, in one or more market-economy countries that (1) are at a level of economic development comparable to that of the NME country, and (2) are significant producers of comparable merchandise. India and Indonesia are among the countries comparable to the PRC in terms of overall economic development (see Memorandum from the Office of Policy to Irene Darzenta Tzafolias, Program Manager, dated December 6, 2001). In addition, based on publicly available information placed on the record, India is a significant producer of the subject merchandise. Accordingly, we considered India the primary surrogate country for purposes of valuing the factors of production because it meets the Department's criteria for surrogate-country selection. Where we could not find surrogate values from India, we used values into Indonesia.

*C. Factors of Production*

In accordance with section 773(c) of the Act, we calculated NV based on the factors of production which included, but were not limited to the following elements: (A) Hours of labor required; (B) quantities of raw materials employed; (C) amounts of energy and other utilities consumed; and (D) representative capital costs, including depreciation. We used the factors reported by Longkou TLC which produced the brake rotors it exported to the United States during the POR. To calculate NV, we multiplied the reported unit factor quantities by publicly available Indian or Indonesian values.

The Department's selection of the surrogate values applied in this determination was based on the quality, specificity, and contemporaneity of the data. As appropriate, we adjusted input prices to make them delivered prices.

To value pig iron, steel scrap, ferrosilicon, ferromanganese, limestone, lubrication oil, firewood, and coking coal, we used April 2001–July 2001 average import values from *Monthly Statistics of the Foreign Trade of India.* We relied on the factor specification data submitted by the respondent for the above-mentioned inputs in its April 5, 2002, submission for purposes of selecting surrogate values from *Monthly Statistics.* We also added an amount for loading and additional transportation charges associated with delivering coal to the factory based on June 1999 Indian price data contained in the periodical *Business Line.*

We based our surrogate value for electricity on data obtained from *Conference of Indian Industries: Handbook of Statistics* (''*CII Handbook*'') and from the *Centre for Monitoring Indian Economy* (''*CMIE data*'').

We valued labor based on a regression-based wage rate, in accordance with 19 CFR 351.408(c)(3).

To value selling, general, and administrative (''SG&A'') expenses, factory overhead and profit, we used the 1998 financial data of Jayaswals Neco Limited (''Jayaswals''), the 1998–1999 financial data of Rico Auto Industries Limited (''Rico''), and the 2000–2001 financial data of Kalyani Brakes Limited (''Kalyani''). We have relied on fiscal data for three companies rather than just one company's fiscal data for purposes of calculating the surrogate-value percentages. In this case, Jayaswals' 1998 fiscal data and Rico's 1998–1999 fiscal data are reasonably contemporaneous with the POR and otherwise as suitable as Kalyani's data. Accordingly, we find it more reliable to use data of three companies than to use data of a single company. We have not used the 1999–2000 fiscal data suggested by the respondent from Rico's internet website because the data provided by its website is incomplete for purposes of calculating ratios for SG&A, factory overhead, and profit. Specifically, the website data provided only expense data based on general categories of expenses and not on the basis of specific expenses. Specific expense data (*i.e.*, line-item expense categories such as advertising, repair and maintenance, etc.) is necessary for determining whether a particular expense should be considered an overhead or selling expense and for calculating accurate surrogate-value percentages.

Where appropriate, we removed from the surrogate overhead and SG&A calculations the excise duty amount listed in the financial reports. We made certain adjustments to the ratios calculated as a result of reclassifying certain expenses contained in the financial reports. For further discussion of the adjustments made, *see* the *Preliminary Results Valuation Memorandum,* dated May 29, 2002.

All inputs were shipped by truck. Therefore, to value PRC inland freight, we used a November 1999 average truck freight value based on price quotes from Indian trucking companies.

In accordance with the decision of the Court of Appeals for the Federal Circuit in *Sigma Corp.* v. *United States,* 117 F. 3d 1401 (1997), we revised our methodology for calculating source-to-factory surrogate freight for those material inputs that are valued based on CIF import values in the surrogate country. We have added to CIF surrogate values from India a surrogate

freight cost using the shorter of the reported distances from either the closest PRC port of importation to the factory or from the domestic supplier to the factory on an input-specific basis.

To value corrugated cartons, nails, paper cartons, paper cover, plastic bags, steel strip, tape, and clamps, we used April-July 2001 average import values from *Monthly Statistics.* To value pallet wood, we used a 2000 pallet-wood value from the Indonesian publication *Indonesia Foreign Trade Statistics* which the Department has used to value pallet wood in two recent antidumping duty proceedings (*see Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the PRC: Final Results of 1998–1999 Administrative Review, Partial Rescission of Review, and Determination Not To Revoke Order in Part,* 66 FR 1953, 1955 (January 10, 2001) (''*TRBs*''), and accompanying decision memorandum at Comment 10, and *Persulfates from the PRC: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Administrative Review,* 65 FR 46691 (July 31, 2000)).

**Preliminary Results of the Review**

We preliminarily determine that the following margin exists for Longkou TLC during the period April 1, 2001, through September 30, 2001:

| Manufacturer/producer/exporter | Margin percent |
|---|---|
| Longkou TLC Machinery Co., Ltd. | 0.00 |

We will disclose the calculations used in our analysis to the parties to this proceeding within five days of the date of publication of this notice. Any interested party may request a hearing within 30 days of publication of this notice. Any hearing, if requested, will be held on July 30, 2002.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, Room B–099, within 30 days of the date of publication of this notice. Requests should contain (1) the party's name, address, and telephone number, (2) the number of participants, and (3) a list of issues to be discussed. *See* 19 CFR 351.310(c).

Issues raised in the hearing will be limited to those raised in case briefs and rebuttal briefs. Case briefs from interested parties may be submitted not later than July 19, 2002. Rebuttal briefs, limited to issues raised in the case briefs, will be due not later than July 26, 2002. Parties who submit case briefs or rebuttal briefs are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. Parties are also encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited.

The Department will issue the final results of this new shipper review, including the results of its analysis of issues raised in any such written briefs or at the hearing, if held, not later than 90 days after the date of issuance of this notice.

**Assessment Rates**

In accordance with 19 CFR 351.106(c)(2), we will instruct the Customs Service to liquidate without regard to antidumping duties all entries of subject merchandise during the POR for which the importer-specific assessment rate is zero. The Department will issue appropriate appraisement instructions directly to the Customs Service upon completion of this review.

**Cash Deposit Requirements**

Upon completion of this review, for entries from Longkou TLC, we will require cash deposits at the rate established in the final results pursuant to 19 CFR 351.214(e) and as further described below.

The following deposit requirements will be effective upon publication of the final results of this new shipper review for all shipments of brake rotors from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for Longkou TLC will be the rate determined in the final results of review (except that, if the rate is *de minimis, i.e.,* less than 0.50 percent, a cash deposit rate of zero will be required); (2) the cash deposit rate for PRC exporters who received a separate rate in a prior segment of the proceeding will continue to be the rate assigned in that segment of the proceeding; (3) the cash deposit rate for the PRC NME entity will continue to be 43.32 percent; and (4) the cash deposit rate for non-PRC exporters of subject merchandise from the PRC will be the rate applicable to the PRC supplier of that exporter. These requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

**Notification to Importers**

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This new shipper review and notice are in accordance with section 751(a)(2)(B) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 351.213.

Dated: May 28, 2002.

**Bernard T. Carreau,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 02–13845 Filed 5–31–02; 8:45 am]

BILLING CODE 3510–DS–P

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–001]**

### Potassium Permanganate From the People's Republic of China: Rescission of Antidumping Duty New Shipper Review

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

**ACTION:** Notice of rescission of the antidumping duty new shipper review of potassium permanganate from the People's Republic of China.

**SUMMARY:** On January 3, 2002, the Department of Commerce (Department) published the preliminary results of the new shipper review of the antidumping duty order on potassium permanganate from the People's Republic of China (PRC). This review covers one manufacturer/exporter. The period of review (POR) is January 1, 2000 through December 31, 2000. For the reasons discussed below, we are rescinding this review.

**EFFECTIVE DATE:** June 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** John Conniff or Chris Brady, AD/CVD Enforcement Group II, Office 4, Import Administration, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–1009 and (202) 482–4406, respectively.

**SUPPLEMENTARY INFORMATION:**

**Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended, (the Act)are references to the provisions effective January 1, 1995, the effective date of the amendments made

to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR part 351 (2001).

**Scope of the Review**

Imports covered by this review are shipments of potassium permanganate, an inorganic chemical produced in free-flowing, technical, and pharmaceutical grades. During the review period, potassium permanganate was classifiable under item 2841.60.0010 of the Harmonized Tariff Schedule (HTS). The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

**Background**

On January 3, 2002, the Department published in the **Federal Register** its notice of the preliminary results of the new shipper review of potassium permanganate from the PRC. *See Potassium Permanganate From the People's Republic of China: Preliminary Results of Antidumping Duty New Shipper Review,* 67 FR 303. In that notice, we invited interested parties to comment on our preliminary results. Since publication of this notice, the following significant events have occurred.

On March 19, 2002, Carus Chemical Company (Carus) (petitioner) submitted evidence that the business license which Groupstars Chemical Co. Ltd. (Groupstars) (respondent) placed on the record in this review had been altered. Although this information was submitted after the deadline for submitting factual information in this review (June 25, 2001), the Department accepted it because of its relevance to respondent's status as a new shipper. *See Memorandum to the File from John Conniff: Submission of New Information and Schedule for Case Briefs and Hearing (April 1, 2002).* On April 10, 2002, petitioner and respondent submitted case briefs regarding the preliminary results of this review. On April 17, 2002, petitioner submitted rebuttal comments to the Department. On April 19, 2002, the respondent withdrew its request for a new shipper review. On May 16, 2002, the Department issued a memorandum that proposed rescission of this new shipper review. *See Memorandum to Bernard Carreau from Holly A. Kuga: Rescission of New Shipper Review (May 16, 2002) (Rescission Memorandum).* We invited interested parties to submit comments regarding this memorandum by no later than May 20, 2002. No parties submitted comments.

**Rescission of Review**

As noted above, information has been placed on the record which calls into question the status of Groupstars as a new shipper. This information indicates that Groupstars' business license, as submitted to the Department, is altered from its original form. Moreover, Groupstars did not make all of the certifications required in a new shipper review under section 351.214(b)(2)(ii)(B) of the Department's regulations. Finally, both the petitioner and the respondent have requested that the Department rescind this new shipper review. Therefore, we are rescinding this new shipper review. See Rescission Memorandum.

**Notification**

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

We are issuing and publishing this determination and notice in accordance with sections 751(a)(2)(B) and 777(i) of the Act.

Dated: May 23, 2002.

**Bernard T. Carreau,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 02–13839 Filed 5–31–02; 8:45 am]

BILLING CODE 3510–DS–S

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–806]**

### Silicon Metal from the People's Republic of China: Rescission of Antidumping Duty New Shipper Review

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

**SUMMARY:** On June 28, 2001, we initiated a new shipper review of Groupstars Chemical Company, Ltd. (Groupstars China) because the company submitted a timely request for a new shipper review to the Department of Commerce, which appeared to meet all of the requirements set forth in 19 CFR 351.214(b)(2). *See* 66 FR 41508. We have now determined that information contained in Groupstars China's request for a new shipper review was either inaccurate or incomplete. Accordingly, the Department is rescinding this new shipper review.

**EFFECTIVE DATE:** June 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline Arrowsmith, AD/CVD Enforcement Group III, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington DC 20230; telephone (202) 482–5255.

**Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended (the Act). In addition, unless otherwise indicated, all citations to the Department's regulations are to the provisions codified at 19 CFR part 351 (2001).

**Background**

On July 31, 2001, the Department initiated a new shipper review of Groupstars China. *See* 66 FR 41508 (August 8, 2001). On August 6, 2001, we received comments from Globe Metallurgical, Inc. and Elkem Metals Company (collectively, petitioners), requesting that we not initiate, or rescind, the review. We issued a questionnaire to Groupstars China on October 5, 2001 and we received responses from Groupstars China on November 2, 2001 and November 14, 2001. On November 20, 2001, we rejected these responses for being improperly filed because Groupstars China failed to properly identify business proprietary and public data. *See* Letter from Barbara E. Tillman, Director, Office 7, to Spring, Spring & Associates, dated November 20, 2001. Groupstars China resubmitted its responses on November 27, 2001, and on December 4, 2001, we again rejected these responses for being improperly filed for the same reason. *See* Letter from Barbara E. Tillman, Director, Office 7, to Spring, Spring & Associates, dated December 4, 2001. On December 7, 2001, we received and accepted revised responses, dated December 6, 2001.

On January 2, 2002, we published the *Notice of Extension of Time Limit for Preliminary Results of Antidumping New Shipper Review: Silicon Metal From the People's Republic of China. See* 67 FR 5901 (January 2, 2002).

On January 18, 2002 and January 23, 2002, we received submissions from petitioners providing new factual information and deficiency comments.

On January 28, 2002, we rejected petitioners' submissions for not adhering to the Department's filing requirements; petitioners failed to provide a translation of one of their exhibits. *See* Letter from Barbara E. Tillman, Director, Office 7, to petitioners. Petitioners' submissions were refiled and accepted on January 30, 2002 and February 6, 2002, respectively.

Based on our analysis of the record, including data submitted by petitioners and Groupstars China, we determined that there was factual information submitted by petitioners that contradicted information submitted by Groupstars China in its request for a new shipper review and its questionnaire responses. On February 13, 2002, we issued a letter to Groupstars China giving the company the opportunity to counter the information and documentation filed by the petitioners on each of three critical points: (1) Whether the initial and all subsequent shipments of silicon metal were reported; (2) whether Groupstars China was a legal entity before the date of sale of its first shipment of silicon metal; and (3) whether Groupstars China produced the merchandise that is the basis of this new shipper review. *See* Letter from Barbara E. Tillman, Director, Office 7, to Groupstars China, dated February 13, 2002. We stated that unless Groupstars China demonstrated that the requirements for a new shipper review had been met, we would have no choice but to rescind its new shipper review.

On February 19, 2002, we received Groupstars China's response to our February 13, 2002 letter. On March 12, 2002, we received a letter from petitioners reiterating their view that the new shipper review should be rescinded. On April 1, 2002, Groupstars China filed a letter arguing that it deserved a new shipper review.

**Rescission of Review**

Based on the Department's analysis of Groupstars China's response to the Department's February 13th letter, as well as the other submissions made by Groupstars China and petitioners, we find that Groupstars China did not meet the requirements set forth in section 351.214(b)(2) of the regulations for requesting a new shipper review. On May 9, 2002, the Department issued a memorandum which set forth the Department's analysis and which recommended rescission of this new shipper review. (*See* ''Rescission of New Shipper Review for Groupstars Chemical Company (Groupstars China): Silicon Metal from the People's Republic of China'' from Barbara E. Tillman, Director, Office 7, to Joseph A. Spetrini, Deputy Assistant Secretary, dated May 9, 2002 (*Silicon Metal Rescission Analysis Memo*), a public document which is on file in the Central Records Unit, Room B–099 of the Department of Commerce.) On May 9, 2002, we sent out the *Silicon Metal Rescission Analysis Memo* to the interested parties (*See* ''Memorandum to The File through Barbara E. Tillman, Director, Office 7, from Jacqueline Arrowsmith,'' also dated May 9, 2002) and asked that any new comments be properly filed and served on interested parties no later than Tuesday, May 14, 2002. On May 14, 2002, we received comments from petitioners stating that they agree with our decision to rescind this review. *See* ''Memorandum To Barbara E. Tillman, Director, Office VII from Jacqueline Arrowsmith,'' dated May 16, 2002.

As discussed in detail in the *Silicon Metal Rescission Analysis Memo,* we find that Groupstars China provided inaccurate information with respect to two of the required criteria for requesting a new shipper review. First, as set forth in section 351.214(b)(iv)(B) of the regulations, new shipper requests are required to include documentation for the first and all subsequent shipments of the silicon metal. Groupstars China's request for a new shipper review only provided information and documentation with respect to one shipment. Petitioner provided documentation showing another shipment during the period of review (POR). A query of proprietary U.S. Customs data that the Department obtained as part of this proceeding confirmed this shipment. Even though this shipment was shipped and entered during the POR (June 1, 2000 through May 31, 2001), Groupstars China did not provide information or documentation on this shipment in its original new shipper request as required by the regulations, nor did Groupstars China provide this information in its response to our questionnaire. Based on the information on the record, the unreported shipment was one of only two shipments made during the POR, and was by far the largest during the POR. *See Silicon Metal Rescission Analysis Memo.* Further, it was Groupstars China's responsibility to report this shipment. This failure to report this shipment in its request for a new shipper review was compounded by Groupstars China's decision not to report this sale in its questionnaire response.

Second, as set forth in section 351.214(b)(2)(iii)(A) of the Department's regulations, a new shipper request must contain certifications by either the producer/exporter of the subject merchandise or the producer and the exporter of the subject merchandise. Although Groupstars China stated in its new shipper request that it was both the exporter and the producer of the subject merchandise, the record is now clear that Dayinjiang Silicon Metal Plant was the producer of this subject merchandise and that Groupstars China was only the exporter. See Silicon Metal Rescission Analysis Memo and Groupstars China's February 19, 2002 submission. Given that Groupstars China was the exporter and that Dayinjiang Silicon Metal Plant was the producer of the subject merchandise, Groupstars China's request for a new shipper review should have contained a certification from Dayinjiang Silicon Metal Plant indicating whether it was affiliated with any producer or exporter that shipped subject merchandise during the period of investigation, among other things. Therefore, Groupstars China did not provide the required certification from the producer of the silicon metal required under section 351.214(b)(2)(iii)(A) of the Department's regulations.

With respect to an additional issue of concern, whether Groupstars China was, in fact, a legal entity before the date of its first shipment of silicon metal, we have not made a conclusive finding. In our May 9, 2002 *Silicon Metal Rescission Analysis Memo,* we stated that after reviewing all the information on the record, we could not determine whether Groupstars China had the necessary documentation (*e.g.* business license and certificate of approval) demonstrating the date on which it became a legal entity. Thus, because Groupstars did not provide any documentation or other information which conclusively demonstrated the date on which it became a legal business entity, we cannot make a conclusion on this issue and cannot determine whether it was a legal entity prior to its first shipment.

Hence, because Groupstars China did not report or submit documentation on its subsequent shipments in accordance with section 351.214(b)(2)(iv)(B) and failed to provide the required certification from the producer of silicon metal as required under section 351.214(b)(2)(iii)(A), we find that Groupstars China did not meet the requirements set forth in section 351.214(b) of the regulations for requesting a new shipper review. Thus, the Department is rescinding this new shipper review.

**Administrative Protective Order Procedures**

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

This determination and notice are issued and published in accordance with 19 CFR 351.213(d)(4) and sections 751(a)(1), 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: May 28, 2002.

**Bernard T. Carreau,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 02–13844 Filed 5–31–02; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**[C–580–835]**

### Stainless Steel Sheet and Strip in Coils from the Republic of Korea: Notice of Preliminary Results of Changed Circumstances Countervailing Duty Administrative Review

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

**ACTION:** Notice of Preliminary Results of Changed Circumstances Countervailing Duty Administrative Review.

**SUMMARY:** On September 28, 2001, the Department of Commerce (Department) published a notice of initiation in the above-named case. As a result of this review, the Department preliminarily finds that the new name of Inchon Iron & Steel Co., Ltd. (Inchon) is INI Steel Company (INI).

**FOR FURTHER INFORMATION CONTACT:** Tipten Troidl or Richard Herring, AD/CVD Enforcement Office VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–2786.

**SUPPLEMENTARY INFORMATION:**

**Applicable Statute and Regulations**

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

**Background**

The Department published on June 8, 1999, a *Final Affirmative Countervailing Duty Determination: Stainless Steel Sheet and Strip in Coils from the Republic of Korea,* 64 FR 30636, (Sheet and Strip) and published on August 6, 1999 the *Amended Final Determination: Stainless Steel Sheet and Strip in Coils from the Republic of Korea; and Notice of Countervailing Duty Orders: Stainless Steel Sheet and Strip in Coils from France, Italy, and the Republic of Korea*, 64 FR 42923. In the original investigation and a subsequent review, the Department determined that Inchon received countervailable subsidies and therefore the Department calculated a cash deposit rate for Inchon. In an August 6, 2001, letter to the Department, INI notified the Department that as of August 1, 2001, Inchon's corporate name had changed to INI Steel Company. On September 28, 2001, the Department published a *Notice of Initiation of Changed Circumstances Countervailing Duty Administrative Review*, 66 FR 49639.

**Scope of the Review**

For purposes of this changed circumstances review, the products covered are certain stainless steel sheet and strip in coils. Stainless steel is an alloy steel containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. The subject sheet and strip is a flat-rolled product in coils that is greater than 9.5 mm in width and less than 4.75 mm in thickness, and that is annealed or otherwise heat treated and pickled or otherwise descaled. The subject sheet and strip may also be further processed (*e.g.*, cold-rolled, polished, aluminized, coated, etc.) provided that it maintains the specific dimensions of sheet and strip following such processing.

The merchandise subject to this review is classified in the *Harmonized Tariff Schedule of the United States*(HTSUS) at subheadings: 7219.13.0031, 7219.13.0051, 7219.13.0071, 7219.1300.81[1], 7219.14.0030, 7219.14.0065, 7219.14.0090, 7219.32.0005, 7219.32.0020, 7219.32.0025, 7219.32.0035, 7219.32.0036, 7219.32.0038, 7219.32.0042, 7219.32.0044, 7219.33.0005, 7219.33.0020, 7219.33.0025, 7219.33.0035, 7219.33.0036, 7219.33.0038, 7219.33.0042, 7219.33.0044, 7219.34.0005, 7219.34.0020, 7219.34.0025, 7219.34.0030, 7219.34.0035, 7219.35.0005, 7219.35.0015, 7219.35.0030, 7219.35.0035, 7219.90.0010, 7219.90.0020, 7219.90.0025, 7219.90.0060, 7219.90.0080, 7220.12.1000, 7220.12.5000, 7220.20.1010, 7220.20.1015, 7220.20.1060, 7220.20.1080, 7220.20.6005, 7220.20.6010, 7220.20.6015, 7220.20.6060, 7220.20.6080, 7220.20.7005, 7220.20.7010, 7220.20.7015, 7220.20.7060, 7220.20.7080, 7220.20.8000, 7220.20.9030, 7220.20.9060, 7220.90.0010, 7220.90.0015, 7220.90.0060, and 7220.90.0080. Although the HTSUS subheadings are provided for convenience and Customs purposes, the Department's written description of the merchandise under review is dispositive.

Excluded from the scope of this review are the following: (1) sheet and strip that is not annealed or otherwise heat treated and pickled or otherwise descaled, (2) sheet and strip that is cut to length, (3) plate (*i.e.*, flat-rolled stainless steel products of a thickness of 4.75 mm or more), (4) flat wire (*i.e.*, cold-rolled sections, with a prepared edge, rectangular in shape, of a width of not more than 9.5 mm), and (5) razor blade steel. Razor blade steel is a flat-rolled product of stainless steel, not further worked than cold-rolled (cold-reduced), in coils, of a width of not more than 23 mm and a thickness of 0.266 mm or less, containing, by weight, 12.5 to 14.5 percent chromium, and certified at the time of entry to be used in the manufacture of razor blades. *See* Chapter 72 of the HTSUS, ''Additional U.S. Note'' 1(d).

The Department has determined that certain additional specialty stainless steel products are also excluded from the scope of this review. These excluded products are described below.

Flapper valve steel is excluded from this review. Flapper valve steel is defined as stainless steel strip in coils containing, by weight, between 0.37 and 0.43 percent carbon, between 1.15 and 1.35 percent molybdenum, and between 0.20 and 0.80 percent manganese. This steel also contains, by weight, phosphorus of 0.025 percent or less,

[1] Due to changes to the HTSUS numbers in 2001, 7219.13.0030, 7219.13.0050, 7219.13.0070, and 7219.13.0080 are now 7219.13.0031, 7219.13.0051, 7219.13.0071, and 7219.13.0081, respectively.

silicon of between 0.20 and 0.50 percent, and sulfur of 0.020 percent or less. The product is manufactured by means of vacuum arc remelting, with inclusion controls for sulphide of no more than 0.04 percent and for oxide of no more than 0.05 percent. Flapper valve steel has a tensile strength of between 210 and 300 ksi, yield strength of between 170 and 270 ksi, plus or minus 8 ksi, and a hardness (Hv) of between 460 and 590. Flapper valve steel is most commonly used to produce specialty flapper valves in compressors.

Also excluded is a product referred to as suspension foil, a specialty steel product used in the manufacture of suspension assemblies for computer disk drives. Suspension foil is described as 302/304 grade or 202 grade stainless steel of a thickness between 14 and 127 microns, with a thickness tolerance of plus-or-minus 2.01 microns, and surface glossiness of 200 to 700 percent Gs. Suspension foil must be supplied in coil widths of not more than 407 mm, and with a mass of 225 kg or less. Roll marks may only be visible on one side, with no scratches of measurable depth. The material must exhibit residual stresses of 2 mm maximum deflection, and flatness of 1.6 mm over 685 mm length.

Certain stainless steel foil for automotive catalytic converters is also excluded from the scope of this review. This stainless steel strip in coils is a specialty foil with a thickness of between 20 and 110 microns used to produce a metallic substrate with a honeycomb structure for use in automotive catalytic converters. The steel contains, by weight, carbon of no more than 0.030 percent, silicon of no more than 1.0 percent, manganese of no more than 1.0 percent, chromium of between 19 and 22 percent, aluminum of no less than 5.0 percent, phosphorus of no more than 0.045 percent, sulfur of no more than 0.03 percent, lanthanum of less than 0.002 or greater than 0.05 percent, and total rare earth elements of more than 0.06 percent, with the balance iron.

Permanent magnet iron-chromium-cobalt alloy stainless strip is also excluded from the scope of this review. This ductile stainless steel strip contains, by weight, 26 to 30 percent chromium, and 7 to 10 percent cobalt, with the remainder of iron, in widths 228.6 mm or less, and a thickness between 0.127 and 1.270 mm. It exhibits magnetic remanence between 9,000 and 12,000 gauss, and a coercivity of between 50 and 300 oersteds. This product is most commonly used in electronic sensors and is currently available under proprietary trade names such as ''Arnokrome III.''[2]

Certain electrical resistance alloy steel is also excluded from the scope of this review. This product is defined as a non-magnetic stainless steel manufactured to American Society of Testing and Materials (''ASTM'') specification B344 and containing, by weight, 36 percent nickel, 18 percent chromium, and 46 percent iron, and is most notable for its resistance to high temperature corrosion. It has a melting point of 1390 degrees Celsius and displays a creep rupture limit of 4 kilograms per square millimeter at 1000 degrees Celsius. This steel is most commonly used in the production of heating ribbons for circuit breakers and industrial furnaces, and in rheostats for railway locomotives. The product is currently available under proprietary trade names such as ''Gilphy 36.''[3]

Certain martensitic precipitation-hardenable stainless steel is also excluded from the scope of this review. This high-strength, ductile stainless steel product is designated under the Unified Numbering System (''UNS'') as S45500–grade steel, and contains, by weight, 11 to 13 percent chromium, and 7 to 10 percent nickel. Carbon, manganese, silicon and molybdenum each comprise, by weight, 0.05 percent or less, with phosphorus and sulfur each comprising, by weight, 0.03 percent or less. This steel has copper, niobium, and titanium added to achieve aging, and will exhibit yield strengths as high as 1700 Mpa and ultimate tensile strengths as high as 1750 Mpa after aging, with elongation percentages of 3 percent or less in 50 mm. It is generally provided in thicknesses between 0.635 and 0.787 mm, and in widths of 25.4 mm. This product is most commonly used in the manufacture of television tubes and is currently available under proprietary trade names such as ''Durphynox 17.''[4]

Finally, three specialty stainless steels typically used in certain industrial blades and surgical and medical instruments are also excluded from the scope of this review. These include stainless steel strip in coils used in the production of textile cutting tools (e.g., carpet knives).[5] This steel is similar to AISI grade 420 but containing, by weight, 0.5 to 0.7 percent of molybdenum. The steel also contains, by weight, carbon of between 1.0 and 1.1 percent, sulfur of 0.020 percent or less, and includes between 0.20 and 0.30 percent copper and between 0.20 and 0.50 percent cobalt. This steel is sold under proprietary names such as ''GIN4 Mo.'' The second excluded stainless steel strip in coils is similar to AISI 420–J2 and contains, by weight, carbon of between 0.62 and 0.70 percent, silicon of between 0.20 and 0.50 percent, manganese of between 0.45 and 0.80 percent, phosphorus of no more than 0.025 percent and sulfur of no more than 0.020 percent. This steel has a carbide density on average of 100 carbide particles per 100 square microns. An example of this product is ''GIN5'' steel. The third specialty steel has a chemical composition similar to AISI 420 F, with carbon of between 0.37 and 0.43 percent, molybdenum of between 1.15 and 1.35 percent, but lower manganese of between 0.20 and 0.80 percent, phosphorus of no more than 0.025 percent, silicon of between 0.20 and 0.50 percent, and sulfur of no more than 0.020 percent. This product is supplied with a hardness of more than Hv 500 guaranteed after customer processing, and is supplied as, for example, ''GIN6''.[6]

**Preliminary Results**

In determining that Inchon changed its name to INI, we reviewed documents submitted on the record, including: (1) the minutes of Inchon's shareholder's meeting; (2) official certification of name change registration; and (3) INI's business registration certificate. The minutes of the shareholder's meeting shows that the name change was approved under item two: ''Topic of Bill of a Partial Amendment to Articles of Incorporation.'' Article 1, which refers to the name of the company, shows that, prior to the amendment, the name of the company was Inchon Iron & Steel Co., Ltd, and that, after the partial amendment to the Articles of Incorporation, the company's name is INI Steel Company. We also reviewed a translated copy of the official certification of name change that INI provided to the Inchon District Court on July 31, 2001. Finally, we reviewed INI's business registration certificate as issued on August 1, 2001 by the Inchon City Tax Office. This document states that the reason the document was issued was for a ''change of company name.''

Based upon the information on the record, we preliminarily determine that Inchon has changed its name to INI Steel company. If the final results of this review remain unchanged, we intend to

[2] ''Arnokrome III'' is a trademark of the Arnold Engineering Company.

[3] ''Gilphy 36'' is a trademark of Imphy, S.A.

[4] ''Durphynox 17'' is a trademark of Imphy, S.A.

[5] This list of uses is illustrative and provided for descriptive purposes only.

[6] ''GIN4 Mo,'' ''GIN5'' and ''GIN6'' are the proprietary grades of Hitachi Metals America, Ltd.

update our instructions to U.S. Customs to reflect this name change; INI (Inchon) will receive Inchon's cash deposit *ad valorem rate*.

**Public Comments**

Pursuant to 19 CFR 351.310, any interested party may request a hearing within 10 days of publication of this notice. Persons interested in attending the hearing should contact the Department for the date and time of any hearing. Case briefs and/ or written comments from interested parties may be submitted no later than 10 days after the date of publications of this notice. Rebuttal briefs and rebuttals comments, limited to the issues raised in those case briefs or comments, may be filed no later than 17 days after the publication of this notice. All written comments must be submitted and served on all interested parties on the Department's service list in accordance with 19 CFR 351.303. The Department will publish in the Federal Register a notice of final results of this changed circumstance countervailing duty administrative review, including the results of its analysis of any issues raised in any written comments.

During the course of this changed circumstance review, we will not change any cash deposit instructions on the merchandise subject to this changed circumstances review, unless a change is determined to be warranted pursuant to the final results of this review.

This notice is in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.221(c)(3) and 19 CFR 351.216.

Dated: May 28, 2002.

**Bernard T. Carreau,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 02–13840 Filed 5–31–02; 8:45 am]

BILLING CODE 3510–DS–S

## DEPARTMENT OF COMMERCE

## International Trade Administration

**[C–580–842]**

## Structural Steel Beams from the Republic of Korea: Notice of Preliminary Results of Changed Circumstances Countervailing Duty Administrative Review

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

**ACTION:** Notice of Preliminary Results of Changed Circumstances Countervailing Duty Administrative Review.

**SUMMARY:** On September 28, 2001, the Department of Commerce (Department) published a notice of initiation in the above-named case. As a result of this review, the Department preliminarily finds that the new name of Inchon Iron & Steel Co., Ltd. (Inchon) is INI Steel Company (INI).

**FOR FURTHER INFORMATION CONTACT:** Tipten Troidl or Richard Herring, AD/ CVD Enforcement Office VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–2786.

**SUPPLEMENTARY INFORMATION:**

**Applicable Statute and Regulations**

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

**Background**

The Department published on July 3, 2000, a *Final Affirmative Countervailing Duty Determination: Structural Steel Beams From the Republic of Korea*, 65 FR 41051, (Structural Beams); and published on August 14, 2000, the *Notice of Countervailing Duty Order: Structural Steel Beams From the Republic of Korea*, 65 FR 49542. The Department determined that Inchon was excluded from suspension of liquidation pursuant to that order because it received a de minimis net subsidy during the period of investigation. In an August 6, 2001, letter to the Department, INI notified the Department that as of August 1, 2001, Inchon's corporate name had changed to INI Steel Company. On September 28, 2001, the Department published a *Notice of Initiation of Changed Circumstances Countervailing Duty Administrative Review*, 66 FR 49641.

**Scope of the Review**

The products covered by this review include structural steel beams that are doubly-symmetric shapes, whether hot- or cold-rolled, drawn, extruded, formed or finished, having at least one dimension of at least 80 mm (3.2 inches or more), whether of carbon or alloy (other than stainless) steel, and whether or not drilled, punched, notched, painted, coated or clad. These products include, but are not limited to, wide-flange beams (''W'' shapes), bearing piles (''HP'' shapes), standard beams (''S''or ''I'' shapes), and M-shapes.

All products that meet the physical and metallurgical descriptions provided above are within the scope of this investigation unless otherwise excluded. The following products are outside and/or specifically excluded from the scope of this investigation: structural steel beams greater than 400 pounds per linear foot or with a web or section height (also known as depth) over 40 inches.

The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States (''HTSUS'') at subheadings: 7216.32.0000, 7216.33.0030, 7216.33.0060, 7216.33.0090, 7216.50.0000, 7216.61.0000, 7216.69.0000, 7216.91.0000, 7216.99.0000, 7228.70.3040, 7228.70.6000. Although the HTSUS subheadings are provided for convenience and Customs purposes, the written description of the merchandise subject to this proceeding is dispositive.

**Preliminary Results**

In determining that Inchon changed its name to INI, we reviewed documents submitted on the record, including: (1) the minutes of Inchon's shareholder's meeting; (2) official certification of name change registration; and (3) INI's business registration certificate. The minutes of the shareholder's meeting shows that the name change was approved under item two: ''Topic of Bill of a Partial Amendment to Articles of Incorporation.'' Article 1, which refers to the name of the company, shows that, prior to the amendment, the name of the company was Inchon Iron & Steel Co., Ltd, and that, after the partial amendment to the Articles of Incorporation, the company's name is INI Steel Company. We also reviewed a translated copy of the official certification of name change that INI provided to the Inchon District Court on July 31, 2001. Finally, we reviewed INI's business registration certificate as issued on August 1, 2001 by the Inchon City Tax Office. This document states that the reason the document was issued was for a ''change of company name.''

Based upon the information on the record, we preliminarily determine that Inchon has changed its name to INI Steel company. If the final results of this review remain unchanged, we intend to update our instructions to U.S. Customs to reflect this name change, and INI (Inchon) will continue to be excluded from this order.

**Public Comment**

Pursuant to 19 CFR 351.310, any interested party may request a hearing within 10 days of publication of this notice. Persons interested in attending the hearing should contact the Department for the date and time of any hearing. Case briefs and/ or written comments from interested parties may be submitted no later than 10 days after the date of publications of this notice. Rebuttal briefs and rebuttals comments, limited to the issues raised in those case briefs or comments, may be filed no later than 17 days after the publication of this notice. All written comments must be submitted and served on all interested parties on the Department's service list in accordance with 19 CFR 351.303. The Department will publish in the Federal Register a notice of final results of this changed circumstance countervailing duty administrative review, including the results of its analysis of any issues raised in any written comments.

During the course of this changed circumstance review, we will not change any cash deposit instructions on the merchandise subject to this changed circumstances review, unless a change is determined to be warranted pursuant to the final results of this review.

This notice is in accordance with sections 751(b)(1) and 777(i)(1) of the Act, 19 CFR 351.221(c)(3) and 19 CFR 351.216.

Dated: May 28, 2002.

**Bernard T. Carreau,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 02–13841 Filed 5–31–02; 8:45 am]

BILLING CODE 3510–DS–S

## DEPARTMENT OF COMMERCE

### International Trade Administration

### Export Trade Certificate of Review

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of initiation of process to revoke Export Trade Certificate of Review No. 84–00027.

**SUMMARY:** On October 9, 1984, the Secretary of Commerce issued an export trade certificate of review to N.B. Carson & Company, Inc. Because this certificate holder has failed to file an annual report as required by law the Department is initiating proceedings to revoke the certificate. This notice summarizes the notification letter sent to N.B. Carson & Company, Inc.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Anspacher, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482–5131. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Title III of the Export Trading Company Act of 1982 (''the Act'') (15 U.S.C. 4011–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing Title III (''the Regulations'') are found at 15 CFR part 325. Pursuant to this authority, a Certificate of Review was issued on October 9, 1984 to N.B. Carson & Company, Inc.

A certificate holder is required by law (section 308 of the Act, 15 U.S.C. 4018) to submit to the Department of Commerce annual reports that update financial and other information relating to business activities covered by its certificate. The annual report is due within 45 days after the anniversary date of the issuance of the certificate of review (Sections 325.14 (a) and (b) of the Regulations). Failure to submit a complete annual report may be the basis for revocation. (Sections 325.10 (a) and 325.14 (c) of the Regulations).

The Department of Commerce sent to N.B. Carson & Company, Inc., on October 01, 2001, a letter containing annual report questions with a reminder that its annual report was due on November 23, 2001. Additional reminders were sent on March 25, 2002 and on April 11, 2002. The Department has received no written response to any of these letters.

On May 22, 2002, and in accordance with Section 325.10 (c)(1) of the Regulations, a letter was sent by certified mail to notify N.B. Carson & Company, Inc. that the Department was formally initiating the process to revoke its certificate. The letter stated that this action is being taken because of the certificate holder's failure to file an annual report.

In accordance with Section 325.10 (c)(2) of the Regulations, each certificate holder has thirty days from the day after its receipt of the notification letter in which to respond. The certificate holder is deemed to have received this letter as of the date on which this notice is published in the **Federal Register**. For good cause shown, the Department of Commerce can, at its discretion, grant a thirty-day extension for a response.

If the certificate holder decides to respond, it must specifically address the Department's statement in the notification letter that it has failed to file an annual report. It should state in detail why the facts, conduct, or circumstances described in the notification letter are not true, or if they are, why they do not warrant revoking the certificate. If the certificate holder does not respond within the specified period, it will be considered an admission of the statements contained in the notification letter (Section 325.10 (c)(2) of the Regulations).

If the answer demonstrates that the material facts are in dispute, the Department of Commerce and the Department of Justice shall, upon request, meet informally with the certificate holder. Either Department may require the certificate holder to provide the documents or information that are necessary to support its contentions (Section 325.10 (c)(3) of the Regulations).

The Department shall publish a notice in the **Federal Register** of the revocation or modification or a decision not to revoke or modify (Section 325.10(c)(4) of the Regulations). If there is a determination to revoke a certificate, any person aggrieved by such final decision may appeal to an appropriate U.S. district court within 30 days from the date on which the Department's final determination is published in the **Federal Register** (Sections 325.10(c)(4) and 325.11 of the Regulations).

Dated: May 28, 2002.

**Jeffrey Anspacher,**

*Director, Office of Export Trading Company Affairs.*

[FR Doc. 02–13785 Filed 5–31–02; 8:45 am]

BILLING CODE 3510–DR–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 052102H]**

### South Atlantic Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The South Atlantic Fishery Management Council (Council) will hold meetings of its Scientific and Statistical Selection Committee, Habitat Committee, Personnel Committee, Finance Committee, Protected Resources Committee, Snapper Grouper Committee, NEPA (National Environmental Policy Act)/EIS (Environmental Impact Statement) Committee. A spiny lobster public scoping meeting will be held and a public comment period on the use of powerheads and spearguns to harvest

cobia will be held during the meeting. There will also be a full Council session.

**DATES:** The meetings will be held June 17, 2002 through June 20, 2002. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meetings will be held at the Wyndham Reach Resort, 1435 Simonton Street, Key West, FL 33040; telephone: (1–800) 626–0777 or (305) 296–3535.

Copies of documents are available from Kim Iverson, Public Information Officer, and South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407–4699.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer; telephone: 843–571–4366; fax: 843–769–4520; email: kim.iverson@safmc.net.

**SUPPLEMENTARY INFORMATION:**

## Meeting Dates

1. *Scientific and Statistical Committee Meeting: June 17, 2002, 1 p.m.–5:30 p.m.*

The Scientific and Statistical Committee (SSC) will meet to hear a status report on Snapper Grouper Amendment 14 (Marine Protected Areas), review and discuss options for Snapper Grouper Amendment 13, and hear reports on the results of the Red Porgy Stock Assessment Workshops and Stock Assessment Review (SAW/SARC) meetings, the development of a preliminary Ecopath model for the South Atlantic Bight, the Cost and Returns Economic Study, and the status of the ongoing Fishing Communities Study. Beginning at 6:00 p.m. on Monday, June 17, a public scoping meeting will be held to address issues in the spiny lobster fishery.

2. *Habitat Committee Meeting: June 18, 2002, 8:30 a.m.–12 Noon*

The Habitat Committee will meet to hear a presentation on economic and governance perspectives on ecosystem management, a presentation on the Essential Fish Habitat (EFH), ecosystem and Ecopath model development workshop process, and a presentation on EFH Final Guidelines. The Committee will also discuss policy statement revisions, guidance and timelines.

3. *Personnel Committee Meeting: June 18, 2002, 1:30 p.m.–2:30 p.m. (closed)*

The Personnel Committee will meet in closed session to discuss personnel issues.

4. *Finance Committee Meeting: June 18, 2002, 2:30 p.m.–3:30 p.m.*

The Finance Committee will meet to hear an update on the Calendar Year (CY) 2002 budget.

5. *Protected Resources Committee Meeting: June 18, 2002, 3:30 p.m.–5:30 p.m.*

The Protected Resources Committee will meet to review the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) with regards to fishery management, discuss objectives of the newly formed committee, develop a structure for the advisory panel, and discuss the impacts of the trawl fishery for jelly balls (jellyfish) on sea turtles and the potential need for management.

6. *Snapper Grouper Committee Meeting: June 19, 2002, 8:30 a.m.–12 Noon and 1:30 p.m. until 5 p.m.*

The Snapper Grouper Committee will meet to review the status of the Council's request for stock assessments from NMFS, hear reports on: the status of Marine Protected Area (MPA) workshops, red porgy stock assessment review, NMFS capacity work and the Black Seabass Pot Study. The Committee will also discuss the NMFS 2001 Status of U.S. Fisheries Report to Congress and review options and make recommendations regarding Snapper Grouper Amendment 13.

7. *Snapper Grouper Committee Meeting:June 20, 2002, 8:30 a.m.–12 Noon*

The Snapper Grouper Committee will continue its meeting to review and make recommendations to staff regarding options for Snapper Grouper Amendment 13.

8. NEPA/EIS Committee Meeting: June 20, 2002, 1:30 p.m.– 2:30 p.m.

The NEPA/EIS Committee will meet to discuss the objectives, purpose and functions of the new Committee and establish a Committee name. The Committee will review NEPA requirements and receive a presentation on Programmatic Environmental Impacts Statements.

9. *Council Session: June 20, 2002, 3 p.m.–6 p.m.*

From 3 p.m.–3:15 p.m., the Council will have a Call to Order, introductions and roll call, adoption of the agenda, and approval of the March 2002 meeting minutes.

From 3:15 p.m.–3:30 p.m., the Council will hear a report from the Habitat Committee.

From 3:30 p.m.–3:45 p.m., the Council will hear a report from the Protected Resources Committee and address Committee recommendations.

Beginning at 3:45 p.m., a public comment period will be held on the issue of using powerhead gear and spears by divers for targeting cobia. Immediately following the comment period, the Council will discuss the issue and make recommendations to staff.

From 4:45 p.m.–6 p.m., the Council will hear a report from the Snapper Grouper Committee and provide direction to staff regarding options for Amendment 13 to the Snapper Grouper FMP.

10. *Council Session: June 21, 2002, 8:30 a.m.–1 p.m.*

From 8:30 a.m.–8:45 a.m., the Council will hear a report from the Personnel Committee (closed session).

From 8:45 a.m.–9:45 a.m., the Council will receive a legal briefing on litigation affecting the Council and address Committee recommendations.

From 9:45 a.m.–10 a.m., the Council will hear a report from the NEPA/EIS Committee and address Committee recommendations

From 10 a.m.–10:15 a.m., the Council will hear a report from the Finance Committee.

From 10:15 a.m.–10:45 a.m., the Council will receive a presentation on Vessel Monitoring Systems (VMS).

From 10:45 a.m.–11:00 a.m., the Council will hear a report on the Highly Migratory Species (HMS) and Billfish Advisory Panel meetings.

From 11 a.m.–11:15 a.m., the Council will receive an update on the Magnuson-Stevens Act Reauthorization.

From 11:15 a.m.–11:30 a.m., the Council will receive a report on the Council Chairmen's Meeting.

From 11:30 a.m.–11:45 a.m., the Council will hear an update on the Atlantic Coastal Cooperative Statistics Program (ACCSP).

From 11:45 a.m.–1 p.m., the Council will hear NMFS status reports on the Golden/Red Crab FMP management unit emergency request and Shrimp Amendment 5. NMFS will also give status reports on landings for Atlantic king mackerel, Gulf king mackerel (eastern zone), Atlantic Spanish mackerel, snowy grouper & golden tilefish, wreckfish, greater amberjack and south Atlantic octocorals.

From 12 Noon–1 p.m., the Council will hear agency and liasion reports, discuss other business and upcoming meetings.

Documents regarding these issues are available from the Council office (see **ADDRESSES**).

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's

intent to take final action to address the emergency.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) by June 12, 2002.

Dated: May 24, 2002.

**Richard W. Surdi,**

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

[FR Doc. 02–13856 Filed 5–31–02; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

**[I.D. 052102C]**

## Marine Mammals; File No. 1029–1675

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

**ACTION:** Receipt of application.

**SUMMARY:** Notice is hereby given that Andrew R. Szabo,Whale Research Lab, Department of Geography, University of Victoria, Victoria, British Columbia, V8W 2Y2, Canada, has applied in due form for a permit to take humpback whales (*Megaptera Novaeangliea*) for purposes of scientific research.

**DATES:** Written or telefaxed comments must be received on or before July 3, 2002.

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

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

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586–7221; fax (907) 586–7249.

**FOR FURTHER INFORMATION CONTACT:** Lynne Barre or Jill Lewandowski, (301) 713–2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The objective of the study is to examine the behavior of humpback whale mother/calf pairs on their summer feeding grounds and compare the maternal behavior of solitary and social foragers. The study will also attempt to identify differences in the early behavior of the mother/calf pairs that may lead to the adoption of a particular foraging strategy in juveniles. A total of 250 humpbacks from all age classes will be approached annually for photo-identification, hydrophone recordings and video taping of behavior. Research activities will be conducted in southeastern Alaska through October 15, 2006.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 23, 2002.

**Trevor R. Spradlin,**

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

[FR Doc. 02–13855 Filed 5–31–02; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[OMB Control No. 9000–0061]**

## Federal Acquisition Regulation; Submission for OMB Review; Transportation Requirements

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning transportation requirements. A request for public comments was published at 67 FR 17677, on April 11, 2002. No comments were received.

*Public comments are particularly invited on:* Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before July 3, 2002.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503 and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Linda Klein, Acquisition Policy Division, GSA (202) 501–3775.

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

FAR Part 47 and related clauses contain policies and procedures for applying transportation and traffic management considerations in the acquisition of supplies and acquiring transportation or transportation-related services. Generally, contracts involving transportation require information regarding the nature of the supplies, method of shipment, place and time of shipment, applicable charges, marking of shipments, shipping documents and other related items. This information is required to ensure proper and timely shipment of Government supplies.

**B. Annual Reporting Burden**

*Respondents:* 65,000.
*Responses Per Respondent:* 4.4.
*Annual Responses:* 286,000.
*Hours Per Response:* .23.
*Total Burden Hours:* 65,780.
*Obtaining Copies of Proposals:* Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVP), Room 4035, 1800 F Street, NW., Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0061, Transportation Requirements, in all correspondence.

Dated: May 28, 2002.

**Al Matera,**

*Director, Acquisition Policy Division.*

[FR Doc. 02–13758 Filed 5–31–02; 8:45 am]

BILLING CODE 6820–EP–P

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## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[OMB Control No. 9000–0057]**

## Federal Acquisition Regulation; Submission for OMB Review; Evaluation of Export Offers

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning evaluation of export offers. A request for public comments was published in the **Federal Register** at 67 FR 17678, on April 11, 2002. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before July 3, 2002.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW, Room 4035, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Linda Klein, Acquisition Policy Division, GSA (202) 501–3775.

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

Offers submitted in response to Government solicitations must be evaluated and awards made on the basis of the lowest laid down cost to the Government at the overseas port of discharge, via methods and ports compatible with required delivery dates and conditions affecting transportation known at the time of evaluation. Offers are evaluated on the basis of shipment through the port resulting in the lowest cost to the Government. This provision collects information regarding the vendor's preference for delivery ports. The information is used to evaluate offers and award a contract based on the lowest cost to the Government.

**B. Annual Reporting Burden**

*Respondents:* 100.
*Responses Per Respondent:* 4.
*Annual Responses:* 400.
*Hours Per Response:* .25.
*Total Burden Hours:* 100.

**Obtaining Copies of Proposals**

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVP), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0057, Evaluation of Export Offers, in all correspondence.

Dated: May 28, 2002.

**Al Matera,**

*Director, Acquisition Policy Division.*

[FR Doc. 02–13759 Filed 5–31–02; 8:45 am]

BILLING CODE 6820–EP–P

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## DEPARTMENT OF DEFENSE

## GENERAL SERVICES ADMINISTRATION

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[OMB Control No. 9000–0054]**

## Federal Acquisition Regulation; Submission for OMB Review; U.S.-Flag Air Carriers Certification

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning U.S.-Flag Air Carriers Certification. A request for public comments was published in the **Federal Register** at 67 FR 17676, on April 11, 2002. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate

technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before July 3, 2002.

**ADDRESSES:** Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW, Room 4035, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Linda Klein, Acquisition Policy Division, GSA (202) 501–3775.

**SUPPLEMENTARY INFORMATION:**

### A. Purpose

Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1517) (Fly America Act) requires that all Federal agencies and Government contractors and subcontractors use U.S.-flag air carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. It requires the Comptroller General of the United States, in the absence of satisfactory proof of the necessity for foreign-flag air transportation, to disallow expenditures from funds, appropriated or otherwise established for the account of the United States, for international air transportation secured aboard a foreign-flag air carrier if a U.S.-flag carrier is available to provide such services. In the event that the contractor selects a carrier other than a U.S.-flag air carrier for international air transportation, the contractor shall include a certification on vouchers involving such transportation. The contracting officer uses the information furnished in the certification to determine whether adequate justification exists for the contractor's use of other than a U.S.-flag air carrier.

### B. Annual Reporting Burden

*Respondents:* 150.
*Responses Per Respondent:* 2.
*Annual Responses:* 300.
*Hours Per Response:* .25.
*Total Burden Hours:* 75.

### Obtaining Copies of Proposals

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVP), Room 4035, 1800 F Street, NW, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0054, U.S.-Flag Air Carriers Certification, in all correspondence.

Dated: May 28, 2002.

**Al Matera,**

*Director, Acquisition Policy Division.*

[FR Doc. 02–13760 Filed 5–31–02; 8:45 am]

BILLING CODE 6820–EP–P

## DEPARTMENT OF DEFENSE

### Department of the Air Force

### Notice of issuance of Record of Decision Regarding an Air-to-Ground Training Range in Blaine County, MT

**AGENCY:** Department of the Air Force, DoD.

**ACTION:** Notice of record of decision.

**SUMMARY:** The Air Force issued a Record of Decision (ROD) on May 13, 2002. The ROD reflected the Air Force decision to develop an air-to-ground training range in Blaine County, Montana (Alternative 1). The range is designed to enhance the training for the Montana Air National Guard's 120th Fighter Wing stationed at Great Falls International Airport.

**FOR FURTHER INFORMATION CONTACT:** John J. Cabala, Maj, USAF (703) 697–1731.

**Pamela D. Fitzgerald,**

*Air Force Federal Register Liaison Officer.*

[FR Doc. 02–13768 Filed 5–31–02; 8:45 am]

BILLING CODE 5001–05–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER02–1367–001]**

### Calpine Oneta Power, L.P.; Notice of Filing

May 28, 2002.

Take notice that on May 21, 2002, Calpine Oneta Power, L.P tendered for filing supplemental information and a request for deferral of action and a shortened notice period concerning a filing made on March 22, 2002 for a request for authorization to make wholesale sales of electric energy, capacity and ancillary services at market-based rates, to reassign transmission capacity, and to resell firm transmission rights.

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:* June 7, 2002.

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

[FR Doc. 02–13793 Filed 5–31–02; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EG02–117–000]**

### Las Vegas Cogeneration II, L.L.C.; Notice of Filing

May 28, 2002.

Take notice that on May 6, 2002, Las Vegas Cogeneration II, L.L.C., (LV Cogen II) filed a supplement to its Application for Determination of Exempt Wholesale Generator Status pursuant to Section 32(a)(1) of the Public Utility Holding Company Act of 1935.

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:* June 7, 2002.

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

[FR Doc. 02–13791 Filed 5–31–02; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. RP00–487–001]**

## Tuscarora Gas Transmission Company; Notice of Compliance Filing

May 28, 2002.

Take notice that on May 1, 2002, Tuscarora Gas Transmission Company (Tuscarora) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised tariff sheet, to become effective on July 1, 2002:

**Second Revised Sheet No. 77**

Tuscarora states that the purpose of this filing is to comply with Order No. 587–N, issued on March 11, 2002 in Docket No. RM96–1–019. In accordance with Order No. 587–N, Tuscarora is making this tariff filing to provide its shippers with the ability to recall scheduled and unscheduled capacity at the Timely and Evening Nomination cycles and to recall unscheduled capacity at the Intra-Day 1 and Intra-Day 2 Nomination times. In addition, in compliance with Order No. 587–N, Tuscarora is removing NAESB Standard 5.3.7 and the first sentence of NAESB Standard 5.3.7 from its tariff.

Tuscarora states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before May 31, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

[FR Doc. 02–13794 Filed 5–31–02; 8:45 am]

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## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[EL02–91–000]**

## Williams Energy Marketing & Trading Company, Complainant, v. Southern Company Service, Inc., Respondent Notice of Filing

May 28, 2002.

Take notice that on May 24, 2002, Williams Energy Marketing & Trading Company (Williams) filed a complaint and request for fast track processing under section 206 of the Federal Power Act, 16 USC 824e and section 206 of the Commission's rules of practice and procedure, 18 CFR 385.206, against Southern Company Services, Inc. Williams charges that Southern's unilateral annulment of a previously queued, accepted and confirmed transmission service redirect request is unjust and unreasonable. The Complaint also charges that Southern's interpretation of the effect of the exercise of rollover rights pursuant to Section 2.2 of the Southern Open Access Tariff is unjust and unreasonable. Williams, lastly, charges that the methodology used by Southern to perform generation interconnection studies is flawed and that the application of and reliance on such studies is untimely and unreasonable.

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 Rule 211 and Rule 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 June 17, 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 be due on or before June 17, 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 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. 02–13792 Filed 5–31–02; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. EC02–71–000, *et al.*]**

## American Transmission Systems, Incorporated, *et al.*; Electric Rate and Corporate Regulation Filings

May 24, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

### 1. American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.

[Docket Nos. EC02–71–000 and ER02–1865–000]

Take notice that on May 21, 2002 pursuant to Section 203 of the FPA and part 33 of the Commission's regulations, American Transmission Systems, Incorporated (ATSI) and PJM Interconnection, L.L.C. (PJM) filed with the Federal Energy Regulatory Commission (Commission), a joint application for approval of the transfer by ATSI of operational control over certain of its jurisdictional transmission facilities to PJM (Transfer). Pursuant to section 205 of the FPA and part 35 of the Commission's regulations, PJM filed three agreements related to the Transfer.

Copies of this filing were served upon all members of PJM and the state electric utility regulatory commissions within the PJM region.

*Comment Date:* June 11, 2002.

**2. San Diego Gas and Electric Company, Complainant v. Sellers of Energy and Ancillary Services Into Markets Operated by the California Independent System Operator and the California Power Exchange, Respondents, California Independent System Operator Corporation**

[Docket Nos. EL00–95–001 and Docket No. ER02–1656–001]

Take notice that on May 21, 2002, the California Independent System Operator Corporation (ISO) tendered for filing in the above-captioned dockets errata to its proposals for a Comprehensive Market Redesign filed on May 1, 2002. The ISO requests that certain elements of the errata filing be made effective on July 1, 2002 and others on October 1, 2002. The ISO states that this filing has been served on the California Public Utilities Commission, all California ISO Scheduling Coordinators, and all parties in Docket No. EL00–95 and ER02–1656.

*Comment Date:* June 11, 2002.

**3. Ameren Services Company**

[Docket No. ER02–929–001]

Take notice that on May 22, 2002, Ameren Services Company (Ameren Services), as agent for Central Illinois Public Service Company (d/b/a AmerenCIPS) and Union Electric Company (d/b/a AmerenUE), submitted a revised unexecuted service agreement for Network Integration Transmission Service and a revised unexecuted Network Operating Agreement with Citizens Electric Corporation (CEC), the customer under the proposed agreements. Ameren Services requests an effective date of January 1, 2002 for these agreements.

A copy of the filing was served upon CEC and the affected state commissions.

*Comment Date:* June 12, 2002.

**4. Central Maine Power Company**

[Docket No. ER02–1277–001]

Take notice that on May 21, 2002, Central Maine Power Company (Central Maine) filed with the Federal Energy Regulatory Commission (Commission), pursuant to Section 205 of the Federal Power Act, its first-revised version of the executed S.D. Warren Somerset Entitlement Agreement. Central Maine originally submitted this agreement for filing with the Commission on February 19, 2002 and requested confidential treatment for certain material contained in the agreement that the parties considered sensitive business information. On May 6, 2002, the Commission issued a letter order conditionally accepting the agreement, but rejecting Central Maine's request for confidential treatment of certain portions of the contract, as well as requiring compliance with Order No. 614. The Commission ordered Central Maine to file non-confidential versions of the agreement within fifteen days of the issuance of that order. Accordingly, Central Maine Power Company has timely re-filed a non-confidential version of the agreement, which the Commission has designated as FERC Rate Schedule No. 148.

*Comment Date:* June 11, 2002.

**5. Tampa Electric Company**

[Docket No. ER02–1858–000]

Take notice that on May 21, 2002, Tampa Electric Company (Tampa Electric) tendered for filing Original Sheet No. 14A for inclusion in its First Revised Rate Schedule FERC No. 16, the agreement for interchange service between Tampa Electric and the Kissimmee Utility Authority (Kissimmee). Tampa Electric states that the material on the tendered sheet was inadvertently left out when the rate schedule was reformatted in accordance with Order No. 614.

Tampa Electric proposes that Original Sheet No. 14A be made effective on August 1, 2001, and therefore requests waiver of the Commission's prior notice requirement. Tampa Electric states that copies of the filing have been served on Kissimmee and the Florida Public Service Commission.

*Comment Date:* June 11, 2002.

**6. Duke Energy Corporation**

[Docket No. ER02–1859–000]

Take notice that on May 21, 2002, Duke Energy Corporation filed with the Federal Energy Regulatory Commission (Commission) a notice of cancellation for Service Agreements Nos. 139 and 140 under its FERC Electric Tariff No. 4, effective date July 31, 1999.

This notice of the proposed cancellation has been served on the parties on the Commission's official service list in these proceedings.

*Comment Date*: June 11, 2002.

**7. Tampa Electric Company**

[Docket No. ER02–1860–000]

Take notice that on May 21, 2002, Tampa Electric Company (Tampa Electric) tendered for filing with the Federal Energy Regulatory Commission (Commission) service agreements with American Electric Power Service Corporation (AEP) for firm point-to-point transmission service and non-firm point-to-point transmission service under Tampa Electric's open access transmission tariff.

Tampa Electric proposes an effective date of May 21, 2002, for the tendered service agreements, and therefore requests waiver of the Commission's notice requirement. Copies of the filing have been served on AEP and the Florida Public Service Commission.

*Comment Date*: June 11, 2002.

**8. Midwest Independent Transmission System Operator, Inc.**

[Docket No. ER02–1861–000]

Take notice that on May 21, 2002, Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted to the Federal Energy Regulatory Commission (Commission) pursuant to Section 205 of the Federal Power Act and Section 35.13 of the Commission's regulations, Service Agreements for the transmission service requested by Marshfield Electric & Water Department.

A copy of this filing was sent to Marshfield Electric & Water Department.

*Comment Date*: June 11, 2002.

**9. Midwest Independent Transmission System Operator, Inc.**

[Docket No. ER02–1862–000]

Take notice that on May 21, 2002, Midwest Independent Transmission System Operator, Inc. (Midwest ISO) submitted to the Federal Energy Regulatory Commission (Commission) pursuant to Section 205 of the Federal Power Act and Section 35.13 of the Commission's regulations, Service Agreements for the transmission service requested by Independence Light & Power, Telecommunications.

A copy of this filing was sent to Independence Light & Power, Telecommunications.

*Comment Date*: June 11, 2002.

**10. West Texas Utilities Company**

[Docket No. ER02–1863–000]

Take notice that on May 21, 2002, West Texas Utilities Company (WTU) submitted for filing a restated and amended Interconnection Agreement between WTU and Taylor Electric Cooperative, Inc. (Taylor) that supersedes, in its entirety, the Interconnection Agreement between WTU and Taylor, dated January 1, 2000. The only changes to the Interconnection Agreement are the addition of a new point of interconnection to be established near Taylor's new Potosi Substation and administrative changes to reflect that WTU is an operating company of the American Electric Power System.

WTU seeks an effective date of June 18, 2002 for the Interconnection Agreement, and, accordingly, seeks waiver of the Commission's notice requirements. WTU served copies of the

filing on Taylor and the Public Utility Commission of Texas.

*Comment Date*: June 11, 2002.

**11. Delmarva Power & Light Company**

[Docket No. ER02–1864–000]

Take notice that on May 21, 2002, Delmarva Power & Light Company (Delmarva) tendered for filing an Interconnection Agreement between Delmarva and Conectiv Delmarva Generation, Inc. (CDG). The Interconnection Agreement provides for the interconnection of CDG's generating facilities with the Delmarva transmission system.

Delmarva respectfully requests that the Interconnection Agreement become effective on July 21, 2002. Copies of the filing were served upon the Delmarva Public Service Commission, Maryland Public Service Commission and the Virginia State Corporation Commission.

*Comment Date*: June 11, 2002.

**12. Desert Southwest Power, LLC**

[Docket No. ER02–1866–000]

Take notice that on May 21, 2002, Desert Southwest Power, LLC submitted a Notice of Succession pursuant to 18 CFR 35.16 and 131.51 of the Federal Energy Regulatory Commission's Regulations. Caithness Energy Marketing, LLC has changed its name to Desert Southwest Power, LLC and effective April 23, 2002 succeeded to Caithness Energy Marketing, LLC Rate Schedule FERC No. 1, Market-Based Rate Schedule filed in Docket No. ER01–2353–000, which was effective July 15, 2001.

*Comment Date*: June 11, 2002.

**Standard Paragraph**

E. Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's web site at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance). Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 02–13776 Filed 5–31–02; 8:45 am]

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## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. EC02–49–000, et al.]**

## The Cleveland Electric Illuminating Company, et al.; Electric Rate and Corporate Regulation Filings

May 28, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

**1. The Cleveland Electric Illuminating Company, The Toledo Edison Company, FirstEnergy Ventures Corp., Bay Shore Power Company and NRG Northern Ohio Generating LLC, NRG Ashtabula Generating LLC, NRG Lakeshore Generating LLC**

[Docket No. EC02–49–000]

The Commission issued the following text as a Notice of Filing (Notice) on February 11, 2002. Because the February 11, 2002 Notice was not published in the **Federal Register**, the Commission is reissuing the original Notice with a new due date for comments. Parties that have already filed comments, interventions, and protests need not do so again.

Take notice that on February 1, 2002, The Cleveland Electric Illuminating Company, The Toledo Edison Company, First Energy Ventures Corp., and Bay Shore Power Company (collectively, FirstEnergy Companies) and NRG Northern Ohio Generating LLC, (NRG Northern Ohio), NRG Ashtabula Generating LLC, and NRG Lakeshore Generating LLC (collectively the NRG Companies) (the FirstEnergy Companies and NRG Companies together, Applicants) filed with the Federal Energy Regulatory Commission (Commission) a joint application requesting authorization pursuant to Section 203 of the Federal Power Act for FirstEnergy Companies to transfer certain jurisdictional facilities associated with four electric generating stations, which are located in Ohio and total 2,535 MW, to the NRG Companies and passive participant owner lessors, which will in turn enter into long-term leases with NRG Northern Ohio. Additionally, pursuant to a Transition Power Purchase Agreement, FirstEnergy Solutions Corp., a wholly owned subsidiary of FirstEnergy Corp., engaged in wholesale and retail power marketing, will have the ability to schedule up to 92 percent of the capacity of the Facilities (excluding certain combustion turbines) through 2005. *Comment Date*: June 5, 2002.

**1. KeySpan Ravenswood, Inc.**

[Docket No. ER99–2387–001]

Take notice that on May 23, 2002, KeySpan-Ravenswood, Inc. (Ravenswood) tendered for filing its triennial market power analysis in compliance with the Federal Energy Regulatory Commission Order granting it market based rate authority in Docket No. ER99–2387–000 on May 27, 1999.

*Comment Date*: June 13, 2002.

**2. Panda-Rosemary Limited Partnership**

[Docket Nos. QF89–241–002 EL02–90–000]

Take notice that on May 17, 2002, Panda-Rosemary Limited Partnership (Panda-Rosemary), filed with the Federal Energy Regulatory Commission (Commission) a Request for Waiver of QF Operating and Efficiency Standards and Application for Recertification as a Qualifying Cogeneration Facility pursuant to 292.205'' and 292.207(b) of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility is a nominal 180–MW, natural gas fired, topping cycle cogeneration facility (the Facility) located in Roanoke Rapids, North Carolina. The Facility is interconnected with the North Carolina Power system and power from the Facility is sold to North Carolina Power.

*Comment Date*: June 27, 2002.

**Standard Paragraph**

E. 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.

**Linwood A. Watson, Jr.,**

*Deputy Secretary.*

[FR Doc. 02–13789 Filed 5–31–02; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. CP02–142–000]**

## Columbia Gas Transmission Corporation; Notice of Intent To Prepare an Environmental Assessment for the Proposed Rock Springs Expansion Project and Request for Comments on Environmental Issues

May 28, 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 Rock Springs Expansion Project involving the abandonment, construction and operation of facilities by Columbia Gas Transmission Corporation (Columbia) in Chester County, Pennsylvania.[1] The facilities being abandoned consist of 8.6 miles of 14-inch-diameter pipeline which would be replaced with 8.6 miles of 24-inch-diameter pipeline. 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 Columbia 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

Columbia is proposing the Rock Springs Energy Expansion Project to expand its existing system in Pennsylvania to provide firm transportation service to Rock Springs Generation, L.L.C.'s and CED Rock Springs, Inc.'s power plant to be built in Cecil County, Maryland. This project would allow Columbia to deliver 270,000 Dekatherms per day of gas to the power plant.

Columbia proposes to abandon its existing 8.6 mile 14-inch-diameter Line 1278 in Chester County, Pennsylvania and replace it with 24-inch-diameter pipeline beginning at Columbia's Downingtown Compressor Station and extending to its Eagle Compressor Station. The Rock Springs Generation, L.L.C. and CED Rock Springs, Inc. would construct 800 feet of nonjurisdictional 16-inch-diameter pipeline from the existing Rock Springs Meter Station in Cecil County, Maryland to the power plant. See appendix 2 for a location map of Columbia's Line 1278.

*Land Requirements for Construction*

Construction of Columbia's proposed facilities would require about 97 acres of land, including construction right-of-way for the pipeline and extra work areas needed for access and staging areas. Columbia would generally use a 50-to 75-foot-wide construction right-of-way during replacement. Line 1278 parallels for 6.5 miles Columbia's existing Line 1896 which will be replaced the summer of 2002 under the order issued in Docket No. CP01–439–000. The majority of the construction right-of-way for Line 1278 would overlap the construction right-of-way used for Line 1896. About 53 acres would be maintained as permanent right-of-way.

Construction access to Columbia's project generally would be via the construction right-of-way, private drives, and existing road network. Columbia has identified 10 existing access roads necessary for the construction of its project. No new access roads would be constructed.

*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
—air quality and noise

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 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.

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[1] Columbia's application was filed with the Commission on April 5, 2002, under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] ''We'', ''us'', and ''our'', refer to the environmental staff of the Office of Energy Projects (OEP).

*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 Columbia. This preliminary list of issues may be changed based on your comments and our analysis.

Water Resources and Wetlands

—Crossing 8 perennial waterbodies
—Crossing 20 wetlands

Vegetation

—About 5.5 acres of forest to be cleared

Federally-Listed Threatened and Endangered Species

—Potential impact on the bog turtle

Land Use

—Impact on 97 residences and 13 buildings located within 50 feet of the construction work area

*Public Participation and Site Visit*

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. CP02–142–000; and
• Mail your comments so that they will be received in Washington, DC on or before June 28, 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''.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 2)[3]. If you do not return the Information Request, you will be removed from the environmental mailing list.

*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). 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. 02–13790 Filed 5–31–02; 8:45 am]

BILLING CODE 6717–01–P

[3] The appendices 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.

## ENVIRONMENTAL PROTECTION AGENCY

**[OPPTS–2002–0016; FRL–7179–1]**

## National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Public Meeting

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** A meeting of the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) will be held on June 17–19, 2002, at Rutgers University Environmental and Occupational Health Sciences Institute in Piscataway, NJ. At this meeting, the NAC/AEGL Committee will address, as time permits, the various aspects of the acute toxicity and the development of Acute Exposure Guideline Levels (AEGLs) for the following chemicals: (a) Proposed AEGL Chemicals: allyl alcohol; benzene; methyl mercaptan; tetrachloroethylene; and toluene; (b) comments from the National Academy of Sciences Subcommittee for AEGLs: allyl amine; cis and trans crotonaldehyde; cyclohexyl amine; diborane; ethylene diamine; hydrogen chloride; hydrogen fluoride; hydrogen sulfide; iron pentacarbonyl; nickel carbonyl; perchloromethyl mercaptan; and phosgene; and (c) comments from the **Federal Register** of February 15, 2002 (67 FR 7164) (FRL–6815–8), and decision to raise to Interim AEGL status: Carbon tetrachloride; chlorine; chlorine dioxide; and propylene oxide.

**DATES:** A meeting of the NAC/AEGL Committee will be held from 10:00 a.m. to 5 p.m. on June 17, 2002; from 8:30 a.m. to 5 p.m. on June 18, 2002, and from 8:30 a.m. to noon on June 19, 2002.

**ADDRESSES:** The meeting will be held at the Rutgers University Environmental and Occupational Health Sciences Institute Conference Room C 170 Frelinghuysen Rd, in Piscataway, New Brunswick, NJ 08854. Guest Parking is available in parking Lot 54 and directions to the Institute are available on the Internet a http://www.eohsi.rutgers.edu/indexinfo.shtml.

**FOR FURTHER INFORMATION CONTACT:** *For general information contact*: Barbara

Cunningham, Acting Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

*For technical information contact*: Paul S. Tobin, Designated Federal Officer (DFO), Economics, Exposure, and Technology Division (7406M), Office of Pollution Prevention and Toxics, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564–8557; e-mail address: tobin.paul@epa.gov.

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### *A. Does this Action Apply to Me?*

This action is directed to the public in general. This action may be of particular interest to anyone who may be affected if the AEGL values are adopted by government agencies for emergency planning, prevention, or response programs, such as EPA's Risk Management Program under the Clean Air Act and Amendments Section 112r. It is possible that other Federal agencies besides EPA, as well as State agencies and private organizations, may adopt the AEGL values for their programs. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

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

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'', ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**''—Environmental Documents. You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–2002–0016. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

## II. Meeting Procedures

For additional information on the scheduled meeting, the agenda of the NAC/AEGL Committee, or the submission of information on chemicals to be discussed at the meeting, contact the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

The meeting of the NAC/AEGL Committee will be open to the public. Oralpresentations or statements by interested parties will be limited to 10 minutes. Interested parties are encouraged to contact the DFO to schedule presentations before the NAC/AEGL Committee. Since seating for outside observers may be limited, those wishing to attend the meeting as observers are also encouraged to contact the DFO at the earliest possible date to ensure adequate seating arrangements. Inquiries regarding oral presentations and the submission of written statements or chemical-specific information should be directed to the DFO.

## III. Future Meetings

Another meeting of the NAC/AEGL Committee is scheduled for September, 2002.

## List of Subjects

Environmental protection, Chemicals, Hazardous substances, Health.

Dated: May 23, 2002.

**William A. Sanders III,**

*Director, Office of Pollution Prevention and Toxics.*

[FR Doc. 02–13812 Filed 5–31–02; 8:45 am]

**BILLING CODE 6560–50–S**

# ENVIRONMENTAL PROTECTION AGENCY

**[OPP–2002–0090; FRL–7181–3]**

## Association of American Pesticide Control Officials/State FIFRA Issues Research and Evaluation Group (SFIREG)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Association of American Pesticide Control Officials (AAPCO)/State FIFRA Issues Research and Evaluation Group (SFIREG) will hold a 2–day meeting, beginning on June 24, 2002, and ending June 25, 2002. This notice announces the location and times for the meeting and sets forth the tentative agenda topics. The purpose of this meeting is to provide an opportunity for States to discuss with EPA environmental matters relating to pesticide registration, enforcement, training and certification, water quality, and disposal.

**DATES:** Comments identified by docket ID number OPP–2002–0090, must be received on or before July 3, 2002. The meeting will be held on Monday, June 24, 2002, from 8:30 a.m. to 5 p.m., and Tuesday, June 25, 2002, from 8:30 a.m. to noon.

**ADDRESS:** This meeting will be held at the Doubletree Hotel, 300 Army Navy Drive, Arlington Crystal City, VA. Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPP–2002–0090 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: Georgia A. McDuffie, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 605–0195; fax number: (703) 308–1850; e-mail address: mcduffie.georgia@epa.gov, or Philip H. Gray, SFIREG Executive Secretary, P.O. Box 1249, Hardwick, VT 05843–1249; telephone number: (802) 472–6956; fax (802) 472–6957; e-mail address: aapco@vtlink.net

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### *A. Does this Action Apply to Me?*

This action is directed to the public in general. This action may, however, be

of interest to all parties interested in SFIREG's information exchange relationship with EPA regarding important issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process, and they are invited and encouraged to attend the meetings and participate as appropriate. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket ID number OPP–2002–0090. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m. Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

*C. How and to Whom Do I Submit Comments?*

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPP–2002–0090 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket ID number OPP–2002–0090. Electronic comments may also be filed online at many Federal Depository Libraries.

*D. How Should I Handle CBI that I Want to Submit to the Agency?*

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

*E. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this notice.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

## II. Tentative Agenda

The following outlines the tentative agenda for the 2–day meeting.

1. Recommendations of the water quality registration review team.
2. Residual homeowner use chlorpyrifos stocks in the marketplace.
3. An issue review team to study conflicts among FIFRA and other environmental statutes (discussion).
4. Discussion of Certification and Training Advisory Group recommendations.
5. Discussion on e-Labeling.
6. Committee reports and introduction of issue papers.
7. Update on current Office of Enforcement and Compliance Assurance activities.
8. Update on current OPP activities.
9. SFIREG issue paper status reports.
10. Regional reports.
11. Other topics as appropriate.

## List of Subjects

Environmental protection, Business and industry, Government contracts, Government property, Security measures.

Dated: May 23, 2002.

**Jay S. Ellenberger,**

*Acting Division Director, Field and External Affairs Division, Office of Pesticide Programs.*

[FR Doc. 02–13813 Filed 5–31–02; 8:45 am]

BILLING CODE 6560–50–S

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–7223–1]**

## National Advisory Council for Environmental Policy and Technology (NACEPT) Superfund Subcommittee; Notice of Meeting

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (FACA), Public Law 92–463, the U.S. Environmental Protection Agency (EPA) gives notice that the National Advisory Council for Environmental Policy and Technology (NACEPT) Superfund Subcommittee will meet on the dates and times described below. The meeting is open to the public, but, due to limited space, seating will be on a first-come basis.

**DATES:** The meeting will be held on June 18, 2002, from 8:30 a.m. to 5 p.m., and on June 19, 2002, from 8:30 p.m. to 12:15 p.m.

**ADDRESSES:** Holiday Inn and Suites, 625 First Street, Alexandria, VA.

**FOR FURTHER INFORMATION CONTACT:** Lois H. Gartner, Designated Federal Officer, Office of Emergency and Remedial Response (OERR), MC 5204G, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, 703–603–9046, e-mail: *gartner.lois@epa.gov.*

**SUPPLEMENTARY INFORMATION:** EPA created the Superfund Subcommittee to undertake a dialogue about the future direction of the Superfund program in the context of other federal, state, and tribal cleanup programs. The Agency's charge to the Subcommittee requests that they discuss three key issues relevant to the Superfund program's future: the role of the National Priorities List (NPL), mega sites and program performance measures.

This first meeting of the Superfund Subcommittee will focus on discussions regarding the Subcommittee's charge and will also include presentations by EPA staff on relevant background information. On each day, there will be a limited time for public comment on the future direction of the Superfund program. Time allowed for individual presentations will be limited to 3 minutes, and all presenters must contact Lois Gartner (see contact information below) before June 10, 2002, and submit a brief statement of the general nature of the material to be presented. Presentations will be organized on a first-come basis. Written comments are encouraged, particularly if the material cannot be presented within the designated time limits, and must be sent to Ms. Gartner no later than June 14, 2002. To look at the complete agenda and to get more information, go to: *www.epa.gov/oswer/sfsub.htm.*

Dated: May 29, 2002.

**Lois H. Gartner,**

*Designated Federal Officer, NACEPT Superfund Subcommittee.*

[FR Doc. 02–13815 Filed 5–31–02; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[OPP–2002–0077; FRL–7179–8]**

## Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request by registrants to voluntarily cancel certain pesticide registrations.

**DATES:** Unless a request is withdrawn, the Agency will approve these use deletions and the deletions will become effective on December 2, 2002.

**FOR FURTHER INFORMATION CONTACT:** By mail: James A.Hollins, Information Resources Services Division 7502C, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–5761; e-mail address:hollins.james@epa.gov.

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this Action Apply to Me?*

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHERINFORMATION CONTACT**.

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

*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/.

### II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applications from registrants to cancel 67 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in Table 1 of this unit:

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

| Registration no. | Product Name | Chemical Name |
|---|---|---|
| 000052–00208 | Germ Warfare Concentrated Detergent Germicide | Sodium 2-benzyl-4-chlorophenate<br>Sodium o-phenylphenate<br>p-tert-Amylphenol, sodium salt |
| 000100–01019 | Eptam 2.3 G | S-Ethyl dipropylthiocarbamate |
| 000100 FL–89–0025 | D.Z.N. Diazinon AG 500 | O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate |
| 000100 FL–90–0002 | Pennant Liquid Herbicide | 2-Chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylphenyl)acetamide (9CI) |

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

| Registration no. | Product Name | Chemical Name |
|---|---|---|
| 000192–00195 | Dexol Lawn & Garden Fungicide with Daconil 2787 | Tetrachloroisophthalonitrile |
| 000241 OR–00–0031 | Raptor Herbicide | (+-)-2-(4,5-Dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2- |
| 000264–00639 | Brestan H 47.5 WP Fungicide | Triphenyltin hydroxide |
| 000264 OR–94–0014 | Dodine 65W | Dodecylguanidine acetate |
| 000264 WA–93–0011 | Nortron Flowable Herbicide | 2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, (+-)- |
| 000264 WA–95–0020 | Nortron Flowable Herbicide | 2-Ethoxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate, (+-)- |
| 000279 FL–77–0039 | Niagara Ethion 4 Miscible Miticide Insecticide | O,O,O',O'-Tetraethyl S,S'-methylene bis(phosphorodithioate) |
| 000432 OR–96–0022 | Acclaim 1EC Herbicide | 2-(4-((6-Chloro-2-benzoxazolyl)oxy)phenoxy)propionic acid, ethyl ester, (+-)- |
| 000524 ND–99–0013 | MON-65005 Herbicide | Isopropylamine glyphosate (N-(phosphonomethyl)glycine) |
| 000675–00025 | Amphyl Disinfectant Deodorant Spray | Ethanol<br>o-Phenylphenol |
| 000675–00046 | New O-Syl Disinfectant - Detergent | 2-Benzyl-4-chlorophenol<br>o-Phenylphenol |
| 000769–00633 | Smcp Ethion EM-4 | O,O,O',O'-Tetraethyl S,S'-methylene bis(phosphorodithioate) |
| 001769–00174 | Watrol | 6,7-Dihydrodipyrido(1,2-a:2',1'-c)pyrazinediium dibromide |
| 002517–00060 | Sergeant's Dual Action Flea and Tick Collar for Dogs | o-Isopropoxyphenyl methylcarbamate<br>2,2-Dichlorovinyl dimethyl phosphate |
| 002935 OR–97–0003 | Orthene 75 S Soluble Powder | O,S-Dimethyl acetylphosphoramidothioate |
| 003125–00173 | Di-Syston Seed Treatment Insecticide | O,O-Diethyl S-(2-(ethylthio)ethyl) phosphorodithioate |
| 003125 ID–99–0001 | Admire 2 Flowable | 1-((6-Chloro-3-pyridinyl)methyl)-N-nitro-2-imidazolidinimine |
| 003862–00118 | Di-Elec Wasp & Hornet Spray | (Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds20%<br>Bendiocarb (2,2-dimethyl-1,3-benzoldioxol-4-yl methylcarbamate) |
| 005481–00270 | AMVAC Ethion 4 Miscible for Citrus | O,O,O',O'-Tetraethyl S,S'-methylene bis(phosphorodithioate) |
| 007173–00080 | Rozol Ready-To-Use Rat and Mouse Bait | 2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione |
| 007173–00128 | Rozol Rat and Mouse Killer | 2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione |
| 007173–00161 | Rozol Rat and Mouse Killer Pellets | 2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione |
| 007173–00171 | Maki Rat and Mouse Meal Bait | 3-(3-(4'-Bromo-(1,1'-biphenyl)-4-yl)-3-hydroxy-1-phenylpropyl)-4-hydroxy-2H-1- |
| 007173–00184 | Rozol Pocket Gopher Bait | 2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione |
| 007173–00186 | Maki Rat and Mouse Meal Bait | 3-(3-(4'-Bromo-(1,1'-biphenyl)-4-yl)-3-hydroxy-1-phenylpropyl)-4-hydroxy-2H-1- |
| 007173–00190 | Rozol Paraffin Blocks | 2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione |
| 007173–00195 | Ridall-Zinc Rodent Field & Agricultural Bait | Zinc phosphide (Zn3P2) |
| 007173 AZ–77–0006 | Rozol Ground Squirrel Bait | 2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione |
| 007173 ID–92–0003 | Rozol Paraffinized Pellets | 2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione |
| 007173 OR–78–0018 | Rozol Rodenticide Ground Spray Concentrate | 2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione |
| 007173 UT–77–0001 | Rozol Paraffinized Pellets | 2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione |

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

| Registration no. | Product Name | Chemical Name |
|---|---|---|
| 007173 UT–78–0006 | Rozol Rodenticide Ground Spray Concentrate | 2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione |
| 007173 WA–78–0060 | Rozol Rodenticide Ground Spray Concentrate | 2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione |
| 007173 WV–77–0003 | Rodenticide Ground Spray Concentrate | 2-((p-Chlorophenyl)phenylacetyl)-1,3-indandione |
| 007401–00113 | Ferti-Lome Citrus & Ornamental Spray | O,O,O',O'-Tetraethyl S,S'-methylene bis(phosphorodithioate)<br><br>Aliphatic petroleum hydrocarbons |
| 007501–00098 | Gustafson 2% Reldan Dust Insecticide | O,O-Dimethyl O-(3,5,6-trichloro-2-pyridyl) phosophorothioate |
| 007501–00099 | Gustafson 3% Reldan Dust Insecticide | O,O-Dimethyl O-(3,5,6-trichloro-2-pyridyl) phosophorothioate |
| 007501 ID–99–0002 | Gaucho 75 St Insecticide | 1-((6-Chloro-3-pyridinyl)methyl)-N-nitro-2-imidazolidinimine |
| 007501 ID–99–0005 | MZ - Curzate | Gas cartidge (as a device for burrowing animal control)<br>Zinc ion and manganese ethylenebisdithiocarbamate, coordination product<br>2-Cyano-N-((ethylamino)carbonyl)-2-(methoxyimino)acetamide |
| 007501 NE–00–0001 | Evolve Potato Seed-Piece Treatment | Zinc ion and manganese ethylenebisdithiocarbamate, coordinationproduct<br><br>Dimethyl ((1,2-phenylene)bis(iminocarbonothioyl))bis(carbamate)<br>2-Cyano-N-((ethylamino)carbonyl)-2-(methoxyimino)acetamide |
| 007501 NE–01–0001 | Tops-MZ-Gaucho | Gas cartidge (as a device for burrowing animal control)<br>Zinc ion and manganese ethylenebisdithiocarbamate, coordination product<br>Dimethyl ((1,2-phenylene)bis(iminocarbonothioyl))bis(carbamate)<br>1-((6-Chloro-3-pyridinyl)methyl)-N-nitro-2-imidazolidinimine |
| 007501 NE–99–0004 | MZ - Curzate Potato Seed-Piece Treatment | Gas cartidge (as a device for burrowing animal control)<br><br>Zinc ion and manganese ethylenebisdithiocarbamate, coordination product<br>2-Cyano-N-((ethylamino)carbonyl)-2-(methoxyimino)acetamide |
| 007501 WA–99–0004 | Tops - MZ - Gaucho Potato Seed-Piece Treatment | Gas cartidge (as a device for burrowing animal control)<br><br>Zinc ion and manganese ethylenebisdithiocarbamate, coordination product<br>Dimethyl ((1,2-phenylene)bis(iminocarbonothioyl))bis(carbamate)<br>1-((6-Chloro-3-pyridinyl)methyl)-N-nitro-2-imidazolidinimine |
| 007501 WA–99–0011 | Tops - MZ - CZ | Gas cartidge (as a device for burrowing animal control)<br>Zinc ion and manganese ethylenebisdithiocarbamate, coordination product<br>Dimethyl ((1,2-phenylene)bis(iminocarbonothioyl))bis(carbamate)<br>2-Cyano-N-((ethylamino)carbonyl)-2-(methoxyimino)acetamide |
| 008536 FL–97–0006 | Methyl Bromide 98% | Methyl bromide |
| 009198–00122 | The Andersons Turcam Insecticide I | Bendiocarb (2,2-dimethyl-1,3-benzoldioxol-4-yl methylcarbamate) |
| 009688–00118 | Chemsico Granules Formula B | Bendiocarb (2,2-dimethyl-1,3-benzoldioxol-4-yl methylcarbamate) |
| 010145–00007 | Vita-San WS | 2-Benzyl-4-chlorophenol<br>Sodium o-phenylphenate |
| 010163–00080 | Gowan Azinphos-M 2 EC | O,O-Dimethyl S-((4-oxo-1,2,3-benzotriazin-3(4H)-yl)methyl) phosphorodithioate |
| 010163 OR–94–0045 | Imidan 70-WP Agricultural Insecticide | N-(Mercaptomethyl)phthalimide S-(O,O-dimethyl phosphorodithioate) |
| 010163 OR–94–0047 | Imidan 70-WP Agricultural Insecticide | N-(Mercaptomethyl)phthalimide S-(O,O-dimethyl phosphorodithioate) |
| 010807–00095 | Pine Oil Disinfectant | Pine oil |
| 045639 OR–00–0009 | Hoelon 3EW Herbicide | Methyl 2-(2-(2,4-dichlorophenoxy)phenoxy)propanoate |

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

| Registration no. | Product Name | Chemical Name |
|---|---|---|
| 048598–00003 | Insecto Formula 7 | Pine oil |
| 051036 AZ–89–0011 | Dimethoate 4E Systemic Insecticide | O,O-Dimethyl S-((methylcarbamoyl)methyl) phosphorodithioate |
| 051161 OR–93–0013 | Orthene 75 S Soluble Powder | O,S-Dimethyl acetylphosphoramidothioate |
| 054555 TX–00–0001 | Dormex | Cyanamide |
| 062719–00404 | Stampede CM Herbicide | 3',4'-Dichloropropionanilide<br>2-Ethylhexyl 2-methyl-4-chlorophenoxyacetate |
| 067752 OR–93–0014 | Orthene 75 S Soluble Powder | O,S-Dimethyl acetylphosphoramidothioate |
| 071368 WA–80–0081 | Weedar 64 Broad Leaf Herbicide | Dimethylamine 2,4-dichlorophenoxyacetate |
| 071368 WA–85–0021 | Weedar 64 Broad Leaf Herbicide | Dimethylamine 2,4-dichlorophenoxyacetate |
| 071368 WA–95–0037 | Weedar 64 (R) Broadleaf Herbicide | Dimethylamine 2,4-dichlorophenoxyacetate |
| 071768–00001 | Bear Pause Attack Deterrent | Capsaicin (in oleoresin of capsicum) |

There is a 30-day comment period on registrations for EPA companynumbers 000279, 005481, 071768.

Unless a request is withdrawn by the registrant within 180 days of publication of this notice, orders will be issued canceling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant directly during this 180-day period.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number:

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

| EPA Company no. | Company Name and Address |
|---|---|
| 000052 | W.P. Chemical Products, Inc., W. Penetone Corp., 74 Hudson Ave., Tenafly, NJ 07670. |
| 000100 | Syngenta Crop Protection, Inc., Box 18300, Greensboro, NC 27419. |
| 000192 | Value Gardens Supply, LLC, Box 585, St. Joseph, MO 64502. |
| 000241 | BASF Corp., Box 13528, Research Triangle Park, NC 27709. |
| 000264 | Aventis Cropscience USA LP, 2 T.W. Alexander Drive Box 12014, Research Triangle Park, NC 27709. |
| 000279 | FMC Corp. Agricultural Products Group, 1735 Market St., Philadelphia, PA 19103. |
| 000432 | Aventis Environmental Science USA LP, 95 Chestnut Ridge Rd., Montvale, NJ 07645. |
| 000524 | Monsanto Co., 600 13th Street, NW, Suite 660, Washington, DC 20005. |
| 000675 | Reckitt Benckiser Inc., 1655 Valley Rd., Wayne, NJ 07474. |
| 000769 | Value Gardens Supply, LLC, Box 585, St. Joseph, MO 64502. |
| 001769 | NCH Corp., 2727 Chemsearch Blvd., Irving, TX 75062. |
| 002517 | Sergeant's Pet Products, Box 18993, Memphis, TN 38181. |
| 002935 | Wilbur Ellis Co., 191 W. Shaw Ave, #107, Fresno, CA 93704. |
| 003125 | Bayer Corp., Agriculture Division, 8400 Hawthorn Rd., Box 4913, Kansas City, MO 64120. |
| 003862 | ABC Compounding Co, Inc., Box 16247, Atlanta, GA 30321. |
| 005481 | AMVAC Chemical Corp., Attn: Jon C. Wood, 4695 Macarthur Ct., Suite 1250, Newport Beach, CA 92660. |
| 007173 | LiphaTech, Inc., 3600 W. Elm Street, Milwaukee, WI 53209. |
| 007401 | Brazos Associates, Inc., Agent For: Voluntary Purchasing Group Inc., 2001 Diamond Ridge Drive, Carrollton, TX 75010. |
| 007501 | Gustafson LLC, 1400 Preston Rd., Suite 400, Planos, TX 75093. |

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

| EPA Company no. | Company Name and Address |
|---|---|
| 008536 | Soil Chemicals Corp., D/b/a Cardinal Professional Products, Box 782, Hollister, CA 95024. |
| 009198 | The Andersons Inc., Lawn Fertilizer Division, Box 119, Maumee, OH 43537. |
| 009688 | Chemsico, Div of United Industries Corp., Box 142642, St Louis, MO 63114. |
| 010145 | Blumberg Co. Inc., Box 1329, Newburyport, MA 01950. |
| 010163 | Gowan Co., Box 5569, Yuma, AZ 85366. |
| 010807 | AMREP, Inc., 990 Industrial Dr, Marietta, GA 30062. |
| 045639 | Agrevo USA Co., Little Falls Centre One, 2711 Centerville Rd., Wilmington, DE 19808. |
| 048598 | Natural Insecto Products, Inc., 221 Sherwood Place, Box 12138, Costa Mesa, CA 92627. |
| 051036 | Micro-Flo Co. LLC, Box 772099, Memphis, TN 38117. |
| 051161 | Round Butte Seed Growers Inc., 505 C Street, Box 117, Culver, OR 97734. |
| 054555 | Siemer & Associates, Inc., Agent For: Degussa Ag., 4672 W. Jennifer, Suite 103, Fresno, CA 93722. |
| 062719 | Dow AgroSciences LLC, 9330 Zionsville Rd., 308/2E225, Indianapolis, IN 46268. |
| 067752 | Central Oregon Seed Inc., 1747 NW Mill St., Madras, OR 97741. |
| 071368 | Nufarm, Inc., 500 Lower Lake Rd., St. Joseph, MO 64504. |
| 071768 | Chemarmor, 625 North Ave.W., Box 4363, Missoula, MT 59806. |

## III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

## IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**, postmarked before December 2, 2002. This written withdrawal of the request for cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice.If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

## V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1 year after the date the cancellation request was received. This policy is in accordance with the Agency's statement of policy as prescribed in the **FederalRegister** of June 26, 1991 (56 FR 29362) (FRL–3846–4). Exceptions to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold, or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product. Exception to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in a Special Review action, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

## List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 14, 2002.

**Linda Vlier Moos,**

*Acting Director, Information Resources Services Division, Office of Pesticide Programs.*

[FR Doc. 02–13811 Filed 5–31–02; 8:45 am]

BILLING CODE 6560–50–S

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## ENVIRONMENTAL PROTECTION AGENCY

**[OPP–2002–0078; FRL–7179–2]**

## Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain

pesticide chemical in or on various food commodities.

**DATES:** Comments, identified by docket control number OPP–2002–0078, must be received on or before July 3, 2002.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–2002–0078 in the subject line on the first page of your response.

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

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### *A. Does this Action Apply to Me?*

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

| Categories | NAICS codes | Examples of potentially affected entities |
|---|---|---|
| Industry | 111<br>112<br>311<br><br>32532 | Crop production<br>Animal production<br>Food manufacturing<br>Pesticide manufacturing |

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

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**''—Environmental Documents. You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–2002–0078 official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

### *C. How and to Whom Do I Submit Comments?*

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–2002–0078 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–2002–0078. Electronic comments may also be filed online at many Federal Depository Libraries.

### *D. How Should I Handle CBI That I Want to Submit to the Agency?*

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

### *E. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Make sure to submit your comments by the deadline in this notice.
7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your

response. You may also provide the name, date, and **Federal Register** citation.

## II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

## List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 17,2002.

**Robert Forrest,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

## Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the Interregional Research Project Number 4, and represents the view of the Interreional Research Project. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

*PP 1E6322*

EPA has received a pesticide petition (1E6322) from the Interregional Research Project Number 4, 681 U.S. Highway 1 South, North Brunswick, New Jersey 08902–3390] proposing, pursuant to section 408(d) of the FFDCA, 21 U.S.C. 346a(d), to amend 40 CFR 180.479 by establishing a tolerance for residues of the herbicide [halosulfuron, methyl 5-[(4,6-dimethoxy-2-pyrimidinyl) amino]carbonylaminosulfonyl-3-chloro-1-methyl-1H-pyrazole-4-carboxylate] in or on the raw agricultural commodities (RAC) dry bean and succulent snap bean at 0.05 parts per million (ppm). EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition. This notice includes a summary of the petition prepared by Gowan Company, Yuma, Arizona 85366.

*A. Residue Chemistry*

1. *Plant metabolism*. The metabolism of halosulfuron-methyl as well as the nature of the residues in plants is adequately understood for purposes of this tolerance.

2. *Analytical method*. A practical analytical method, gas chromatography with a nitrogen specific detector (TSD) which detects and measures residues of halosulfuron-methyl, is available for enforcement purposes with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances. This enforcement method has been submitted to the Food and Drug Administration for publication in the Pesticide Analytical Manual (PAM II). It has undergone independent laboratory validation and validation at the Beltsville laboratory.

3. *Magnitude of residues*. In snap and dry bean residue studies, there were no quantifiable residues found in the RAC using an analytical method with limit of quantitation (LOQ) of 0.05 ppm.

*B. Toxicological Profile*

The nature of the toxic effects caused by halosulfuron-methyl is discussed in unit II.B of the **Federal Register** on April 31, 2001 (66 FR 45993) (FRL–6796–1).

*C. Aggregate Exposure*

1. *Dietary exposure*. Tolerances have been established (40 CFR 180.479) for residues of halosulfuron-methyl in or on a variety of plant and animal RACs.

i. *Food*— a. *Acute exposure*. For purposes of assessing the potential dietary exposure from food under existing and proposed tolerances, the aggregate exposure is based on the Theoretical Maximum Residue Contribution (TMRC) which is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance.

The calculated TMRC value using the 99.9$^{th}$ percentile consumption data was 0.006 milligrams/kilograms bodyweight day (mg/kg bwt day) or 1.2% acute Reference Dose (aRfD) for the general U.S. population. TMRC is obtained by multiplying the tolerance levels for each commodity by the daily consumption of the food forms of that commodity eaten by the U.S. population and various population subgroups.

In conducting this exposure assessment, conservative assumptions were made resulting in a large overestimate of human exposure. Thus, the dietary exposures to halosulfuron-methyl are less 3.0% aRfD for all sub-populations. Food consumption data from DEEM software were used in the calculation.

b. *Chronic exposure*. The chronic Reference Dose (cRfD) is 0.1 mg/kg/day. For all established and proposed tolerances of halosulfuron-methyl, the calculated TMRC value for the U.S. population is 0.00049 mg/kg/day or 0.5% RfD.

ii. *Drinking water*. The estimated environmental concentrations (EECs) in ground water (acute and chronic) is 0.008 µg/L. The estimated EECs (acute and chronic) for surface water are 4.3 µg/L and 1.1 µg/L, respectively. These estimates are based on a maximum application rate of 0.063 lbs. active per acre, which may be applied twice per season. There is no Maximum Contaminant Level (MCL) established for residues of halosulfuron-methyl.

2. *Non-dietary exposure*. The non-dietary exposure assessment for halosulfuron-methyl is discussed in unit II.C of the **Federal Register** on April 31, 2001 (66 FR 45993) (FRL–6796–1).

*D. Cumulative Effects*

The potential for cumulative effects for halosulfuron-methyl is discussed in unit II.D of the **Federal Register** on April 31, 2001 (66 FR 45993) (FRL–6796–1).

*E. Safety Determination*

1. *U.S. population*. Aggregate chronic exposure to halosulfuron-methyl from ''food only'' utilizes less than 1% of the chronic populated adjusted dose (cPAD) for the most sensitive subgroup, children (1–6 years). The lowest drinking water level of concern (DWLOC) calculated was 1,000 µg/L for infants and children which is significantly higher than the EEC for chronic ground water (0.008 µg/L) and surface water (1.1 µg/L). As a result, the aggregate risk from chronic exposure to halosulfuron-methyl residues from all anticipated dietary exposures does not pose appreciable risks to human health.

Short-term risk—short-term aggregate exposure takes into account chronic dietary food and water plus short-term residential exposure. For halosulfuron-methyl, the EPA has determined that it is appropriate to aggregate exposure via

oral exposure route (food and water) with those via oral and dermal exposure routes from residential uses. The MOEs for ''food only'' and residential exposure routes are 113, 600, and 330 for females 13+ years. Short-term DWLOC for females 13+ is 10,000 μg/L which is substantially higher than the EECs for acute surface water (4.3 μg/L). The food only and residential (oral and dermal) MOEs are well above the acceptable short-term aggregate MOE of 100. Therefore, exposure to halosulfuron-methyl residues resulting from current and proposed uses does not pose a short-term aggregate risk.

Intermediate-term risk—intermediate-term aggregate exposure takes into account chronic dietary food and water plus intermediate-term residential exposure. The MOEs for ''food only'' and residential exposure routes are 22,800 and 120 for adult males, and 23,000 and 100 for females 13+ years. The intermediate-term DWLOCs are 590 μg/L and 57 μg/L, respectively, for adult males and females 13+. Intermediate-term DWLOCs are substantially higher than the EEC for chronic surface water (1.1 μg/L). The food only and residential (dermal) MOEs are above the acceptable short-term aggregate MOE of 100. Therefore, exposure to halosulfuron-methyl residues resulting from current and proposed uses does not pose a intermediate-term aggregate risk.

Halosulfuron-methyl has been classified as a Group E chemical based upon the lack of evidence of carcinogenicity in mice and rats, and has been classified as not likely to be a human carcinogen.

Therefore based upon this risk assessment, there is reasonable certainty that no harm will result from aggregate exposure to halosulfuron-methyl residues resulting from current and proposed uses.

2. *Infants and children*. FFDCA section 408 provides that EPA may apply an additional safety factor (up to 10) in the case of threshold effects for infants and children to account for pre-natal and post-natal toxicity and the completeness of the data base. Except for the pending request for a developmental neurotoxicity study, the toxicity data base is complete for halosulfuron-methyl.

The chronic RfD was determined to be 0.1 mg/kg/day based upon the chronic dog study. The percent of RfD occupied is 0.9% for the most sensitive population subgroup, children (1–6 years old). The DWLOC for chronic exposure for infants and children is 1,000 μg/L and is significantly greater than the maximum concentration of halosulfuron-methyl in drinking water (0.008 μg/L in ground water and 1.1 μg/L in surface water).

Based upon reliable toxicity data, the use of an additional 10X safety factor is not warranted. Dietary assessments do not indicate a level of concern for potential risks to infants and children based upon the low use rates of halosulfuron-methyl, and the results of field and animal RAC studies conclude that detectable residues are not expected in human foods.

Therefore, based on complete and reliable toxicity data and the conservative exposure assessment, it is concluded that there is reasonable certainty that no harm will result to infants and children from aggregate exposure to halosulfuron-methyl residues with respect to the proposed new uses on dry and succulent snap beans.

*F. International Tolerances*

Maximum residue levels have not been established for residues of halosulfuron-methyl on any food or feed crop by the Codex Alimentarius Commission.

[FR Doc. 02–13814 Filed 5–31–02 8:45 am]

BILLING CODE 6560–50–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 June 28, 2002.

**A. Federal Reserve Bank of Kansas City** (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

*1. Countryside Square Bancshares, Inc.,* Meriden, Kansas; to become a bank holding company by acquiring 100 percent of the voting shares of Countryside Bank, Meriden, Kansas.

Board of Governors of the Federal Reserve System, May 28, 2002.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 02–13777 Filed 5–31–02; 8:45 am]

BILLING CODE 6210–01–S

## GENERAL SERVICES ADMINISTRATION

### Information Quality Guidelines

**AGENCY:** Office of the Chief Information Officer, General Services Administration.

**ACTION:** Notice of availability.

**SUMMARY:** Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554) requires all Federal agencies covered by the Paperwork Reduction Act (44 U.S.C. Chapter 35), including the General Services Administration, to issue guidelines by October 1, 2002, for the purpose of ''ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency.'' (Pub. L. 106–554). The Agency guidelines must be consistent with governmentwide guidelines published by the Office of Management and Budget (66 FR 49718, September 28, 2001; 67 FR 8452, February 22, 2002) and must include ''administrative mechanisms allowing affected persons to seek and obtain correction of information'' that the Agency maintains and disseminates, and that does not comply with the OMB or agency guidelines.

This Notice of Availability informs the public that the General Services Administration has written draft guidelines, which are available for public information and comment as described in this notice.

**DATES:** We must receive your comments on or before June 30, 2002.

**ADDRESSES:** Address all comments about the guidelines to the Office of the Chief Information Officer, General Services Administration, 1800 F St., NW., room 3245, Washington, DC 20405.

If you prefer to send your comments through the Internet, use the following e-mail address: *section515@gsa.gov.*

You must include the term ''Section 515 Information Quality Guidelines'' in the subject line of your electronic message.

**FOR FURTHER INFORMATION CONTACT:** For a Copy of the Guidelines and Further Information: The guidelines are available through the Internet at the following site: *http://www.gsa.gov/Portal/content/offerings_content.jsp?contentOID=121870&contentType=1004&P=1&S=1.* Alternatively, you may contact Jane Morgan, General Services Administration, 1800 F St., NW., room 2213, Washington, DC 20405. Telephone: (202) 501–2907. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed under For a Copy of the Guidelines and Further Information.

**SUPPLEMENTARY INFORMATION:**

### Invitation to Comment

We invite you to submit comments regarding the guidelines. During and after the comment period, you may view all public comments about these guidelines at the following site: *http://www.gsa.gov/Portal/content/offerings_content.jsp?contentOID=121870&contentType=1004&P=1&S=1.*

### Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public record for these guidelines. If you want to schedule an appointment for this type of aid, please contact the person listed under For a Copy of the Guidelines and Further Information.

### Electronic Access to This Document

You may view this document in text form at the following site: *http://www.gsa.gov/Portal/content/offerings_content.jsp?contentOID=121870&contentType=1004&P=1&S=1.*

**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.*

**L. Diane Savoy,**

*Director, Office of Policy and Plans.*

[FR Doc. 02–13757 Filed 5–31–02; 8:45 am]

**BILLING CODE 6820–34–M**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Toxic Substances and Disease Registry

**[ATSDR–182]**

### Availability of Draft Guidance Manual and Draft Interaction Profiles

**AGENCY:** Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces the availability of a draft guidance manual and six draft interaction profiles prepared by ATSDR for review and comment.

**DATES:** To ensure consideration, comments on these draft documents must be received on or before September 2, 2002. Comments received after the close of the public comment period will be considered at the discretion of ATSDR based upon what is deemed to be in the best interest of the general public.

**ADDRESSES:** Requests for copies of the draft interaction profiles should be sent to the attention of Ms. Franchetta Stephens, Division of Toxicology, Agency for Toxic Substances and Disease Registry, Mailstop E–29, 1600 Clifton Road, NE, Atlanta, Georgia 30333.

Requests for the draft interaction profiles must be in writing, and must specifically identify the interaction profile(s) that you wish to receive. The documents will be primarily available in electronic Adobe Acrobat (pdf) files. If you do not have a computer, you can ask for a hard copy. ATSDR reserves the right to provide only one copy of each profile requested, free of charge. In case of extended distribution delays, requestors will be notified.

Interaction profiles and the guidance manual will also be available on ATSDR's Web site at *http://www.atsdr.cdc.gov.*

Written comments and other data submitted in response to this notice and the draft interaction profiles or draft guidance document should bear the docket control number ATSDR–182. Send one copy of all comments and three copies of all supporting documents to Dr. Hana Pohl, ATSDR, Division of Toxicology, Mailstop E–29, 1600 Clifton Road, Atlanta, Georgia 30333 by the end of the comment period. Because all public comments regarding ATSDR interaction profiles and the guidance manual are available for public inspection after they are published in final, no confidential business information or other confidential information should be submitted in response to this notice.

**FOR FURTHER INFORMATION CONTACT:** Ms. Franchetta Stephens, Division of Toxicology, Agency for Toxic Substances and Disease Registry, Mailstop E–29, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone (888) 422–8737 or (404) 498–0720.

**SUPPLEMENTARY INFORMATION:** The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) mandates that the Agency for Toxic Substances and Disease Registry (ATSDR) shall assess whether adequate information on health effects is available for the priority hazardous substances. Where such information is not available or under development, ATSDR shall, in cooperation with the National Toxicology Program, initiate a program of research to determine these health effects. The Act further directs that where feasible, ATSDR shall develop methods to determine the health effects of substances in combination with other substances with which they are commonly found. The Food Quality Protection Act (FQPA) of 1996 requires that factors to be considered in establishing, modifying, or revoking tolerances for pesticide chemical residues shall include the available information concerning the cumulative effects of substances that have a common mechanism of toxicity, and combined exposure levels to the substance and other related substances. The FQPA requires that the Administrator of the Environmental Protection Agency consult with the Secretary of the Department of Health and Human Services (which includes ATSDR) in implementing some of the provisions of the act.

To carry out these legislative mandates, ATSDR has developed a chemical mixtures program. As part of

the mixtures program, ATSDR developed a guidance manual that outlines the latest methods for mixtures health assessment. In addition, a series of documents called interaction profiles are being developed for certain priority mixtures that are of special concern to ATSDR. The purpose of an interaction profile is to evaluate data on the toxicology of the ''whole'' priority mixture (if available) and on the joint toxic action of the chemicals in the mixture in order to recommend approaches for the exposure-based assessment of the potential hazard to public health.

Although key studies for each of the mixtures were considered during the profile development process, this **Federal Register** notice seeks to solicit any additional studies, particularly unpublished data and ongoing studies, which will be evaluated for possible addition to the profiles now or in the future.

The following draft documents will be available to the public on or about, June 1, 2002.

*Document 1*

Guidance manual for the assessment of joint toxic action of chemical mixtures.

*Document 2*

Interaction profiles for persistent chemicals found in fish. Chlorinated dibenzo-p-dioxins (CDDs), hexachlorobenzene, dichlorodiphenyl dichloroethane (p,p'-DDE), methyl mercury, and polychlorinated biphenyls (PCBs).

*Document 3*

Interaction profiles for persistent chemicals found in breast milk. Chlorinated dibenzo-p-dioxins (CDDs), hexachlorobenzene, dichlorodiphenyl dichloroethane (p,p'-DDE), methyl mercury, and polychlorinated biphenyls (PCBs).

*Document 4*

Interaction profile for 1,1,1-trichloroethane, 1,1-dichloroethane, trichloroethylene, and tetrachloroethylene.

*Document 5*

Interaction profile for benzene, ethylbenzene, toluene, and xylenes (BTEX).

*Document 6*

Interaction profile for arsenic, cadmium, chromium, and lead.

*Document 7*

Interaction profile for copper, lead, manganese, and zinc.

All documents issued as ''Drafts for Public Comment'' represent ATSDR's best efforts to provide important toxicological information on interactions of priority hazardous substances. We are seeking public comments and additional information which may be used to supplement these documents. ATSDR remains committed to providing a public comment period for these documents as a means to best serve public health and our clients.

Dated: May 24, 2002.

**Georgi Jones,**

*Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.*

[FR Doc. 02–13767 Filed 5–31–02; 8:45 am]

BILLING CODE 4310–70–P

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[Program Announcement 01154]**

### Expansion of Prevention, Care and HIV/AIDS Surveillance Activities for Injection Drug Users With the Bangkok Metropolitan Administration, Bangkok, Thailand; Notice of Availability of Funds

**Amendment**

A notice announcing the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for expansion of prevention, care and HIV/AIDS surveillance activities for injection drug users with the Bangkok Metropolitan Administration, Thailand, was published in the **Federal Register** on July 25, 2001, [Vol. 66, No. 143, Pages 38706–38707]. The notice is amended as follows:

On page 38706, First Column, Under Title, delete: ''for Injection Drug Users.''

On page 38706, First Column, Under Section A. Purpose, first paragraph, delete ''among injection drug users (IDUs).''

On page 38706, First Column, Under Section A. Purpose, second paragraph, delete ''among IDUs.''

On page 38706, Third Column, Under Section C. Availability of Funds, Subsection Use of Funds, delete ''Funds received from this announcement may not be used for the direct purchase of antiretroviral drugs for treatment of established HIV infection (with the exception of nevirapin in PMTCT cases and with prior written approval), occupational exposures, and non-occupational exposures and will not be used for the purchase of machines and reagents to conduct the necessary laboratory monitoring for patient care.'' and change to ''The purchase of antiretrovirals, reagents, and laboratory equipment for antiretroviral treatment projects requires pre-approval from the Global AIDS Program headquarters.''

Dated: May 26, 2002.

**Sandra R. Manning,**

*CGFM, Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 02–13781 Filed 5–31–02; 8:45 am]

BILLING CODE 4163–18–P

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[Program Announcement 01153]**

### Expansion of Prevention, Care and HIV/AIDS Surveillance With the Ministry of Public Health in the Kingdom of Thailand; Notice of Availability of Funds

**Correction**

A notice announcing the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for expansion of prevention, care and HIV/AIDS surveillance with the Ministry of Public Health in the Kingdom of Thailand, was published in the **Federal Register** on July 16, 2001, [Vol. 66, No. 136, Pages 37036–37038]. The notice is corrected as follows:

On page 37038, First Column, Under Section C. Availability of Funds, remove: ''Funds received from this announcement may not be used for the direct purchase of antiretroviral drugs for treatment of established HIV infection (with the exception of nevirapin in PMTCT cases and with prior written approval), occupational exposures, and non-occupational exposures and will not be used for the purchase of machines and reagents to conduct the necessary laboratory monitoring for patient care.'' and add in its place ''The purchase of antiretrovirals, reagents, and laboratory equipment for antiretroviral treatment projects requires pre-approval from the Global AIDS Program headquarters.''

On page 37038, First Column, Under Section E. Availability of Funds, remove: ''1. Alterations and Renovations: Unallowable. 2. Customs and Import Duties: Unallowable. This includes consular fees, customs surtax, value added taxes, and other related charges.''

Dated: May 26, 2002.

**Sandra R. Manning,**

*CGFM, Director, Procurement and Grants Office, Center for Disease Control and Prevention (CDC).*

[FR Doc. 02–13780 Filed 5–31–02; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Centers for Disease Control and Prevention

**[Program Announcement 02169]**

## Enhanced Surveillance for Newly Vaccine Preventable Diseases; Notice of Availability of Funds

### A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2002 funds to expand the current New Vaccine Surveillance Network (NVSN) cooperative agreement program to conduct broader-based surveillance and research projects. This program complements existing local, State, and national surveillance efforts and facilitates research on issues related to new vaccine introduction or new vaccine policies and their impact. This program addresses the ''Healthy People 2010'' focus area, Immunization and Infectious Diseases. The purpose of the program is to support a network of sites that provide surveillance and data collection on new vaccine use, the impact of new vaccines, and new vaccine policies through enhanced inpatient and outpatient surveillance, applied epidemiologic research, and investigator-initiated investigations. The two current NVSN sites are affiliated with the University of Rochester, NY, and Vanderbilt University, TN. They are currently in year three of the project.

As new vaccines are licensed and recommended for use, new strategies are needed for surveillance and monitoring. The NVSN currently conducts surveillance and studies in children, but future NVSN activities could extend to the adult population. CDC has identified several areas that are considered programmatic priorities: (1) Population-based collection of clinical and etiological data from children hospitalized for selected current and prospective vaccine preventable diseases such as viral respiratory illnesses caused by influenza, respiratory syncytial virus (RSV), and parainfluenza; (2) collection of similar data from a representative sample of outpatients such that conclusions drawn can be considered population-based; (3) collection of data on illnesses and syndromes among outpatients and inpatients that may be affected by use of new vaccines (e.g., otitis media, lobar pneumonia); and (4) assessment of the impact of new vaccines or policies on clinical practices. CDC also values the flexibility to respond to emerging issues as new vaccines are introduced and new questions arise.

### B. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301, 317(k)(1) and 2102(a) of the Public Health Service Act, [42 U.S.C. sections 241, 247b(k), and 300aa–2(a)], as amended. The Catalog of Federal Domestic Assistance number is 93.185.

### C. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, faith-based organizations, community-based organizations, other public and private nonprofit organizations, health departments of States or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, federally recognized Indian tribal governments, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Preference will be given to applicants whose geographic areas are not covered by an existing NVSN site.

**Note:** Title 2 of the United States Code section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award or loan.

### D. Availability of Funds

Approximately $500,000 is available in FY 2002 to fund one award. It is expected that the award will begin on or before September 30, 2002, and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

*Use of Funds*

Funds cannot be used for construction or renovation, to purchase or lease vehicles or vans, to purchase a facility to house project staff or carry out project activities, or to supplant existing support.

### E. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities shown below under item 1. Recipient Activities, and CDC will be responsible for the activities listed under item 2. CDC Activities.

1. Recipient Activities

a. Establish and operate an NVSN site. To effectively function as part of this network, the site should have the following characteristics and capabilities:

(1) Be established in a defined population, which could include either an entire state or a geographically defined area (or areas) within a state, in order to conduct population-based surveillance. A minimum population base of approximately 500,000 persons may be necessary to accomplish the objectives of certain NVSN activities (e.g., obtaining population-based estimates of influenza and RSV in children less than five years of age).

(2) Have the capacity to simultaneously conduct population-based inpatient surveillance for Acute Respiratory Illness (ARI) among children less than five years old, outpatient ARI surveillance in a representative sample of children, and two other joint projects with one or more of the other NVSN sites. As examples, ongoing projects include: analysis of an existing database to assess vaccine impact among outpatients in the study area, chart reviews from a broad sample of pediatric care providers in the community to assess uptake of Pneumococcal Conjugate Vaccine (PCV) and its clinical impact and impact on vaccination practices (e.g., timeliness in administering other vaccines, number of injections per vaccination visit, etc.).

(3) Have the flexibility to accommodate changes in specific projects and priorities as the public health system's need for information changes or new vaccines are licensed and implemented into the vaccination program. Function effectively as part of a network where projects and protocols are developed collaboratively among investigators at the NVSN sites and CDC.

(4) Have an established relationship with pediatric care providers in both inpatient and outpatient facilities so that surveillance and other studies can be conducted with them during the first year of participation.

b. Develop plans for obtaining additional support to supplement assistance from CDC.

c. Have a relationship with state and local health departments, and other public and private organizations, that have an interest in addressing public health issues relating to new vaccines.

d. Conduct activities addressing section d.(1) through d.(4), below. As an option, propose an additional study addressing section d.(5) that can be implemented as a network-wide project or that can be completed at the recipient's site with or without the participation of other NVSN sites. Specific protocols for activities conducted at more than one surveillance site must be developed collaboratively by investigators at those sites and CDC. Specific protocols for activities conducted at a single site must be approved by CDC.

(1) Conduct year-round enhanced surveillance according to NVSN protocol, for selected current and prospective vaccine preventable diseases by performing the following activities in all surveillance area hospitals that admit children less than five years old: Provide staff to screen admissions year-round and enroll children with ARIs; collect information on demographics, insurance coverage, medical history, risk factors, hospital course, admission and discharge diagnoses, and laboratory results from parents and medical records; collect nasal and throat swabs from all enrolled children; perform viral culture and Polymerase Chain Reaction (PCR) testing for influenza, RSV, and parainfluenza on all collected samples (PCR primers will be supplied by CDC); conduct quality assurance checks of the data in accordance with NVSN procedures; and enter data and send it to CDC using the NVSN web-based data collection system. Have the flexibility to extend surveillance to other vaccine preventable diseases (e.g., pertussis) which may require the conduct of other laboratory tests.

(2) Conduct surveillance similar to that described in section d.(1) among a representative sample of children less than five years old seen at outpatient practices in the surveillance area such that results can be considered population-based. Only PCR will be used to test specimens from outpatients.

(3) Study the impact of incorporating new vaccines on provider policies, practices, and utilization. Collect data from a network of pediatric outpatient care providers to document the impact of new vaccines recommended for routine use among children, potentially including combination vaccines.

(4) Investigate the impact of new vaccines on disease burden and health care utilization through analysis of local databases. Have established access, or propose developing one or more data sources that are representative of children in the surveillance area. Possible sources of data include insurance databases, managed care organization data, Medicaid databases, or other sources that would include vaccination and disease burden data.

(5) Develop and conduct other applied epidemiologic and/or health services research projects related to new vaccine introduction. Examples of completed or current projects include: ARI inpatient surveillance of about 1,000 patients recruited during the first 18 surveillance months; complementary outpatient surveillance of ARIs; analyses of Medicaid and private insurance databases to assess the impact of PCV on the burden of pneumococcal disease-related outcomes; survey of provider attitudes and practices regarding PCV; conduct a feasibility study of implementing a recommendation for universal influenza vaccination of young children 6–35 months old (focus groups, national provider survey, time and motion study in seven practices, and a database analysis).

e. Routinely evaluate progress in achieving the purpose of this program.

f. Analyze and interpret data from NVSN projects, and publish and disseminate findings in collaboration with CDC.

2. CDC Activities

a. Provide CDC investigator(s) to monitor the NVSN cooperative agreement as project officer(s). At least one CDC investigator will be assigned to each NVSN project.

b. Provide consultation, scientific, and technical assistance in designing and conducting individual NVSN projects.

c. Assist in the development of research protocols for Institutional Review Boards (IRB) review by all cooperating institutions participating in the research projects. For each protocol, the CDC IRB will review and approve the protocol initially and on at least an annual basis until the research project is completed.

d. As needed and arranged with investigators, perform laboratory evaluation of specimens or isolates (e.g., molecular epidemiologic studies, evaluation of diagnostic tools) obtained in NVSN projects; provide PCR primers and quality control specimens; and integrate results with data from other NVSN sites.

e. Manage, maintain, and update the secure, encrypted CDC web-based system which is used by the NVSN for data entry of ARI surveillance data at the sites, transfer of data from sites to CDC, merging of data from NVSN sites, and creation of data sets and data summaries which are accessible by each site. Each NVSN site will be able to download only its own site's raw data through the web-based system.

f. Analyze and interpret data from NVSN projects, and publish and disseminate findings in collaboration with NVSN site investigators.

**F. Content**

*Applications*

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Applications will be evaluated based on the criteria listed in this program announcement, so it is important to follow them in preparing your program plan. The narrative (excluding budget, appendices, and required forms) should be no more than 30 single-spaced pages, printed on one side, with one-inch margins, and 12 point font. Only the following information should be presented in appendices: Letters of support, documentation of bona fide agent status, curricula vitae of key project personnel, and budget. Letter of support should clearly indicate collaborators' willingness to be participants in the NVSN activities. All other materials or information that should be included in the narrative will not be accepted if placed in the appendices.

Applicants should propose at least one project from the activities provided in Program Requirements. Each specific project proposal should be clearly identified in a distinct portion of the Operational Plan and should not exceed four pages. Descriptions should include objectives, methods, analytic approach, and illustrative sample size calculations recognizing that data from two or more sites may be aggregated for analysis. Although the specific activities described address distinct issues and needs, they may be implemented in an integrated manner such that staff members work on more than one activity, and supplies and equipment are shared, etc. The specific project proposal(s) will be reviewed as a potential project that could be conducted under the award, but the NVSN may choose not to conduct the project depending on other NVSN competing interests, needs, and resources.

Since enhanced surveillance will be done in collaboration with the other NVSN sites, most projects will need to be designed so that data can be integrated with data from the other sites. The ARI surveillance data from hospitals and outpatient clinics must be merged with data from other sites. Some local databases of vaccination or disease burden (e.g., registries or insurance company data) may be proprietary; however, for joint NVSN projects, the data can be analyzed locally and presented in joint publications.

This would require that variables be available and defined in a way that is compatible with data from other sites. Sites are expected to make every effort to ensure that data can be integrated with those of other NVSN sites.

In describing the impact of incorporation of new vaccines on provider policies, practices, and utilization (Recipient activities, d.(3)), applicants may include, but are not limited to, a description of the number of vaccine and injections offered at visits during the first two years of life; vaccine-specific coverage rates of all recommended vaccines at specified ages, both before and after incorporating new vaccines; the number of visits used to complete administration of all recommended vaccine by ages one and two; and revenues and costs associated with incorporating new vaccines in practice.

Budget Instructions:

For each line-item (as identified on the Form 424a of the application), show both Federal and non-Federal (e.g., State or other funding) shares of total cost for the NVSN. For each staff member listed under the Personnel line item, indicate their specific responsibilities relative to each of the proposed projects. Include provisions for the principal investigator and one NVSN participant to travel to two meetings at CDC in Atlanta during the first year of participation, and one meeting at CDC in Atlanta during subsequent years of participation.

**G. Submission and Deadline**

*Application*

Submit the original and two copies of PHS 5161–1. Forms are available in the application kit and at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm.* On or before July 15, 2002, submit the application to: Technical Information Management-PA02169, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Rd, Room 3000, Atlanta, GA 30341–4146.

*Deadline:* Applications shall be considered as meeting the deadline if they are received on or before the deadline date.

**H. Evaluation Criteria**

Applicants are required to provide measures of effectiveness that will demonstrate the accomplishment of the various identified objectives of the cooperative agreement. Measures of effectiveness must relate to the performance goals as stated in section ''A. Purpose'' of this announcement. Measures must be objective and quantitative and must measure the intended outcome. These measures of effectiveness shall be submitted with the application and shall be an element of evaluation.

Each application will be evaluated against the following criteria by an independent review group appointed by CDC:

*1. Surveillance and Research Plan (30 points)*

The application will be evaluated based on: (a) Methodology for conducting population-based surveillance among inpatients at all surveillance area hospitals; (b) methodology for conducting population-based surveillance among outpatients at a representative sample of outpatient practices; and (c) quality of the proposed additional research projects, as requested in the Application Content section above, regarding objectives, methodology/design, feasibility, and collaboration and participation of partner organizations and CDC. The applicant also must state the degree to which they have met CDC policy requirements regarding representation of women, ethnic, and racial groups in the proposed research, including: (1) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation; (2) the proposed justification when representation is limited or absent; (3) a statement as to whether the design of the study is adequate to measure differences when warranted; (4) a statement as to whether plans for recruitment and outreach for study participants include the process of establishing partnerships with community ties and recognition of mutual benefits.

*2. Personnel Qualifications and Management Plan (30 points)*

The extent to which the applicant can demonstrate qualifications for establishing an NVSN site and managing projects will be evaluated: (a) The extent to which the applicant's plan for establishing and operating the NVSN site clearly describes the organizational structure and procedures and identifies all participating persons and groups including identifying key professional staff and their roles and responsibilities; (b) past experience of key professional staff in conducting work similar to that proposed in this announcement (provide curriculum vitae of each in appendix); (c) identifying key professional personnel from other collaborating organizations, agencies, etc. outside of the applicant's agency who will participate in NVSN activities (provide curriculum vitae for each in an appendix), with roles described; (d) description of support staff and services to be assigned to the NVSN; (e) description of approach to flexible staffing to accommodate the changing requirements of NVSN projects that may occur due to changing public health needs and new vaccines or vaccine policies.

*3. Description of Existing Relationships With Pediatric Vaccination Providers in the Surveillance Area and Ability to Obtain Their Participation for Surveillance and Research Activities (20 points)*

The extent to which the applicant demonstrates: (a) Past experience working with pediatric inpatient facilities and outpatient care providers in conducting epidemiologic and health services research of vaccines or other health care practices or interventions; (b) the ability to develop and maintain strong cooperative relationships broadly with both public and private vaccine providers at the NVSN site, including public health agencies, academic centers, managed care organizations, and community organizations; and (c) support from non-applicant participating agencies, institutions, organizations, laboratories, consultants, etc. indicated in applicant's operational plan. Applicant should provide (in an appendix) letters of support which clearly indicate collaborators' willingness to contribute to NVSN activities. Do not include letters of support from CDC personnel.

*4. Description of the Population Base and the Vaccine Providers in the NVSN Site (10 points)*

The extent to which the applicant provides a: (a) Clear definition of the geographic area and population base in which the NVSN site will operate; (b) description of the demographics of the proposed population base including a description of various special populations as they relate to the proposed activities of the NVSN site; and (c) description of vaccination providers within the NVSN site and

availability of or participation in a vaccination registry.

*5. Understanding the Objectives of the NVSN (5 points)*

The extent to which the applicant demonstrates: (a) A clear understanding of the background and objectives of this cooperative agreement program; (b) a clear understanding of the requirements, responsibilities, problems, constraints, and complexities that may be encountered in establishing and operating the NVSN site; (c) a clear understanding of the roles and responsibilities of participation in the NVSN network.; and (d) knowledge and understanding of current research and activities performed in this area, past studies, and existing literature.

*6. Evaluation (5 points)*

The quality of the plan for monitoring and evaluating the quality of vaccine coverage data, quality and timeliness of laboratory data, completeness of case ascertainment, population representativeness of surveillance data, and the scientific and operational accomplishments of the NVSN site and individual NVSN projects, including plans to monitor and evaluate progress in achieving the goals of the cooperative agreement program.

*7. Budget (not scored)*

The application will be evaluated on the extent to which the line-item budget is detailed, clearly justified, consistent with the purpose and objectives of the program, and reflects both Federal and non-Federal (e.g., State funding) shares of total cost for the NVSN site.

If requesting funds for any contracts, provide the following information for each proposed contract: name of proposed contractor, breakdown and justification for estimated costs, description and scope of activities to be performed by contractor, period of performance, and method of contractor selection (e.g., sole-source or competitive solicitation).

*8. Human Subjects (not scored)*

The application should adequately address the requirements of Title 45 CFR Part 46 for the protection of human subjects. (not scored; however, an application can be disapproved if the research risks are sufficiently serious and protection against risks is so inadequate as to make the entire application unacceptable).

**I. Other Requirements**

*Technical Reporting Requirements*

Applicants should submit an original plus two copies of:

1. Annual progress reports. The results of the Measures of Effectiveness shall be a data requirement to be submitted with or incorporated into progress report.
2. Financial status report, no more than 90 days after the end of the budget period.
3. Final financial report and performance report, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the announcement.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–8 Public Health System Reporting Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–14 Accounting System Requirements
AR–15 Proof of Non-Profit Status
AR–22 Research Integrity

**J. Where To Obtain Additional Information**

This and other CDC announcements, the necessary applications, and associated forms can be found on the CDC home page Internet address—*http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.''

For business management assistance contact: Peaches Brown, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta GA 20241–4146, Telephone number: 770–488–2738, E-mail address: *prb0@cdc.gov.*

For program technical assistance, contact:

Ben Schwartz, M.D., Epidemiology and Surveillance Division, National Immunization Program, Centers for Disease Control and Prevention, 1600 Clifton Road, MS E–61, Atlanta GA 30333, Phone: 404–639–8254, E-mail: *bxs1@cdc.gov.*

Marika K. Iwane, Ph.D., M.P.H., Epidemiology and Surveillance Division, National Immunization Program, Centers for Disease Control and Prevention, 1600 Clifton Road, MS E–61, Atlanta GA 30333, Phone: 404–639–8257, E-mail: *miwane@cdc.gov.*

Dated: May 26, 2002.

**Sandra R. Manning,**

*CGFM, Director, Procurement and Grants Office, Centers for Disease Control and Prevention.*

[FR Doc. 02–13779 Filed 5–31–02; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Prospective Grant of Exclusive License: Systems and Methods for Aerosol Delivery of Agents

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice.

**SUMMARY:** This is a notice in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i) that the Centers for Disease Control and Prevention (CDC), Technology Transfer Office, Department of Health and Human Services (DHHS), is contemplating the grant of a worldwide exclusive license to practice the inventions embodied in the patent application referred to below to D. J. Schweihs of Nashville, Tennessee. The patent rights in these inventions have been assigned to the government of the United States of America. The patent application to be licensed is:

*Title:* Systems and Methods for Aerosol Delivery of Agents. U.S. Patent Application Serial No. 60/276,539.

*Filing Date:* 03/15/01.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

This invention comprises an aerosol vaccination system designed for the administration of measles vaccine. The device is a hand held, battery powered ultrasonic nebulizer which delivers vaccine to the respiratory tract via disposable nasal prongs. The prototype vaccine is measles; however, this device may be adapted for any vaccine suitable for respiratory administration.

**ADDRESSES:** Requests for a copy of the patent application, inquiries, comments, and other materials relating to the contemplated license should be directed to Andrew Watkins, Director, Technology Transfer Office, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, Mailstop K–79, Atlanta, GA 30341, telephone: (770)

488–8600; facsimile: (770) 488–8615. Applications for a license filed in response to this notice will be treated as objections to the grant of the contemplated license. Only written comments and/or applications for a license which are received by CDC within sixty days of this notice will be considered. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552. A signed Confidential Disclosure Agreement will be required to receive a copy of any pending patent application.

Dated: May 24, 2002.

**James D. Seligman,**

*Associate Director for Program Services, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 02–13782 Filed 5–31–02; 8:45 am]

**BILLING CODE 4163–18–P**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare and Medicaid Services

**[Docket Identifier: CMS–R–191]**

### Agency Information Collection Activities: Proposed Collection: Comment Request

**AGENCY:** Centers for Medicare and Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Granting and Withdrawal of Deeming Authority to National Accreditation Organizations and Supporting Regulations at 42 CFR 488.4 to 488.9 and 400.201; *Form No.:* CMS–R–191 (OMB# 0938–0690); *Use:* The information required is necessary to determine whether a private accreditation organization is equal to or more stringent than those of the conditions of participation or coverage for a fee-for-service provider or supplier, excluding clinical laboratories; *Frequency:* Quarterly, on occasion; *Affected Public:* Not-for-profit institutions, businesses or other for-profit; *Number of Respondents;* 5; *Total Annual Responses:* 28; *Total Annual Hours:* 451.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Julie Brown, CMS R 191, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: May 15, 2002.

**John P. Burke, III,**

*Paperwork Reduction Act Team Leader, CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.*

[FR Doc. 02–13762 Filed 5–31–02; 8:45 am]

**BILLING CODE 4120–03–M**

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare and Medicaid Services

**[Document Identifier: CMS–485]**

### Agency Information Collection Activities: Proposed Collection: Comment Request

**AGENCY:** Centers for Medicare and Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Home Health Services Under Hospital Insurance, Manual Instructions and Supporting Regulations in 42 CFR 409.40–.50, 410.36, 410.170, 411.4–.15, 421.100, 424.22, 484.18 and 489.21; *Form No.:* HCFA–485 (OMB# 0938–0357); *Use:* The ''Home Health Services Under Hospital Insurance'' is a certification and plan of care used by the Regional Home Health Intermediaries to ensure reimbursement is made to Home Health agencies only for services that are covered and medically necessary under Part A and Part B. The attending physician must sign the HCFA–485 (OMB 0938–0357) authorizing the home services for a period not to exceed 60 days; *Frequency:* Other: Every 60 days; *Affected Public:* Business or other for-profit; *Number of Respondents:* 6,892; *Total Annual Responses:* 4,750,000; *Total Annual Hours:* 1,583,333.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Room N2–14–26, 7500 Security

Boulevard, Baltimore, Maryland 21244–1850.

Dated: May 15, 2002.

**John P. Burke, III,**

*Paperwork Reduction Act Team Leader, CMS Reports Clearance Officer, CMS Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.*

[FR Doc. 02–13763 Filed 5–31–02; 8:45 am]

BILLING CODE 4120–03–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare and Medicaid Services

**[Docket Identifier: CMS–10036]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Inpatient Rehabilitation Assessment Instrument and Data Set for PPS for Inpatient Rehabilitation Facilities and Supporting Regulations in 42 CFR, Parts 412 and 413; *Form No.:* CMS–10036 (OMB# 0938–0842); *Use:* This is a request to use the IRF–PAI and its supporting manual for the implementation phase of the inpatient rehabilitation PPS. There have been no revisions or modifications to the instrument; however, this submission includes the current manual/instructions which has been revised. Use of this instrument will enable CMS to implement a classification system and payment system for the Legislatively mandated inpatient rehabilitation hospital and exempt units Prospective Payment System (PPS).; *Frequency:* On occasion; *Affected Public:* Business or other for-profit, and not-for-profit institutions; *Number of Respondents;* 359,000; *Total Annual Responses:* 359,000; *Total Annual Hours:* 269,250.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS Web Site address at *http://www.hcfa.gov/regs/prdact95.htm,* or E-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@hcfa.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: May 14, 2002.

**John P. Burke, III,**

*Paperwork Reduction Act Team Leader, CMS Reports Clearance Officer, CMS Officer of Information Services, Security and Standards Group, Division of CMS Enterprise Standards.*

[FR Doc. 02–13761 Filed 5–31–02; 8:45 am]

BILLING CODE 4120–03–M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4737–N–03]**

### Notice of Proposed Information Collection or Public Comment: Telephone Survey of Sponsor/Managers of HUD-Assisted Properties Housing People With Disabilities Regarding Property Size and Type, Resident Characteristics, and Program Operations

**AGENCY:** Office of Policy Development and Research, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposal.

**DATES:** Comments Due Date: August 2, 2002.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Reports Liaison Officer, Office of Policy Development & Research, Department of Housing and Urban Development, 451 7th Street, SW, Room 8228, Washington, DC 20410.

**FOR FURTHER INFORMATION CONTACT:** Cheryl A. Levine, Program Evaluation Division, Office of Policy Development and Research, Department of Department of Housing and Urban Development, 451 7th Street, SW, Room 8140, Washington, DC 20410; telephone (202) 708–3700, extension 3928; e-mail *cheryl_a._Levine@hud.gov.* This is not a toll free number. Copies the proposed forms and other available documents submitted to OMB may be obtained from Ms. Levine.

**SUPPLEMENTARY INFORMATION:** The Department of Housing and Urban Development will submit the proposed information collection package to OMB for review as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Telephone survey of sponsor/managers of HUD-assisted properties housing people with disabilities regarding property size and type, resident characteristics, and program operations.

*OMB Control Number:*

*Description of the need for the information and proposed use:* The information to be collected is part of a larger study, mandated by Congress and conducted by Abt Associates Inc., of the social and economic benefits and problems of providing housing for people with disabilities in projects of

varying sizes. Specifically, the study will look at HUD's Section 811 and Section 202 programs and will explore how project size influences the properties, their residents, and the immediate neighborhoods. The telephone survey of sponsor/managers will administered to a nationally representative sample of Section 811 and 202 property sponsor/managers. The topics will include project and resident characteristics, services offered on site, off-site services available to residents, other links between the project and the surrounding neighborhood, factors that contribute to development and operating costs, and opinions on how project scale relates to costs, access to services, acceptance by the community, and residents' quality of life. This information is not currently available from any other source. The data will be compiled in a database for analysis for the study's final report. This research is intended to help HUD respond to Congress' interest in project scale and, more broadly, to explore effective project-based housing solutions for low-income people with disabilities.

*Members of affected public:* Sponsor/managers of Section 811 and Section 202 properties.

*Estimation of the total number of hours needed to prepare the information collection, including the number of respondents, frequency of response, and hours of response:*

| Types of respondents | Number of respondents | Number of responses | Minutes per respondent | Total burden hours |
|---|---|---|---|---|
| Sponsor/managers of Section 811 and 202 projects | 150 | 1 | 50 | 125 |

*Status of the proposed information collection:* Pending OMB approval.

**Authority:** The paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended; and section 8(C)(1) of the United States Housing Act of 1937.

Dated: May 21, 2002.

**Lawrence L. Thompson,**

*General Deputy Assistant Secretary for Policy Development and Research.*

[FR Doc. 02–13835 Filed 5–31–02; 8:45 am]

**BILLING CODE 4210–62–M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4736–N–04]**

## Notice of Proposed Information Collection for Public Comment—Assessment of Resident Satisfaction With Their Living Conditions

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* August 2, 2002.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW, Room 4238, Washington, DC 20410–5000.

**FOR FURTHER INFORMATION CONTACT:** Mildred M. Hamman, (202) 708–3642, extension 4218, for copies of the proposed forms and other available documents. (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Assessment of resident satisfaction with their living conditions.

*OMB Control Number:* 2577—(Formerly 2507–0001).

*Description of the need for the information and proposed use:* HUD conducts a resident survey of assisted and insured housing residents on an annual basis to assess the overall living conditions. Residents of public housing agencies (PHAs) are surveyed annually in accordance with requirements of the Public Housing Assessment System (PHAS) regulation. PHAs are required to implement the survey and follow up on substandard scores. Twenty percent of multifamily property residents are surveyed annually. Properties are selected randomly. No implementation or follow-up is required.

*Agency form numbers, if applicable:* Not applicable.

*Members of affected public:* Individuals or households, businesses or other for-profit, not-for-profit institutions.

*Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:* 631,261 residents receive the survey, 3,173 PHAS submit implementation and follow-up plans, HUD receives a total 269,091 responses from residents and PHAs (total based on 47% resident response rate for survey); annual submission per resident respondents and PHAs; average hours for resident response is 15 minutes; average hours for PHA response is 5.45 hours; the total reporting burden is 82,903 hours.

*Status of the proposed information collection:* Extension of a currently approved collection.

**Authority:** Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: May 24, 2002.

**Michael Liu,**

*Assistant Secretary for Public and Indian Housing.*

[FR Doc. 02–13836 Filed 5–31–02; 8:45 am]

**BILLING CODE 4210–33–M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–4740–N–04]**

### Notice of Proposed Information Collection: Comment Request; Commitment To Guarantee Mortgage-Backed Securities

**AGENCY:** Office of the President of Government National Mortgage Association (Ginnie Mae), HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comment Due Date:* August 2, 2002.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Sonya Suarez, Office of Program Operations, Department of Housing & Urban Development, 451 7th Street, SW, Room 6206, Washington, DC 20410.

**FOR FURTHER INFORMATION CONTACT:** Sonya Suarez, Ginnie Mae, (202) 708–2884 (this is not a toll-free number) for copies of the proposed forms and other available documents.

**SUPPLEMENTARY INFORMATION:** The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

The Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Commitment to Guarantee Mortgage-Backed Securities.

*OMB Control Number, if applicable:* 2503–0001.

*Description of the need for the information and proposed use:* This form is used by Mortgage-Backed Securities issuers to apply for Ginnie Mae commitment authority to guarantee mortgage-backed securities.

*Agency form numbers, if applicable:* HUD Form 11704.

*Members of affected public:* For-profit business (mortgage companies, thrifts, savings & loans, *etc.*),

*Estimation of the total number of hours needed to prepare the information collection, including number of respondents, frequency of response, and hours of response:*

Number of respondents—297 (end of 2001)
Frequency of responses—4 (per year)
Total annual responses—1,188
Hours per response—.25 (15 minutes)
Total burden hours—297

*Status of the proposed information collection:* Extension of a currently approved collection.

**Authority:** Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: May 27, 2002.

**George S. Anderson,**

*Executive Vice President, Ginnie Mae.*

[FR Doc. 02–13837 Filed 5–31–02; 8:45 am]

**BILLING CODE 4210–66–M**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

### Preparation of a Programmatic Environmental Assessment for Exploration Activities in the Sale Area of the Eastern Planning Area of the Gulf of Mexico Outer Continental Shelf

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Preparation of a Programmatic Environmental Assessment.

**SUMMARY:** The Minerals Management Service (MMS) is preparing a programmatic environmental assessment (EA) for exploration drilling and associated activities in the sale area of the Eastern Planning Area (EPA) on the Gulf of Mexico outer continental shelf (OCS). The MMS will receive Exploration Plans (EP) from industry operators with valid leases within the 256-block area that was offered in Lease Sale 181 (December 2001), from operators with valid leases acquired prior to Lease Sale 181, or from operators with valid leases that may be issued in any subsequent lease sales held in this area. This programmatic EA is intended to consider the areawide environmental impacts of exploration drilling in this area. Subsequent site-specific EA's prepared by MMS for an operator's EP can then be tiered from the programmatic EA and the analyses can be focused on the specific activities proposed. Three mitigation measures in the form of lease stipulations are included in the leases issued as result of Lease Sale 181.

This programmatic EA implements the tiering process outlined in 40 CFR 1502.20, which encourages agencies to tier environmental documents, eliminating repetitive discussions of the same issue. This programmatic EA will be tiered from the recent final environmental impact statement (EIS) for Gulf of Mexico OCS Oil and Gas Lease Sale 181 (MMS 2001–051) and the EA (MMS 2001–083) prepared for the reduced area proposed for Lease Sale 181.

**FOR FURTHER INFORMATION CONTACT:** Minerals Management Service, Gulf of Mexico OCS Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394, Mr. Thomas W. Bjerstedt, telephone (504) 736–5743.

**SUPPLEMENTARY INFORMATION:** In July 2001, the MMS released the final EIS for proposed Eastern Gulf of Mexico Lease Sale 181. The final EIS evaluated three sale-area configurations and a no action alternative, as well as eleven mitigation measures in the form of lease stipulations. The Revised Proposal for Eastern Gulf of Mexico Lease Sale 181 was not one of the alternatives evaluated in the final EIS because the Revised Proposal was developed after publication of the final EIS. An EA was prepared to evaluate potential impacts within the area of the Revised Proposal and a finding of no new significant impacts was made on September 26, 2001. Only three of the eleven proposed lease stipulations evaluated in the final EIS were applicable to the reduced area for Lease Sale 181.

The issues and resources identified for and addressed in the final EIS (MMS 2001–051) that were applicable to the Revised Proposal were evaluated in the EA (MMS 2001–083). The programmatic EA that is the subject of this Notice is being prepared to evaluate the issues and potential environmental impacts related to exploratory drilling and associated activities in the EPA sale area.

**Public Comments**

The MMS requests interested parties to submit comments regarding any new information or issues that should be addressed in the programmatic EA to Minerals Management Service, Gulf of Mexico OCS Region, Office of Leasing and Environment, Attention: Regional Supervisor (MS 5410), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394. Comments should be submitted no later than 30 days after the publication of this Notice in the **Federal Register**.

Dated: May 2, 2002.

**Chris C. Oynes,**

*Regional Director, Gulf of Mexico OCS Region.*

[FR Doc. 02–13787 Filed 5–31–02; 8:45 am]

BILLING CODE 4310–MR–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 11, 2002. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register Historic Places, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St., NW, Suite 400, Washington DC 20002; or by fax, 202–343–1836. Written or faxed comments should be submitted by June 18, 2002.

**Carol D. Shull,**

*Keeper of the National Register.*

**Georgia**

*Forsyth County*

Cumming Bandstand,
Jct. of Main and Dahlonega Sts., Forsyth, 02000658

**Louisiana**

*Lafayette Parish*

Brandt House,
614 Madison St.,
Lafayette, 02000654

*Pointe Coupee Parish*

First National Bank,
102 E. Main St.,
New Roads, 02000653

**Michigan**

*Calhoun County*

Bryant, James and Anne Atmore, Farmstead,
12557 L Dr. N. (Convis Township),
Wattles Park, 02000667

*Kalamazoo County*

Gregory, Richard and Mary Woodward, House,
913 E. Augusta Rd.,
Augusta, 02000666

*Oakland County*

Reuther, Walter P. and May Wolf, House,
3924–3950–3954 Ellamae (Oakland Township),
Rochester, 02000668

**North Dakota**

*Ramsey County*

Episcopal Church of the Advent—Guild Hall,
(Episcopal Churches of North Dakota MPS)
501 6th St. E.,
Devil's Lake, 02000669

**Ohio**

*Summit County*

Becker, Francis, House,
(Clinton MRA)
3010 Hickory St.,
Clinton, 02000672

**Oklahoma**

*Grant County*

Bank of Nashville, Jct. US 64 and Main Ave.,
Nash, 02000655

*Tillman County*

Grandfield Downtown Historic District,
100 blk. of W. 2nd St., ½ blk of E. 2nd St., bounded by N. and S. alleys,
Grandfield, 02000656

*Tulsa County*

Yorktown Historic District,
Roughly bounded by 16th and 17th Sts., Victor and Wheeling Aves., 20th St., and Lewis Ave.,
Tulsa, 02000657

**Oregon**

*Douglas County*

Roseburg Downtown Historic District,
Roughly bounded by SP tracks, Deer Creek, Fowler, Chadwick, Kane & Mosher Sts.,
Roseburg, 02000661

*Jackson County*

Medford Grocery Company Warehouse,
40 E. 10th St.,
Medford, 02000659

*Marion County*

Oregon State Fair Stadium and Poultry Building Ensemble,
2330 17th St. NE.,
Salem, 02000671
Silver Creek Youth Camp—Silver Falls State Park,
20024 Silver Falls Hwy.,
Sublimity, 02000673

*Multnomah County*

Hines, Pierre Rossiter and Charlotte, House,
02393 SW. Military Rd.,
Portland, 02000660
Lynch, Matthew J. and Florence, House and Garden,
337 SW. Kingston Ave.,
Portland, 02000674
Portland Railway, Light and Power Sellwood Division Carbarn Office and Clubhouse,
8825 SE. 11th Ave.,
Portland, 02000670

**Vermont**

*Chittenden County*

Underhill State Park,
(Historic Park Landscapes in National and State Parks MPS)
352 Mountain Rd.,
Underhill, 02000665

*Orange County*

West Fairlee Center Church,
(Religious Buildings, Sites and Structures in Vermont MPS)
3870 Middlebrook Rd.,
West Fairlee, 02000662

*Orleans County*

King Block,
117 High St.,
Barton, 02000663

*Windham County*

West Brattleboro Green Historic District,
870–950 Western Ave., 19–35 South St., and town common.,
Brattleboro, 02000675

*Windsor County*

Ascutney State Park,
(Historic Park Landscapes in National and State Parks MPS)
1826 Back Mountain Rd.,
Windsor, 02000664

[FR Doc. 02–13832 Filed 5–31–02; 8:45 am]

BILLING CODE 4310–70–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing

in the National Register were received by the National Park Service before May 18, 2002.

Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded by United States Postal Service, to the National Register Historic Places, National Park Service, 1849 C St. NW., NC400, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 800 N. Capitol St., NW., Suite 400, Washington DC 20002; or by fax, 202–343–1836. Written or faxed comments should be submitted by June 18, 2002.

**Carol D. Shull,**

*Keeper of the National Register.*

**ALASKA**

**Juneau Borough-Census Area**

Pribilof Aleut Internment Historic District, Address Restricted, Juneau, 02000676

**CALIFORNIA**

**Contra Costa County**

Forest Home Farms, 19953 San Ramon Valley Blvd., San Ramon, 02000677

**Los Angeles County**

Ziegler Estate, 4601 N. Figueroa Blvd., Los Angeles, 02000679

**COLORADO**

**Jefferson County**

Denver and Rio Grande Western Railroad Caboose No. 0578, 17155 W. 44th Ave., Golden, 02000678

**FLORIDA**

**Jefferson County**

Lloyd Historic District (Boundary Decrease), Roughly Main St. N of Bond St. and Bond E of Main, Lloyd, 02000710

**Marion County**

West Ocala Historic District, Roughly NW 4th St., W. Silver Springs Blvd., NW 12 Ave., Ocala, 02000682

**Miami-Dade County**

Virginia Key Beach Park, E of Biscayne Bay and N of Rickenbacker Causeway, Miami, 02000681

**Pinellas County**

Sanitary Public Market, 1825 4th St. N, St. Petersburg, 02000680

**INDIANA**

**Adams County**

Lenhart Farmhouse, 6929 N. Piqua Rd., Decatur, 02000688

**Carroll County**

Delphi Lime Kilns, NNW of Delphi, Delphi, 02000693

Lock No. 33 Lock Keeper's House, and Wabash and Erie Canal Lock No. 33, SW of Delphi, Delphi, 02000684

Sunset Point, SW of Delphi, Delphi, 02000685

**Fountain County**

Fountain County Clerk's Building, 516 4th St., Covington, 02000692

**Marion County**

Indianapolis Fire Headquarters and Municipal Garage, 301 E. New York St., and 235 N. Alabama St., Indianapolis, 02000686

**Tippecanoe County**

Hills and Dales Historic District, Roughly bounded by Northwester Ave., Meridian St., Hillcrest Rd., and Grant St., West Lafayette, 02000689

**Vigo County**

State Normal Library, 626 Eagle St., Terre Haute, 02000690

**Wabash County**

North Manchester Historic District, Roughly bounded by Maple, 3rd, and Mill Sts., and N bank of the Eel R., North Manchester, 02000687

Teague Barn Wabash Importing Company Farm Stable, 4568 W. Mill Creek Pike, Wabash, 02000691

**KANSAS**

**Shawnee County**

Devon Apartments, 800–808 W. 12th St., Topeka, 02000683

**MASSACHUSETTS**

**Barnstable County**

Nye, Elnathan, House, 33 Old Main Rd., Falmouth, 02000697

**Essex County**

Olmsted Subdivision Historic District, Roughly bounded by New Ocean Paradise Rd., Swampscott Ave., Redington Rd. and Burrill St., Swampscott, 02000696

Salem Common Historic District (Boundary Increase), 3–25 Pleasant St., Salem, 02000694

**Worcester County**

Fernside—Vacation House for Working Girls, 162 Mountain Rd., Princeton, 02000695

**MISSOURI**

**Cape Girardeau County**

Huhn-Harrison House, 340 S. Lorimier St., Cape Girardeau, 02000699

**Washington County**

Queen, Harrison, House, Hwy C, 1.3 mi. W of MO 21, Caledonia, 02000700

**MONTANA**

**Valley County**

First National Bank of Glasgow, 110 Fifth St. S, Glasgow, 02000698

**NEVADA**

**Mineral County**

Hawthorne USO Building, 950 E St., Hawthorne, 02000703

**NEW JERSEY**

**Hunterdon County**

Reaville Historic District, Old York, Amwell, Barley Sheaf, Kuhl, Manners Rds., East Amwell, 02000709

**OHIO**

**Clermont County**

Williams House, 112 Gay St., Williamsburg, 02000704

**Cuyahoga County**

Euclid Avenue Historic District, Roughly bounded by Public Square, Euclid Ave. to E. 17th St., E. 21st St., Cleveland, 02000702

**Delaware County**

West Orange Road—Thomas Bridge, OH 114, E of jct. with OH 315, Powell, 02000701

**PENNSYLVANIA**

**Bucks County**

Cuttalossa Valley Historic District, Cuttalossa Rd. from Sugan Rd. to the Delaware R., Solebury, 02000705

**SOUTH DAKOTA**

**Buffalo County**

Buffalo County Courthouse and Jail House, Old, 100 Main St., Gann Valley, 02000707

**Pennington County**

Shaw, Glenn W., House, 803 West St., Rapid City, 02000706

**VERMONT**

**Chittenden County**

Burlington Breakwater, Burlington Harbor, Burlington, 02000711

**WISCONSIN**

**Marathon County**

Rothschild Pavilion, 1104 Park St., Rothschild, 02000708

[FR Doc. 02–13833 Filed 5–31–02; 8:45 am]

BILLING CODE 4310–70–P

## INTERNATIONAL TRADE COMMISSION

**[Investigations Nos. 701–TA–422–425 and 731–TA–964–983 (Final)]**

## Certain Cold-Rolled Steel Products From Argentina, Australia, Belgium, Brazil, China, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela

**AGENCY:** International Trade Commission.

**ACTION:** Scheduling of the final phase of countervailing duty and antidumping investigations.

**SUMMARY:** The United States International Trade Commission (Commission) hereby gives notice of the

scheduling of the final phase of countervailing duty investigations Nos. 701–TA–422–425 (Final) under section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the Act) and the final phase of antidumping investigations Nos. 731–TA–964–983 (Final) under section 735(b) of the Act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of subsidized imports of certain cold-rolled steel products from Argentina, Brazil, France, and Korea, and less-than-fair-value imports of such merchandise from Argentina, Australia, Belgium, Brazil, China, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, provided for in headings 7209, 7210, 7211, 7212, 7225, and 7226 of the Harmonized Tariff Schedule of the United States.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

**EFFECTIVE DATE:** May 9, 2002.

**FOR FURTHER INFORMATION CONTACT:** Fred Fischer (202–205–3179 or *ffischer@usitc.gov*), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at *http://dockets.usitc.gov/eol/public.*

**SUPPLEMENTARY INFORMATION:**

## Background

The final phase of these investigations is being scheduled as a result of affirmative preliminary determinations by the Department of Commerce (Commerce) that certain benefits which constitute subsidies within the meaning of section 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Argentina, Brazil, France, and Korea of certain cold-rolled steel products, and that such products from Argentina, Australia, Belgium, Brazil, China, France, Germany, India, Japan, Korea, the Netherlands, New Zealand, Russia, South Africa, Spain, Sweden, Taiwan, Thailand, Turkey, and Venezuela, are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b).

The investigations were requested in petitions filed on September 28, 2001 with the Commission and Commerce by Bethlehem Steel Corporation, Bethlehem, PA; LTV Steel Co., Inc., Cleveland, OH; National Steel Corporation, Mishawaka, IN; [1] Nucor Corporation, Charlotte, NC; Steel Dynamics Inc., Butler, IN; United States Steel LLC, Pittsburgh, PA; WCI Steel, Inc., Warren, OH); and Weirton Steel Corporation, Weirton, WV.[2]

## Participation in the Investigations and Public Service List

Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

## Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

## Staff Report

The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on July 3, 2002, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

## Hearing

The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on July 18, 2002, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before July 8, 2002. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference (if necessary) to be held at 9:30 a.m. on July 10, 2002, at the U.S. International Trade Commission Building. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

## Written Submissions

Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is July 11, 2002. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is July 25, 2002; witness testimony must be filed no later than three days before the hearing. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the

[1] National Steel Corporation is not a petitioner with respect to Japan.

[2] Weirton Steel Corporation is not a petitioner with respect to the Netherlands.

investigations on or before July 25, 2002. On August 19, 2002, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before August 21, 2002, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. Parties may submit additional final comments pertaining to investigations in which Commerce has extended its final determinations on or before October 11, 2002. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

Issued: May 28, 2002.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary.*

[FR Doc. 02–13795 Filed 5–31–02; 8:45 am]

**BILLING CODE 7020–02–P**

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## INTERNATIONAL TRADE COMMISSION

### Information Quality Guidelines

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The United States International Trade Commission (Commission) announces that its draft Information Quality Guidelines have been posted on the Commission website. The Commission invites public comments on its draft Guidelines and will consider the comments received in developing its final Guidelines.

**DATES:** Comments are due on or before June 20, 2002. Final Guidelines are to be published by October 1, 2002.

**ADDRESSES:** Submit comments to the Secretary, United States International Trade Commission, 500 E Street, SW., Washington, DC 20436.

**FOR FURTHER INFORMATION CONTACT:** Stephen A. McLaughlin, Acting Chief Information Officer, telephone 202–205–3131. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202–205–3105. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

**SUPPLEMENTARY INFORMATION:** Section 515 of the Treasury and General Government Appropriations Act for FY 2001 (Pub. L. 106–554) requires each Federal agency to publish guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of the information it disseminates. Agency guidelines must be based on government-wide guidelines issued by the Office of Management and Budget (OMB). In compliance with this statutory requirement and OMB instructions, the Commission has posted its draft Information Quality Guidelines on the Commission's website (www.usitc.gov).

The Guidelines describe the agency's procedures for ensuring the quality of information that it disseminates and the procedures by which an affected person may obtain correction of information disseminated by the Commission that does not comply with the Guidelines. The Commission invites public comments on its draft Guidelines and will consider the comments received in developing its proposed final Guidelines, which must be submitted to OMB for review. The agency's final Guidelines are to be published by October 1, 2002. Persons who cannot access the draft Guidelines through the Internet may request a paper or electronic copy by contacting the Office of the Secretary.

Issued: May 29, 2002.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary.*

### International Trade Commission

*Draft Information Quality Guidelines*

1. *Purpose.* The United States International Trade Commission (Commission) issues these Information Quality Guidelines (Guidelines) to describe the agency's procedures for ensuring and maximizing the quality, objectivity, utility, and integrity of information that it disseminates and to set forth the administrative procedure by which an affected person may obtain correction of disseminated information that does not comply with the Guidelines.

2. *Authority.* The Guidelines are based on section 515 of the Treasury and General Government Appropriations Act, 2001 (Public Law No. 106–554) and the implementing guidelines of the Office of Management and Budget (OMB) published on September 28, 2001 (66 FR 49718) and February 22, 2002 (67 FR 8452).

3. *Effective Date.* The Guidelines are effective as of October 1, 2002.

4. *Definitions.* The definitions of ''quality,'' ''utility,'' ''objectivity,'' ''integrity,'' ''information,'' ''Government information,'' ''information dissemination product,'' ''dissemination,'' ''influential,'' and ''reproducibility'' contained in section V of the notice, ''Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies,'' as published by the Office of Management and Budget on February 22, 2002 (67 FR 8452), are incorporated herein by reference.

5. *Applicability.* The mission of the Commission is to: (1) Administer U.S. trade remedy laws within its mandate in a fair and objective manner; (2) provide the President, the United States Trade Representative, and Congress with independent, quality analysis, information, and support on matters of tariffs and international trade and competitiveness; and (3) maintain the Harmonized Tariff Schedule of the United States. In so doing, the Commission serves the public by implementing U.S. law and contributing to the development of sound and informed U.S. trade policy.

In carrying out its mission, the Commission generates a variety of information products. Some are subject to section 515 and OMB's implementing guidelines. These and the Commission guidelines corresponding to them are discussed below. Others do not fall within the coverage of the statute and guidelines. Such excluded information includes press releases, responses to Freedom of Information Act and Privacy Act requests, correspondence with individuals, information that is provided in response to individual requests, and links to other website pages from the Commission website. Because the government-wide guidelines also exclude information that is disseminated in ''adjudicative

processes,'' the Commission Guidelines do not apply to decisions, orders, or any other documents disseminated in the course of Commission adjudicative proceedings. Initial determinations issued by Commission administrative law judges are subject to review by the Commission in accordance with applicable laws and regulations. Final Commission decisions, including initial determinations of administrative law judges that become final Commission decisions, are subject to judicial review in accordance with applicable laws and regulations.

The Commission also conducts import injury investigations under a number of statutory authorities. These investigations are not adjudicative proceedings, but are subject to judicial review in accordance with applicable laws and regulations. The Commission considers documents disseminated in such investigations to be sufficiently analogous to adjudicative processes for the purposes of section 515 to conclude that documents disseminated in those investigations are not covered by that statute or the OMB guidelines.

6. *Basic Standard of Quality.* The basic standard of quality for information disseminated by the Commission is ''reasonable assurance.'' The agency's procedures for ensuring the quality of information it disseminates are intended to provide reasonable assurance that the information is accurate, clear, unbiased, and useful for intended users, and secure from unauthorized access or revision. This basic quality standard is consistent with the standard employed in internal management reviews to ensure the effectiveness and efficiency of the agency's operations.

7. *Procedures to Ensure Quality.*

a. *Research program products.* Commission research products are produced by the Office of Operations with assistance from other staff offices. A team prepares a draft report which is then submitted to a rigorous review process, normally involving primary review and senior review by agency staff and then review and approval by the Commission. Once approved, the products are provided to customers. Much of the information that the Commission disseminates is confidential business information and/or national security information, and is made available only to authorized recipients. In general, information that is publicly disclosable is provided to the general public through the Commission's website and other means of dissemination.

The transparency of research products is assured, where appropriate, through inclusion of clear explanations of study methodology in report texts. Thus, to the extent that interested parties have appropriate access to the material, the statistical information and analyses that the Commission disseminates in its reports are available, and if appropriately qualified persons use the same or a similar methodology, they would be expected to generate similar findings and results.

b. *Trade information.* Commission trade information, including the Harmonized Tariff Schedule, is produced by the Office of Operations with assistance from other staff offices. Each product undergoes an internal review by subject matter experts prior to review by the Commission, where appropriate.

c. *General information about the Commission.* The Commission's Offices of External Relations and of the Secretary disseminate a variety of products that provide information about the agency. An example is the Commission's Year in Review publication that summarizes agency activities during the past year. The Office of External Relations reviews each such information product prior to its review and approval by the Commission, and its subsequent public dissemination.

The Commission issues a Strategic Plan, annual Performance Plan, and annual Performance Report in accordance with the Government Performance and Results Act (GPRA). These documents are prepared by subject matter experts and reviewed by Commission office directors, and are approved by the Commission prior to their issuance. The Commission and Commission staff also prepare various documents that describe agency processes, such as the *Antidumping and Countervailing Duty Handbook* and *An Introduction to Administrative Protective Order in Import Injury Investigations,* and these publications are subject to appropriate internal reviews by subject matter experts.

d. *Integrity of information on the Commission website.* Commission office directors and appropriate subject matter experts in their offices are responsible for ensuring that accurate, complete, and current information in each office's area of responsibility is provided to the webmaster for posting to the Commission website. Information maintained on the website for public dissemination is backed up regularly to permit restoration in the event of any compromise of the site.

e. *Use of disclaimers.* As a part of its procedures to ensure information quality, the Commission uses disclaimers where appropriate. A disclaimer notice regarding the accuracy and timeliness of information provided on the DataWeb website is included on that website. Staff research products, such as the *International Economic Review* and the *Industry, Trade, and Technology Review,* contain a disclaimer to advise users that the products are those of staff and do not represent the views of the Commission. Other disclaimers may be used, as appropriate, in future information dissemination products.

8. *Requests for Correction of Disseminated Information.* This section sets forth the administrative procedure by which an affected person may obtain correction of information disseminated by the Commission that does not comply with its Information Quality Guidelines. This administrative procedure applies only to requests for correction of disseminated information to which these Guidelines apply, as described in section 5 above. Only requests from an ''affected person,'' that is, a person who may benefit from or be harmed by reliance on information disseminated by the Commission under these Guidelines, will be considered. Requests for correction of information that are made in bad faith or without justification will be rejected. This procedure for the correction of information is not intended to have any effect on the Commission's conduct of adjudicative proceedings and non-adjudicative import injury investigations.

a. *Request for correction.* A request for correction of disseminated information that allegedly does not comply with the Commission Information Quality Guidelines must be submitted, in writing, to the Secretary to the Commission, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436. The request for correction must specifically identify the disseminated information that allegedly does not comply with the Guidelines and explain how the requestor is affected by the information.

b. *Initial decision.* The Secretary to the Commission, or her designee, will review a request for correction of disseminated information and will issue a written initial decision to the requestor within 20 workdays of receipt of the request. The initial decision will advise the requestor of corrections made or, if the request is denied, will explain why no correction was made and advise the request for the opportunity to appeal the initial decision.

c. *Appeal to the Chief Information Officer.* A requestor may appeal an initial decision denying a request for correction of disseminated information

to the Chief Information Officer (CIO) of the Commission. The appeal must be submitted, in writing, to the Chief Information Officer (CIO) of the Commission. The appeal must be submitted, in writing, to the Chief Information Officer, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436. The appeal must be submitted no later than 10 workdays from the date of the initial decision. The appeal must include a copy of the request for correction, a copy of the Secretary's initial decision, a statement of the reasons why the decision is not satisfactory to the requestor, and a statement of what remedy would be satisfactory to the requestor. The CIO will issue a decision within 20 workdays of receipt of the appeal.

The decision of the CIO is final and is not subject to administrative or judicial review.

d. *Reports.* Beginning on January 1, 2004, and annually thereafter, the Commission will file reports with OMB that provide the number and nature of complaints received regarding information disseminated by the Commission and how the complaints were resolved.

9. *Revisions to the Guidelines.* Each Commission office that produces information dissemination products to which these Guidelines apply is responsible for notifying the CIO of the Commission whenever a change in the Guidelines with respect to the office's products is required. Changes may be required, for example, when a new information dissemination product is created or an existing product is discontinued, or when there is a change in the office's procedures for ensuring the quality of an information dissemination product for which the office is responsible. The CIO will initiate necessary changes to the Guidelines. When changes to the Guidelines are made, a revised version will be posted to the Commission's website.

[FR Doc. 02–13828 Filed 5–31–02; 8:45 am]

BILLING CODE 7020–20–M

## DEPARTMENT OF JUSTICE

### Office of Justice Programs: Agency Information Collection Activities: Proposed Collection; Comment Request

**ACTION:** 60-day notice of information collection under review: Reinstatement with changes of a previously approved collection for which approval has expired: Survey of inmates in State and Federal Correctional Facilities, 2003.

The Department of Justice (DOJ), Office of Justice Programs, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days, until August 2, 2002. This process is in accordance with the 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Tracy L. Snell, Statistician, (202) 616–3288, Office of Justice Programs, U.S. Department of Justice, 810 Seventh St., NW., Washington, DC 20531.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following points:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of information collection:* Reinstatement, with Change, of a Previously Approved Collection for which Approval has Expired.

(2) *Title of the Form/Collection:* Survey of Inmates in State and Federal Correctional Facilities—2003.

(3) *Agency form number and the applicable component of the Department sponsoring the collection:* Forms: NPS–25 CAPI Instrument and NPS–13 Sampling Questionnaire. Corrections Unit, Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked to respond, as well as a brief abstract:* Primary: Individuals. Others: State government and Federal government. The pretest survey will include an estimated 100 personal interviews with inmates held in State and Federal prisons. The national survey will include an estimated 16,000 personal interviews with State prison inmates and 4,000 personal interviews with Federal prison inmates. The surveys will include a full-scale implementation of the CAPI questionnaire, automated data control systems, and sample selection. The survey will profile prison inmates nationwide to determine trends in inmate composition, criminal history, drug abuse, mental and physical health status, gun use and crime, and inmate activities while in prison. The Bureau of Justice Statistics uses information from the national survey in published reports, and for the U.S. Congress, Executive Office of the President, practitioners, researchers, students, the media, and others interested in criminal justice statistics. No other collection series provides these data.

(5) *An estimate of the total number of responses and the amount of time estimated for an average response:* There will be an estimated 295 responses at 1 hour each for the NPS–13; 4,950 hours of prison staff time to escort inmates to/from interview sites; and 20,100 inmate responses at 1 hour each for the NPS–25.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total public burden is 25,435 annual hours.

If additional information is required contact: Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Room 1600, Patrick Henry building, 601 D Street, NW., Washington, DC 20530.

Dated: May 28, 2002.

**Brenda E. Dyer,**

*Department Deputy Clearance Officer, Department of Justice.*

[FR Doc. 02–13827 Filed 5–31–02; 8:45 am]

BILLING CODE 4410–18–M

## NATIONAL SCIENCE FOUNDATION

### Agency Information Collection Activities: Comment Request

**AGENCY:** National Science Foundation.

**ACTION:** Submission for OMB review; comment request.

**SUMMARY:** Under the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501 *et seq.*), and as part of its continuing effort to reduce paperwork and respondent burden, the National Science Foundation (NSF) is inviting the general public and other Federal agencies to comment on this proposed continuing information collection. This is the second notice for public comment; the first was published in the **Federal Register** at 66 FR 57114 and no comments were received. NSF is forwarding the proposed submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice.

**DATES:** Comments regarding these information collections are best assured of having their full effect if received by OMB within 30 days of publication in the **Federal Register**.

**ADDRESSES:** Written comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of NSF, including whether the information will have practical utility; (b) the accuracy of NSF's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 17th Street, NW. Room 10235, Washington DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 295, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov.* Copies if the submission may be obtained by calling (703) 292–7556.

**FOR FURTHER INFORMATION CONTACT:** Suzanne H. Plimpton, NSF Reports Clearance Officer at (703) 292–7556 or send email to *splimpto@nsf.gov.*

An agency may not contact or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Evaluation of the Impact and Use of the National Institutes of Health Curriculum Supplements on Students' Scientific Knowledge.

*OMB Control No.:* 3145–NEW.

**1. Abstract**

The National Science Foundation (NSF) has provided funding for systematically developed, research-based curriculum materials beginning in the 1960s. NSF has the responsibility of coordinating evaluations of mathematics and science education programs across government, including agencies such as the National Institutes of Health (NIH). Since its establishment as part of NIH, the Office of Science Education (OSE) has engaged in the development of science curriculum supplements and other educational materials related to medicine and research. NSF and NIH will partner in this evaluation because both desire information on the effectiveness of curriculum materials and the effective means to collect this information. Over the years, there have been changes in the levels of funding for such instructional materials, reflecting changes in public support and concerns for such endeavors. However, concerns about student achievement in science have focused attention on the need for strong curriculum materials to support ''systemic reform'' (O'Day & Smith, 1993). NSF has responded to these needs by increasing support to research-based instructional materials that have been reviewed by content experts and found to be of high quality and meet the demands of the National Science Education Standards (NSES).

The proposed evaluation's study questions to be addressed are: Do the curriculum supplements promote better science education? Do the curriculum supplements reduce academic inequity? Do the curriculum supplements deepen students' understanding of the importance of basic research to advances in medicine and health? Do the curriculum supplements foster student analysis of the direct and indirect effects of scientific discoveries on their individual and public health? Do the curriculum supplements encourage students to take more responsibility for their own health?

The data to address these questions will be gathered using mixed methods. In addition to assessing student achievement data and using surveys, the mixed-methods evaluation model will include pre-observation questionnaires, observations, and interviews of teachers. Interviews and observations, for example, will enable research evaluators to clarify vague responses in surveys or confirm findings. As part of the evaluation, pre- and post-assessment will be used for NIH Curriculum Supplement Series for Grades 9–12 to compare students' learning of scientific concepts and skills when a supplement of NIH materials will be used, with students who do not receive the NIH materials. Teacher and student surveys, interviews, site visits, document reviews, standardized performance measures, and student work samples will provide the basis for comparison.

**2. Expected Respondents**

The expected respondents and observation subjects are pre-college teachers and students.

**3. Burden on the Public**

The total annual burden hours for this collection are 6,952 for a maximum of 6,132 respondents, assuming an 80–100% response rate. The burden on the general public is small because the study is limited to a 10 percent random sample of the 12,000 teachers who have requested the materials being studied, a sample of impacted students, and 60 treatment and 60 comparison teachers.

Dated: May 28, 2002.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 02–13775 Filed 5–31–02; 8:45 am]

BILLING CODE 7555–01–M

## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

**AGENCY:** National Science Foundation.

**ACTION:** Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978, Public Law 95–541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by June 30, 2002. Permit applications may be inspected by

interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Room 755, Office of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

**FOR FURTHER INFORMATION CONTACT:** Nadene G. Kennedy at the above address or (703) 292–7405.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), has developed regulations that implement the ''Agreed Measures for the Conservation of Antarctic Fauna and Flora'' for all United States citizens. The Agreed Measures, developed by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest.

The applications received are as follows:

**1. Applicant**

[Permit Application No. 2003–001]

Randall Davis, Marine Biology, Texas A&M University, 5007 Avenue U, Galveston, TX 77551.

*Activity for Which Permit Is Requested*

Taking. The applicant proposes to capture by net up to 20 free ranging adult Weddell seals and approximately 10 Weddell seal pups. Animal-borne video system/data loggers will be attached to the seals to record diving behavior, physiology, and locomotor performance of marine mammals at depth. This research is part of a project studying Weddell seals to test hypothesis related to general foraging strategy, foraging location, searching mode, prey detection, and the cost of diving and foraging. All captured seals will be released.

*Location*

McMurdo Sound, Antarctica.

*Dates*

October 1, 2002 to February 15, 2003.

**2. Applicant**

[Permit Application No. 2003–002]

David Ainley, H.T. Harvey and Associates, 3150 Almaden Expressway, Suite 3150, San Jose, CA 95118.

*Activity for Which Permit Is Requested*

Take and Enter Antarctic Specially Protected Areas. The applicant proposes to enter the Adelie penguin rookeries in the Antarctic Specially Protected Areas of Beaufort Island (ASPA 105), Cape Royds, Ross Island (ASPA 121), and Cape Crozier, Ross Island (ASPA 124) to assess (1) reproductive success, annual mortality, and between colony movement rates, and, (2) the environmental context of the populations. Up to 1800 birds will be banded. Up to 70 adult birds will have stomach lavages to collect stomach contents for diet studies. An additional 100 adult birds will have either a satellite tag (PTT) attached to determine foraging area, or a time-depth-recorder (TDR) to determine foraging behavior. These instruments will be removed after 1–2 foraging dives and attached to other birds. Finally, approximately 15 adult birds at each site will have a geolocation tag (GLS) attached to their leg bands to determine the wintering area of each individual. These tags will be removed the following summer and the data downloaded for analysis.

*Location*

Beaufort Island (ASPA 105), Cape Royds, Ross Island (ASPA 121), and Cape Crozier, Ross Island (ASPA 124).

*Dates*

November 1, 2002 to February 15, 2005.

**3. Applicant**

[Permit Application No. 2003–003]

Paul J. Ponganis, Center for Marine Biotechnology & Biomedicine, Scripps Institution of Oceanography, University of California, San Diego, La Jolla, CA 92093–0204.

*Activity for Which Permit Is Requested*

Take, Enter an Antarctic Specially Protected Areas, and Import into the United States. The applicant proposes to enter the Emperor penguins colonies at Antarctic Specially Protected Areas of Beaufort Island (ASPA 105), and Cape Crozier, Ross Island (ASPA 124) to conduct a census of the bird population. The colonies were severely affected by the B15 iceberg in 2001; there were no living emperors at Cape Crozier, and the census was extremely reduced at Beaufort Island. Access to these sites will allow continuation of the census of these populations from previous research, and will provide continuity with planned censuses in the future. The B15 iceberg has become a natural experiment to evaluate the fidelity of Emperor penguins to colony sites and to examine the resilience of Emperor penguins to short-term disasters. The applicant also proposes to salvage up to 20 Emperor carcasses, if found, for return to the States for autopsy/specimen collection/anatomical study.

*Location*

Beaufort Island (ASPA 105), and Cape Crozier, Ross Island (ASPA 124).

*Dates*

October 1, 2002 to October 1, 2003.

**4. Applicant**

[Permit Application No. 2003–004]

William R. Fraser, Polar Oceans Research Group, P.O. Box 368, Sheridan, MT 59749.

*Activity for Which Permit Is Requested*

Take. The applicant, as a participant in a long-term ecological research program in the western Antarctic Peninsula, proposes to capture, collect samples, weigh, band and attach transmitters to a number of penguin and seabird species to assess how annual environmental variability affects seabird diets, breeding success, growth rates, survival, recruitment, behavior, population trends, foraging success and seasonal dispersal. The methods and species are listed in the chart below.

Manner of Taking By Capture and Release For (1) Census populations and/or mark breeding territories; (2) capture, mark, band and/or weight adults, chicks and eggs; (3) obtain diet data through stomach lavage, by screening the contents of terrestrial sediment traps and/or by collecting naturally regurgitated prey items; (4) place transmitters on individuals; (5) place instrumented artificial eggs under incubating individuals; and (6) use GIS/GPS technologies to update existing breeding habitat maps.

SPECIMEN INFORMATION

| Species | Number | Age | Sex | Size | Condition | Ultimate Disposition |
|---|---|---|---|---|---|---|
| Adelie Penguin | 600 | AD/CK | Unknown | | Take by 1,2,3,4,5,6 | Released |
| Chinstrap | 70 | Adult | " | | Take by 1,3,4 | " |

SPECIMEN INFORMATION—Continued

| Species | Number | Age | Sex | Size | Condition | Ultimate Disposition |
|---|---|---|---|---|---|---|
| Penguin | 70 | Adult | " | | Take by 1,3,4 | " |
| Gentoo | 100 | AD/CK | " | | Take by 1,2,3,4 | " |
| Penguin | 500 | AD/CK | " | | Take by 1,2,3,4 | " |
| Brown Skua | 1600 | AD/CK | " | | Take by 1,2,3,4,5 | " |
| South Polar | 250 | Adult | " | | Take by 1,3 | " |
| Skua | 250 | AD/CK | " | | Take by 1,2,3 | " |
| Southern Giant Petrel | | | | | | |
| Blue-Eyed Shag | | | | | | |
| Kelp Gulls | | | | | | |

*Location*

Palmer Station, Anvers Island vicinity, and Marguerite Bay and vicinity.

*Dates*

October 1, 2002 to September 30, 2007.

**5. Applicant**

[Permit Application No. 2003–005]

William R. Fraser, Polar Oceans Research Group, P.O. 368, Sheridan, MT 59749.

*Activity for Which Permit Is Requested*

Take, and Enter Antarctic Specially Protected Areas, and Import into the United States. The applicant is a participant in two long-term ecological research (LTER) programs in the western Antarctic Peninsula region. The focus of the research is to relate variability in seabird ecology to changes in the physical and biological environment, especially sea ice, snow conditions and prey availability. Studies will assess how annual environmental variability affects seabird diets, breeding success, growth rates, survival and recruitment, behavior, population trends, foraging success and seasonal dispersal. To accomplish these objective, the applicant proposes to: (1) Census populations and mark breeding territories; (2) capture, mark, and weight a select number of adults, chicks and eggs; (3) obtain diet samples through stomach lavage, by screening the contents of terrestrial sediment taps and collecting naturally regulagitated prey items; (4) place transmitters on individuals to develop foraging and dispersal profiles; (5) place instrumented artificial eggs under incubating individuals to measure heart-rate and body temperature; and, (6) use GIS/GPS technologies to update existing breeding habitat maps * * * The applicant proposes to enter the following Antarctic Specially Protected Areas:

Dion Islands, Marguerite Bay (ASPA 107)—This site has the only known breeding population of Emperor Penguins in the western Antarctic Peninsula. The applicant proposes to conduct a census in order to update the population data available on this species, since a census has not been conducted in more than two decades.

Litchfield Island, Arthur Harbor (ASPA 113) and Biscoe Point, Anvers Island (ASPA 139)—These two sites near Palmer Station, Anvers Island, serve as research control areas. The applicant proposes to enter Litchfield Island 2–3 times a week and Biscoe Point up to 5 times a season, for 4–5 hours each visit to census, brand, weight, collect diet samples of seabirds and conduct habitat mapping. Heavily vegetated areas will be avoided.

Avian Island, Marguerite Bay (ASPA 117)—This site serves as an alternate site in the Marguerite Bay region for obtaining Adelie Penguin diet samples and censuses during the annual Palmer LTER research cruise. The applicant proposes to obtain diet samples from 20–25 penguins to determine trends in diets and populations of this species in the Marguerite Bay region to determine if it differs from those in the Palmer Station region due to differences in annual sea ice and snow conditions.

Lagotellerie Island, Marguerite Bay (ASPA 115)—This site has a population of Adelie penguins that could be used as an alternate sampling area in the event access to Avian Island is impeded by ice or weather.

*Location*

Dion Islands, Marguerite Bay (ASPA 107); Litchfield Island, Arthur Harbor (ASPA 113); Lagotellerie Island, Marguerite Bay (ASPA 115); Avian Island, Marguerite Bay (ASPA 117); and, Biscoe Point, Anvers Island (ASPA 139).

*Dates*

October 1, 2002 to September 30, 2007.

**6. Applicant**

[Permit Application No. 2003–006]

William R. Fraser, Polar Oceans Research Group. P.O. 368, Sheridan, MT 59749.

*Activity for Which Permit is Requested*

Take, and Import into the United States. The applicant is a participant in two long-term ecological research (LTER) programs in the western Antarctic Peninsula region, and during the course of normal research occasionally encounters specimens of various species (penguins, seabirds, etc.) that have died of natural causes. The application proposes to salvage and preserve these specimens for import into the U.S. and disposition at teaching and research institutions.

*Location*

Palmer Station, Anvers Island and vicinity.

*Dates*

October 1, 2002 to September 30, 2007.

**7. Applicant**

[Permit Application No. 2003–007]

Mark Buckley, Multimedia Manager, Raytheon Polar Services Company, 7400 S. Tucson Way, Centennial, CO 80112.

*Activity for Which Permit is Requested*

Enter Antarctic Specially Protected Areas. The applicant is a member of Raytheon Polar Services Company, which is the prime civilian contractor to the U.S. Antarctic Program (USAP), and is tasked by the National Science Foundation (NSF) with video production in Antarctica. During the past year or so, unprecedented ice conditions had adverse impact on penguin colonies in the McMurdo Sound and Ross Sea region. With the

recent calving of C–19 and the influence of B–15, it is expected that scientific interest and activities, as well as public interests will continue. Therefore the applicant proposes his staff of videographers be permitted to enter the Antarctic Specially Protected Areas of Beaufort Island (ASPA 105), New College Valley, Cape Bird (ASPA 116), Cape Royds, Ross Island (ASPA 121), and, Cape Crozier, Ross Island (ASPA 124) for the purpose of taking ''low impact'' documentary film footage. The video team will accompany a similarly permitted researcher into the sites to film scientific research. Access to the sites will be dependant upon operational, scientific conditions, and availability of transportation.

*Location*

Beaufort Island (ASPA 105), New College Valley, Cape Bird (ASPA 116), Cape Royds, Ross Island (ASPA 121), and, Cape Crozier, Ross Island (ASPA 124).

*Dates*

October 1, 2002 to February 14, 2003.

**Nadene G. Kennedy,**

*Permit Officer, Office of Polar Programs.*

[FR Doc. 02–13831 Filed 5–31–02; 8:45 am]

BILLING CODE 7555–01–M

## NATIONAL SCIENCE FOUNDATION

### Committee on Equal Opportunities in Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act Public Law 92–463, as amended, the National Science Foundation announces the following meeting:

*Name:* Committee on Equal Opportunities in Science and Engineering (1173).

*Date/Time:* June 20, 2002, 8 am–5 pm and June 21, 2002, 8 am–2 pm.

*Place:* Room 1235, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

*Type of Meeting:* Open.

*Contact Person:* John Wilkinson, Executive Liaison to CEOSE, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230 Phone (703) 292–8180.

*Minutes:* May be obtained from the Executive Liaison at the above address.

*Purpose of Meeting:* To provide advice and recommendations concerning broadening participation in science and engineering.

**Agenda**

*Thursday, June 20, 2002*

8 a.m.—Light refreshments with NSF Staff
8:30 a.m.—Welcome; Approval of February 2002 Minutes
8:45 a.m.—Report of NSF Executive Liaison
9 a.m.—Discussion of Committee Agenda
9:15 a.m.—Discussion of Mentoring Conference
9:45 a.m.—Update on Science Resources Statistics Activities
10:15 a.m.—Break
10:30 a.m.—Discussion on Successful Approaches to Increasing Minority Participation in Science and Engineering Careers
12 Noon—Lunch
1 p.m.—Discussion of Decadal Plan for Environmental Research and Education at NSF
1:30 p.m.—Discussion on Merit Review Criterion 2
3 p.m.—Break
3:30 p.m.—Committee Discussion: Report Planning for 2002 CEOSE Report
5 p.m.—Adjourn for the day

*Friday, February 8*

8 a.m.—Light refreshments
8:30 a.m.—Committee Discussion:
—Items for the Deputy Director, NSFA Status of Cross-Cutting Issues
10 a.m.—Break
10:15 a.m.—Discussion with the Deputy Director, NSF—Dr. Joseph Bordogna
11 a.m.—Committee Discussion: Report Planning for 2002 CEOSE Report
12 Noon—Lunch
1 p.m.—Committee Discussion: Wrap-up and Future Directions
2 p.m.—Adjourn

Dated: May 28, 2002.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 02–13773 Filed 5–31–02; 8:45 am]

BILLING CODE 7555–01–M

## NATIONAL SCIENCE FOUNDATION

### Advisory Committee for Small Business Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Committee for Small Business Industrial Innovation (61).

*Dates/Time:* June 18–19, 2002, 8:30 a.m.–5 p.m.

*Type of Meeting:* Open.

*Place:* Room 1235, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

*Contact Person:* Dr. Joseph Hennessey, Acting Director, (703) 292–7069, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

*Minutes:* May be obtained from the contact person listed above.

*Purposes of Meeting:* To provide advice and recommendations concerning research programs pertaining to the small business community.

**AGENDA**

*June 18, 2002, Room 1235*

8:30 a.m.—Introductions
8:35 a.m.—Welcome
8:45 a.m.—Overview of the Program
10 a.m.—Commercialization Success
10:30 a.m.—Break
11 a.m.—OLPA
12:00 noon—Lunch
1 p.m.—Phase I Review Process
3:30 p.m.—Phase II Review Process
5 p.m.—Adjourn

*June 19, 2002, Room 1235*

8:30 a.m.—Commercialization Planning
10:30 a.m.—Break
10:45 a.m.—Discussion and Preparation of Committee Report
12:00 noon—Working Lunch
3:30 p.m.—Feedback from the Committee
5 p.m.—Adjourn

Dated: May 28, 2002.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 02–13774 Filed 5–31–02; 8:45 am]

BILLING CODE 7555–01–M

## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

**SUMMARY:** In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

*Title and Purpose of information collection:*

Medical Reports; OMB 3220–0038

Under Sections 2(a)(1)(iv), 2(a)(2) and 2(a)(3) of the Railroad Retirement Act (RRA), annuities are payable to qualified railroad employees whose physical or mental condition is such that they are unable to (1) work in their regular occupation (occupational disability); or (2) work at all (permanent total disability). The requirements for establishment of disability and proof of

continuance of disability are prescribed in 20 CFR 220.

Under Sections 2(c) and 2(d) of the RRA, annuities are also payable to qualified spouses, widow(ers) who have in their care a qualified child who is under a disability which began before age 22; widow(ers) age 50–59 who are under a disability; and remarried widows and surviving divorced wives who would also be entitled under Sections 202(e) and 202(f) of the Social Security Act. For entitlement under Section 2(c), 2(d)(i), and 2(d)(iii) of the RRA, an individual is disabled if he/she is unable to engage in any regular employment. For entitlement under Section 2(d)(v) of the RRA, the individual must have an impairment which is so severe that, in accordance with the regulations of the Social Security Administration, any gainful activity would be precluded. The Railroad Retirement Board (RRB) also determines entitlement to a period of disability or early Medicare entitlement for qualified claimants. To enable the RRB to determine the eligibility of an applicant or annuitant for disability benefits under the RRA, the RRB requests supportive medical evidence from railroad employers, personal physicians, private hospitals and state agencies. The RRB currently utilizes Forms G–3EMP, G–250, G–250a, G–260, RL–11b, and RL–11d to obtain the necessary medical evidence. Completion is voluntary. One response is requested of each respondent.

ESTIMATE OF RESPONDENT BURDEN

| Form# | Annual re-sponses | Time (min) | Burden (hrs) |
|---|---|---|---|
| G–3EMP | 600 | 10 | 100 |
| G–250 | 12,000 | 37 | 7,400 |
| G–250a | 12,000 | 20 | 4,000 |
| G–260 | 100 | 25 | 42 |
| RL–11b | 5,000 | 10 | 833 |
| RL–11d | 250 | 10 | 42 |
| Total | 29,950 | | 12,417 |

Minor non-burden impacting cosmetic and reformatting changes are being proposed to Form RL–11d in the collection.

*Additional Information or Comments:* To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

**Chuck Mierzwa,**

*Clearance Officer.*

[FR Doc. 02–13769 Filed 5–31–02; 8:45 am]

BILLING CODE 7905–01–M

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

**Summary of Proposal(s)**

(1) *Collection title:* Application for Reimbursement for Hospital Services in Canada.

*Form(s) submitted:* AA–104.

(3) *OMB Number:* 3220–0086.

(4) *Expiration date of current OMB clearance:* 7/30/2002.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 50.

(8) *Total annual responses:* 50.

(9) *Total annual reporting hours:* 8.

(10) *Collection description:* The Railroad Retirement Board administers the Medicare program for persons covered by the Railroad Retirement System. The collection obtains the information needed to determine eligibility for and the amount due for covered hospital services received in Canada.

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092 and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Chuck Mierzwa,**

*Clearance Officer.*

[FR Doc. 02–13770 Filed 5–31–02; 8:45 am]

BILLING CODE 7905–01–M

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

**Summary of Proposal(s)**

(1) *Collection title:* Employee Noncovered Service Pension Questionnaire.

(2) *Form(s) submitted:* G–209.

(3) *OMB Number:* 3220–0154.

(4) *Expiration date of current OMB clearance:* 7/31/2002.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 500.

(8) *Total annual responses:* 500.

(9) *Total annual reporting hours:* 55.

(10) *Collection description:* Under Section 3 of the Railroad Retirement Act, the Tier I portion of an employee annuity may be subjected to a reduction for benefits received based on work not covered under the Social Security Act or Railroad Retirement Act. The questionnaire obtains the information needed to determine if the reduction applies and the amount of such reduction.

*Additional Information or Comments:* Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363).

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092 and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Chuck Mierzwa,**

*Clearance Officer.*

[FR Doc. 02–13829 Filed 5–31–02; 8:45 am]

BILLING CODE 0905–01–M

## SMALL BUSINESS ADMINISTRATION

### Reporting and Recordkeeping Requirements Under OMB Review

**AGENCY:** Small Business Administration.

**ACTION:** Notice of reporting requirements submitted for OMB review.

**SUMMARY:** Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

**DATES:** Submit comments on or before July 3, 2002. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

**COPIES:** Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

**ADDRESSES:** Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW., 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline White, Agency Clearance Officer, (202) 205–7044.

**SUPPLEMENTARY INFORMATION:**

*Title:* NMVC Program Application Interview Questions; SSBIC Applicant Tech Proposal; Request for Approval of Management Services Fees.

*No's:* 2216, 2217.

*Frequency:* On Occasion.

*Description of Respondents:* Program Applicants and participants; SSBIC's receiving grants under the NMVC program.

*Responses:* 38.

*Annual Burden:* 210.

**Jacqueline White,**

*Chief, Administrative Information Branch.*

[FR Doc. 02–13742 Filed 5–31–02; 8:45 am]

**BILLING CODE 8025–01–P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### New Requests for Exclusion of Particular Products From Actions With Regard to Certain Steel Products Under Section 203 of the Trade Act of 1974, as Established in Presidential Proclamation 7529 of March 5, 2002; Information Collection and Procedures for Consideration

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** Presidential Proclamation 7529 of March 5, 2002 established actions under section 203 of the Trade Act of 1974, as amended, (19 U.S.C. 2253) (safeguard measures) with regard to certain steel products. The Proclamation authorizes the United States Trade Representative (USTR), in March of each year in which any safeguard measure established by the Proclamation remains in effect and after consultation with the Trade Policy Staff Committee (TPSC), to exclude particular products from the safeguard measure. In a Memorandum of March 5, 2002, the President instructed the USTR to publish in the **Federal Register** a notice of the procedures by which interested persons may request the TPSC to recommend whether to exclude a particular product. This notice describes the annual review process through which future new exclusion requests will be accepted.

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), USTR will be submitting to the Office of Management and Budget (OMB) a request to review and approve an information collection related to interested persons' reasons for requesting an exclusion, and any other interested persons' reasons for opposing the granting of an exclusion.

**DATES:** Submit public comments on the information collection on or before August 2, 2002.

**FOR FURTHER INFORMATION CONTACT:** Office of Industry, Office of the United States Trade Representatives, 600 17th Street, NW, Room 501, Washington DC, 20508. Telephone (202) 395–5656.

**SUPPLEMENTARY INFORMATION:** On October 22, 2001, the U.S. International Trade Commission (ITC) issued affirmative determinations under section 202(b) of the Trade Act (22 U.S.C. 2252(b)) that (1) carbon and alloy steel slabs, plate (including cut-to-length plate and clad plate), hot-rolled sheet and strip (including plate in coils), cold-rolled sheet and strip (other than grain-oriented electrical steel), and corrosion-resistant and other coated sheet and strip; (2) carbon and alloy hot-rolled bar and light shapes; (3) carbon and alloy cold-finished bar; (4) rebar; (5) carbon and alloy welded tubular products (other than oil country tubular goods); (6) carbon and alloy flanges, fittings, and tool joints; (7) stainless steel bar and light shapes; and (8) stainless steel rod are being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing those products. The Commissioners voting were equally divided with respect to the determination under section 202(b) of the Trade Act as to whether increased imports of (9) carbon and alloy tin mill products; (10) tool steel, all forms; (11) stainless steel wire; and (12) stainless steel flanges and fittings are being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industries producing those products.

On March 5, 2002, the President issued Proclamation 7529, which established safeguard measures in the form of increases in duty and a tariff-rate quota pursuant to section 203 of the Trade Act on imports of the ten steel products described in paragraph 7 of that proclamation. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m., EST, on March 20, 2002, Proclamation 7529 modifies the HTS so as to provide for such increased duties and a tariff-rate quota. Proclamation 7529 also authorized the USTR to further consider requests for the exclusion of particular products and, upon publication in the Federal Register of his finding that a particular product should be excluded, to modify the HTS provisions created by the Annex to that proclamation to exclude such particular product from the pertinent safeguard measure. USTR requested additional information about these exclusions, in the form of a requester's questionnaire from interested persons that had requested exclusions, and an objector's questionnaire from interested persons that had opposed such requests.

Proclamation 7529 authorized the USTR, in March of each year in which any safeguard measure established by the Proclamation remains in effect and after consultation with the TPSC, to exclude particular products from the safeguard measure. In a Memorandum of March 5, 2002, the President instructed the USTR to publish in the **Federal Register** a notice of the procedures by which interested persons may request the TPSC to recommend whether to exclude a particular product.

USTR, in conjunction with the U.S. Department of Commerce (Commerce), has concluded that the new requester and new objector questionnaires used with regard to the new exclusion requests submitted on May 20, 2002, will elicit the information needed to evaluate whether to grant the exclusion of a particular product in March 2003, March 2004, or at such other time as may be permitted by Proclamation 7529. USTR and Commerce have further concluded that interested persons that already submitted requester's

questionnaires for a product should file an updated requester's questionnaire that revises and supplements the previously submitted request. Anyone that previously submitted an objection to such request must also file a revised objector's questionnaire updating the information previously submitted.

**Submission of Requests for Exclusion and Opposition to Requests for Exclusion**

In November 2002 and November 2003, or at any other time that may be appropriate, USTR will publish in the **Federal Register** a notice inviting any interested persons seeking the exclusion of a particular product to submit (1) for previously submitted product exclusion requests, an updated requester questionnaire, referencing the alphanumeroc tracking number assigned to the product, that revises the previously submitted version and provides any additional information the requester deems necessary for our analysis; or (2) a new requester questionnaire. A list of products for which we have received a requester questionnaire that we have deemed to be appropriately filed is available from the USTR and Commerce Department websites, *http://ia.ita.doc.gov/steel/exclusion/.* Any updated requester questionnaire or new requester questionnaire should be submitted within 30 days of the date of publication of the **Federal Register** notice described in this paragraph.

Within 15 business days after the date for submitting questionnaires, USTR will post a summary of the requested exclusions on its website. Interested persons opposing any request for exclusion should submit (1) for objections previously submitted, an updated objector's questionnaire, referencing the appropriate alphanumeric tracking number, that revises the previously submitted version and provides any additional information the objector deems necessary for our analysis; or (2) a new objector's questionnaire. Interested persons objecting to new requests or filing revised objector's questionnaires regarding previously submitted requests should submit their objections within 30 days following the posting of the product description summaries on the USTR website.

These questionnaires will be available on the USTR and Commerce Department websites at *http://ia.ita.doc.gov/steel/exclusion/.* USTR may disregard an exclusion request for a particular product if a complete response to the requester's questionnaires has not been received with regard to that product by the applicable date. USTR may conclude that there is no opposition with regard to the exclusion of a particular product if a complete response to the new objector's questionnaire with regard to that product has not been received by the applicable date.

Each request will be evaluated on a case-by-case basis. USTR will grant only those exclusions that do not undermine the objectives of the safeguard measures. In analyzing the requests, USTR will consider whether the product is currently being produced in the United States, whether substitution of the product is possible, whether qualification requirements affect the requester's ability to use domestic products, inventories, whether the requested product is under development by a U.S. producer who will imminently be able to produce it in commercial quantities and any other relevant factors. Where necessary, USTR and/or the Commerce Department will meet with interested persons to discuss the information that was submitted and/or to gain additional information.

Every effort will be made to process requests as soon as possible consistent with resources and the quality of information that is received.

Interested persons should follow the instructions posted on the USTR and Commerce Department web sites at *http://ia.ita.doc.gov/steel/exclusion/.* Failure to follow the instructions posted there may result in rejection of the questionnaire submission.

We will assign each product covered by new request an alpha-numeric tracking number such as ''N299.3,'' and will notify requesters as soon as possible after receipt of the submission. All interested persons must use this alpha-numeric designator in every subsequent reference to that exclusion request.

We strongly discourage the submission of business confidential information. Any questionnaire response that contains business confidential information must be accompanied by six copies of a public summary that does not contain business confidential information, and a diskette containing an electronic version of the public summary. Any paper submission and diskette containing business confidential information must be clearly marked ''Business Confidential'' at the top and bottom of the cover page (or letter) and each succeeding page of the submission, and on the label of the diskette. The version that does not contain business confidential information should also be clearly marked, at the top and bottom of each page, ''public version'' or ''nonconfidential,'' and on the label of the diskette.

**Annual Reporting Burden**

*Updated Requester's Questionnaire*

*Respondents:* 200.
*Responses per respondent:* 6.5.
*Annual responses:* 1300.
*Hours per response:* 2.
*Total burden hours:* 2600.

*New Requester's Questionnaire*

*Respondents:* 50.
*Responses per respondent:* 2.
*Annual responses:* 100.
*Hours per response:* 15.
*Total burden hours:* 1500.

*Updated Objector's Questionnaire*

*Respondents:* 17.
*Responses per respondent:* 85.
*Annual responses:* 1444.
*Hours per response:* 1.5.
*Total burden hours:* 2166.

*New Objector's Questionnaire*

*Respondents:* 17.
*Responses per respondent:* 6.5.
*Annual responses:* 111.
*Hours per response:* 11.
*Total burden hours:* 1221.

**Request for Public Comments Pursuant to the Paperwork Reduction Act**

We particularly invite public comment on: Whether this collection of information is necessary for the proper performance of the functions of the USTR, and whether it will have practical utility; whether our estimate of the public burden of this information collection is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the information collection on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology. Any public comment should be submitted to USTR, Office of Industry, 600 E Street, NW., Washington, DC 20508, Attn. PRA Comments. Comments should clearly indicate the questionnaire (requester's questionnaire or objector's questionnaire) to which they apply.

**Obtaining Copies of Proposals**

Interested persons may obtain a copy of the requester's questionnaire or the objector's questionnaire from the USTR Office of Industry, 600 E Street, NW., Washington, DC 20508, Attn. Questionnaire Copy, fax 202–395–9674, telephone 202–395–5656. Please

indicate clearly the questionnaire sought (requester's questionnaire or objector's questionnaire).

**Jon M. Huntsman, Jr.,**

*Deputy United States Trade Representative.*

[FR Doc. 02–13923 Filed 5–30–02; 2:04 pm]

BILLING CODE 3190–01–M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

**[USCG 2002–11422]**

### Information Collection Under Review by the Office of Management and Budget (OMB): 2115–0629

**AGENCY:** Coast Guard, DOT.

**ACTION:** Request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded one Information Collection Report (ICR) abstracted below to the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) for review and comment. Our ICR describes the information we seek to collect from the public. Review and comment by OIRA ensures that we impose only paperwork burdens commensurate with our performance of duties.

**DATES:** Please submit comments on or before July 3, 2002.

**ADDRESSES:** To make sure that your comments and related material do not enter the docket [USCG 2002–11422] more than once, please submit them by only one of the following means:

(1)(a) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001. (b) By mail to OIRA, 725 17th Street NW., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard. Caution: Because of recent delays in the delivery of mail, your comments may reach the Facility more quickly if you choose one of the other means described below.

(2)(a) By delivery to room PL–401 at the address given in paragraph (1)(a) above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. (b) By delivery to OIRA, at the address given in paragraph (1)(b) above, to the attention of the Desk Officer for the Coast Guard.

(3) By fax to (a) the Docket Management Facility at 202–493–2251 and (b) OIRA at 202–395–5806, or e-mail to OIRA at *oira_docket@omb.eop.gov* attention: Desk Officer for the Coast Guard.

(4)(a) Electronically through the Web site for the Docket Management System at *http://dms.dot.gov.* (b) By delivery to OIRA does not have a Web site on which you can post your comments.

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

Copies of the complete ICR are available for inspection and copying in public dockets. A copy of it is available in docket USCG 2002–11422 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the Internet at *http://dms.dot.gov;* and for inspection from the Commandant (G–CIM–2), U.S. Coast Guard, room 6106, 2100 Second Street SW., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

**SUPPLEMENTARY INFORMATION:**

#### Regulatory History

This request constitutes the 30-day notice required by OIRA. The Coast Guard has already published [67 FR 6071 (February 8, 2002)] the 60-day notice required by OIRA. That notice elicited no comments.

#### Request for Comments

The Coast Guard invites comments on the proposed collection of information to determine whether the collection is necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collection; (2) the accuracy of the Department's estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collection; and (4) ways to minimize the burden of collection on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Number of the ICR addressed. Comments to DMS must contain the docket number of this request, USCG 2002–11422. Comments to OIRA are best assured of having their full effect if OIRA receives them 30 or fewer days after the publication of this request.

#### Information Collection Request

1. *Title:* Operational Measures to Reduce Oil Spills from Existing Tank Vessels Without Double Hulls.

*OMB Control Number:* 2115–0629.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Owners and operators of tank vessels.

*Forms:* This collection of information does not require the public to fill out forms, but does require the information to be in written or electronic format, and must be retained onboard the vessels and made readily available to the Coast Guard upon request.

*Abstract:* The information is needed to ensure compliance with domestic rules regarding operational measures for certain tank vessels while operating in the waters of the U.S.

*Annual Estimated Burden Hours:* The estimated burden is 18,006 hours a year.

Dated: May 24, 2002.

**N.S. Heiner,**

*Acting Director of Information & Technology.*

[FR Doc. 02–13755 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–15–U

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

**[USCG 2002–11351]**

### Information Collection Under Review by the Office of Management and Budget (OMB): 2115–0539, 2115–0504, 2115–0576, 2115–0581, and 2115–0626

**AGENCY:** Coast Guard, DOT.

**ACTION:** Request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded the five Information Collection Reports (ICRs) abstracted below to the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB) for review and comment. Our ICRs describe the information we seek to collect from the public. Review and comment by OIRA ensures that we impose only paperwork burdens

commensurate with our performance of duties.

**DATES:** Please submit comments on or before July 3, 2002.

**ADDRESSES:** To make sure that your comments and related material do not enter the docket [USCG 2002–11351] more than once, please submit them by only one of the following means:

(1)(a) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001. (b) By mail to OIRA, 725 17th Street NW., Washington, DC 20503, to the attention of the Desk Officer for the Coast Guard. Caution: Because of recent delays in the delivery of mail, your comments may reach the Facility more quickly if you choose one of the other means described below.

(2)(a) By delivery to room PL–401 at the address given in paragraph (1)(a) above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. (b) By delivery to OIRA, at the address given in paragraph (1)(b), above, to the attention of the Desk Officer for the Coast Guard.

(3) By fax to (a) the Docket Management Facility at 202–493–2251 and (b) OIRA at 202–395–5806, or e-mail to OIRA at *oira__docket@omb.eop.gov* attention: Desk Officer for the Coast Guard.

(4)(a) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.* (b) OIRA does not have a website on which you can post your comments.

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

Copies of the complete ICRs are available for inspection and copying in public dockets. They are available in docket USCG 2002–11351 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the internet at *http://dms.dot.gov;* and for inspection from the Commandant (G–CIM–2), U.S. Coast Guard, room 6106, 2100 Second Street SW., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

**SUPPLEMENTARY INFORMATION:**

## Regulatory History

This request constitutes the 30-day notice required by OIRA. The Coast Guard has already published (67 FR 3774 (January 25, 2002)) the 60-day notice required by OIRA. That notice elicited no comments.

## Request for Comments

The Coast Guard invites comments on the proposed collection of information to determine whether the collection is necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collection; (2) the accuracy of the Department's estimated burden of the collection; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collection; and (4) ways to minimize the burden of collection on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Number of the ICR addressed. Comments to DMS must contain the docket number of this request, USCG 2002–11351. Comments to OIRA are best assured of having their full effect if OIRA receives them 30 or fewer days after the publication of this request.

## Information Collection Request

1. *Title:* Requirements for Lightering of Oil and Hazardous Material.

*OMB Control Number:* 2115–0539.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Owners and operators of vessels.

*Forms:* This collection of information does not require the public to fill out forms, but does require the information to be in written or spoken form. Advance notices of offshore lightering are most commonly given by telephone, marine radio, or fax.

*Abstract:* The information for this report allows the Coast Guard to provide timely response to an emergency and minimize the environmental damage from a spill of oil or hazardous material. The information also allows the Coast Guard to control the location and procedures for lightering.

*Annual Estimated Burden Hours:* The estimated burden is 228 hours a year.

2. *Title:* Letters of Tank Vessel Examination, Certificates of Compliance, Repairs of Boilers and Pressure Vessels, Records of Cargo Gear, and Shipping Papers.

*OMB Control Number:* 2115–0504.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Owners and operators of vessels.

*Forms:* CG–840S–1, CG–840S–2, and CG–3585.

*Abstract:* This information is needed to enable the Coast Guard to fulfill its responsibilities for maritime safety under title 46 of the United States Code. The affected public includes some owners and operators of large merchant vessels and all foreign-flag tankers calling at U.S. ports.

*Annual Estimated Burden Hours:* The estimated burden is 17,555 hours a year.

3. *Title:* Instructional Material for Lifesaving, Fire-Protection, and Emergency Equipment.

*OMB Control Number:* 2115–0576.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Manufacturers of Equipment.

*Forms:* This collection of information does not require the public to fill out forms, but does require manufacturers to produce required instructional materials for certain lifesaving, fire-protection, and emergency equipment.

*Abstract:* This information is needed to ensure that vessel crews have instructional material for lifesaving, fire-protection, and emergency equipment. The material is used during training sessions and during emergencies. It is needed because crewmembers must have complete information on the proper operation of such equipment.

*Annual Estimated Burden Hours:* The estimated burden is 22,516 hours a year.

4. *Title:* Vapor Control Systems for Facilities and Tank Vessels.

*OMB Control Number:* 2115–0581.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Owners, operators of facilities and tank vessels, and certifying entities.

*Forms:* This collection of information does not require the public to fill out forms, but does require facilities that have vapor-control systems (VCSs) to submit, to a Coast Guard's approved certifying entity, plans and technical information on those systems.

*Abstract:* The information is needed to ensure compliance with domestic rules for the design of VCSs for facilities and tank vessels. The information is also needed to determine the qualifications of a certifying entity.

*Annual Estimated Burden Hours:* The estimated burden is 1,073 hours a year.

5. *Title:* Alternate Compliance Program.

*OMB Control Number:* 2115–0626.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Recognized classification societies.

*Form:* CG–3752.

*Abstract:* This information is used by the Coast Guard to assess vessels participating in the voluntary Alternate Compliance Program before issuance of a Certificate of Inspection.

*Annual Estimated Burden Hours:* The estimated burden is 150 hours a year.

Dated: May 24, 2002.

**N.S. Heiner,**

*Acting Director of Information & Technology.*

[FR Doc. 02–13756 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–15–U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Draft Advisory Circular 93–1, Reservations for Unscheduled Flights at High Density Traffic Airports

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of draft advisory circular and request for comments.

**SUMMARY:** This notice requests comments on Advisory Circular ''Reservations for Unscheduled Flights at High Density Traffic Airports.'' This advisory circular would harmonize and clarify procedures currently in the Aeronautical Information Manual and the Aeronautical Information Publication, update methods of obtaining reservations to include a new web-based application, discontinue use of telephone modem access, provide for an increase in the number of hours in advance of operation that reservations may be made, and reflect recent statutory changes affecting operations at Chicago O'Hare International Airport.

**DATES:** Comments must be received on or before June 24, 2002.

**ADDRESSES:** Comments should be mailed or delivered in duplicate to: U.S. Department of Transportation Dockets, Docket No. FAA–2002–XXXX, 400 Seventh Street, SW., Room Plaza 401, Washington, DC 20590. Comments may also be sent electronically to the following Internet address: *http//dms.dot.gov.* Comments may be filed and/or examined in Room Plaza 401 between 10 a.m. and 5 p.m. weekdays except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Diane Crean, Manager, Terminal Operations/Procedures, ATP–120, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202–267–3538, or facsimile 202–267–5305.

**SUPPLEMENTARY INFORMATION:**

#### Comments Invited

Interested persons are invited to comment by submitting such written data, views, or arguments, as they may desire. Communications should identify the docket number and be submitted in duplicate to the address specified above. Electronic filings should be made to the Docket via the Internet. The FAA will consider comments made on or before the closing date for comments before taking any action on the draft advisory circular.

The FAA will acknowledge receipt of a comment if the commentor includes a self-addressed, stamped postcard with the comment. The postcard should be marked ''Comments to Docket No. FAA–2002–xxxx. When the FAA receives the comment, the postcard will be dated, time stamped, and returned to the commentor.

#### Discussion

The FAA limits flights during certain hours at four high density traffic airports: John F. Kennedy International Airport (JFK), LaGuardia Airport (LGA), Chicago O'Hare International Airport (ORD), and Ronald Reagan Washington National Airport (DCA). (Although Newark International Airport is also designated as a high density traffic airport, the quotas for that airport have been suspended indefinitely.) Reservations for air carrier and commuter flights (also called slots) are allocated in accordance with Title 14 of the Code of Federal Regulations (CFR) Part 93, Subpart S, and are not allocated by the procedures described in this draft advisory circular. Reservation procedures for the ''other'' of category operations are currently in the Aeronautical Information Manual and other air traffic publications. The Airport Reservation Office (ARO), a function of the David J. Hurley Air Traffic Control System Command Center, allocates these reservations for unscheduled operations. Reservations are allocated primarily by the Computer Voice Reservation System (CVRS), which is currently available using a touch-tone telephone or a computer and telephone modem.

The FAA notes that certain general aviation and other unscheduled flights are currently limited at DCA. If future FAA actions regarding flights at DCA would require changes to the procedures described in this advisory circular, they will be addressed separately. Users should continue to check current NOTAMs for the latest information. Comments about the current flight limits at DCA are beyond the scope of this advisory circular.

This advisory circular announces several changes to current procedures and adds clarifying language. The major changes are discussed below.

The FAA proposes to change the lead-time during which a reservation for an unscheduled operation may be obtained from 48 hours with exceptions to 72 hours with no exceptions. Current procedures allow an operator to make a reservation no more than 48 hours in advance of the operation, with two exceptions. [The first exception is for weekends, which provides that reservations may be made on Thursday for Monday and on Friday for Tuesday. The second exception provides that an additional reservation beyond the 48-hour period may be made if the second reservation is for the same calendar day and is made during the same telephone call. The second exception was adopted to allow an operator to obtain roundtrip reservation availability beginning 48 hours in advance of the operation and to provide an opportunity to revise operational plans should the requested slot times not be available.] The FAA proposes the adoption of a straight 72-hour window to obtain a reservation and the elimination of the 48-hour window with the related exceptions. This new procedure permits an operator to make an arrival or departure reservation at a high density traffic airport (HDTA) beginning 72 hours in advance of the proposed hour of operation. The FAA believes that a 72-hour limit generally provides more advance time for obtaining reservations and planning operations accordingly. In addition, it will address an abuse of current procedures by some operators who obtain multiple reservations beginning at the earliest possible time for the express purpose of exceeding the 48-hour limits during one telephone call. One example of abuse is when an operator obtains a reservation for a 6 a.m. arrival 48 hours in advance and, in the same telephone transaction, makes a reservation for a 5 p.m. departure. The operator then makes additional reservations by second telephone call for a 6 a.m. departure and a 4 p.m. arrival. The operator ultimately conducts only flights arriving at 4 p.m. and departing at 5 p.m. using reservations that were both made more than 48 hours in advance. This results in inequitable opportunities for the operators who comply with the intent of

the procedures. The FAA also has received numerous complaints from operators about certain peak hour reservations being fully allocated before the 48-hour period. This occurs due to the current exceptions to the 48-hour rule. The proposed 72-hour window addresses these issues and is expected to make the reservation process more open and equitable for all users. The FAA will continue to monitor operations and reservation allocation practices to determine whether additional actions are required to promote equitable access to reservations and the HDTA's for all unscheduled operators.

In Summer 2002, the FAA plans to enhance the current CVRS with a web-based interface that will allow users to make HDTA reservations using the Internet, and improve the response time of the touch-tone telephone interface. This replacement reservation system will be known as the Enhanced Computer Voice Reservation System (e-CVRS). At the same time e-CVRS is deployed, the current computer modem connection will be eliminated. The ability to make on-line reservations using the Internet will bring faster and easier reservation capability to many users. The computer modem interface will be discontinued primarily due to supportability and cost issues. The FAA does not plan to develop a replacement for the computer modem interface since it would largely duplicate the web interface.

The FAA is requesting comments on having users provide optional information on aircraft type and the next airport service point immediately prior to or following the operation at a high density airport. Fields for data input would be available using the Internet interface and the telephone interface of e-CVRS would be programmed to accept similar information. It would not be mandatory to provide this data to obtain a reservation. To the extent that it is available, this operational information would be combined with other data available to air traffic control and used for planning purposes. It may also be used to determine whether additional operations could be accommodated based on the expected demand.

Changes will also be made to incorporate recent statutory changes at certain high density traffic airports. On April 5, 2000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR–21) was enacted. AIR–21 provides that (1) effective May 1, 2000, reservations are not required for flights conducting foreign air transportation at ORD; (2) effective July 1, 2001, the high density rule (HDR) will apply from 2:45 p.m. through 8:14 p.m. at ORD; (3) after July 1, 2002, the HDR will be eliminated at ORD; (4) effective January 1, 2007, the HDR will be eliminated at JFK and LGA. Therefore, beginning July 2, 2002, reservations will not be required at ORD and it will be eliminated from e-CVRS after that date.

The FAA will consider other comments beyond those specifically solicited above. However, changes that would require rulemaking are beyond the scope of this proposed advisory circular. In compliance with the Paperwork Reduction Act, a request for approval to collect the necessary information will be submitted to the Office of Management and Budget.

**Draft Advisory Circular**

*1. Purpose*

This circular provides information for obtaining instrument and visual flight rule (IFR/VFR) reservations for unscheduled operations at the High Density Traffic Airports (HDTA). The High Density Traffic Airports Rule (Title 14 of the Code of Federal Regulations (CFR), part 93, subpart K) classifies user groups as air carrier, commuter, and other operators. Reservations for regularly scheduled operations conducted by air carrier and commuter operators (also called slots) are allocated in accordance with 14 CFR part 93, subpart S—Allocation of Commuter and Air Carrier IFR Operations at High Density Traffic Airports. Reservations for all other operations are obtained through the Airport Reservation Office (ARO) using the procedures described in this circular.

*2. Definitions*

a. Reservation

An authorization received in compliance with 14 CFR part 93, subpart K, to operate to and/or from a designated HDTA. A reservation for DCA, JFK, or LGA is allocated on an hourly basis. However, at Chicago O'Hare (ORD) a reservation is allocated on a 30-minute basis. (Reservations at ORD will not be required after July 1, 2002.) A reservation authorizes an operation only within the approved time period unless the flight encounters an air traffic control (ATC) traffic delay. (**Note:** In addition to obtaining a reservation as described in this advisory circular, it is the separate responsibility of the user to comply with all other NOTAMs, security or other regulatory requirements to operate at an HDTA.)

b. Airport Reservation Office (ARO)

An operational unit of the FAA Air Traffic Control System Command Center that is responsible for administration of slot reservations for the ''other'' category of operations (nonscheduled flights) at HDTA's.

c. Unscheduled Operation

An operation other than one regulatory conducted by an air carrier or commuter between an HDTA and another service point. Certain types of air carrier and commuter operations are also considered for these purposes as unscheduled. These include irregular charter, hired aircraft service, ferry flights, and other nonpassenger flights.

d. Additional Reservation

An approved IFR and VFR reservation above the hourly IFR quota at an HDTA. Additional reservations are available for unscheduled operations only and are allocated in accordance with the procedures described in this circular.

e. Enhanced Computer Voice Reservation System (e-CVRS)

FAA operates the e-CVRS to make arrival and/or departure reservations at airports designated by 14 part 93 subpart K as HDTA. There is a touch-tone telephone interface and an Internet web interface for making reservations.

*3. Discussion*

a. The FAA designated John F. Kennedy International (JFK) LaGuardia (LGA), Chicaco O'Hare International (ORD), Ronald Reagan Washington National Airport (DCA), and Newark Intternational (EWR) Airports as high density traffic airports and has prescribed air traffic rules and requirements for operating aircraft to and from these airports (14 CFR Part 93, Subpart K). (The HDR at EWR has been suspended indefinitely.) Reservations for JFK are required from 3 p.m. through 7:59 p.m. local time. Reservations at ORD are required from 2:45 p.m. through 8:14 p.m. local time. Reservations for LGA and DCA are required from 6 a.m. through 11:59 p.m. local time. Helicopter operations are excluded from the requirement for a reservation. Reservations at ORD are not required for any aircraft providing foreign air transportation. Air-21 provides for slot restrictions to be removed at ORD after July 1, 2002, and at JFK and LGA on January 1, 2007.

b. The FAA has established an ARO to receive and process all IFR reservation requests for unscheduled operations at the HDTA's. This office monitors operation of the HDR and allocates reservations for the ''other''

category on a ''first-come-first-served'' basis determined by the time the request is received at the reservation office. Standby lists are not maintained. The ARO uses e-CVRS to make all reservations. Users may access the computer system using a touch-tone telephone or via the Internet. Requests for IFR reservations will be accepted beginning 72 hours prior to the proposed time of operation at the affected airport. For example, a request for an 11 a.m. reservation on a Thursday will be accepted beginning at 11 a.m. on the previous Monday.

c. A maximum of two transactions per telephone call/Internet session will be accepted.

d. The ARO will not provide scheduling according to planned departure/arrival time. Assignments will be made on an hourly or 30-minute basis, *e.g.,* an approved reservation for 2000 UTC covers an operation any time from 2000 through 2059 at DCA, JFK, and LGA, and an approved reservation for 2145 at ORD covers an operation from 2145 through 2214.

e. A reservation does not ensure against traffic delays nor does it guarantee arrival and/or departure within such allotted hours. A reservation also is not an ATC clearance.

f. Users are advised to check current NOTAMs in effect for HDTA's. A reservation from e-CVRS does not constitute permission to operate at an HDTA if additional operational limits or procedures are required by NOTAM and/or regulation.

g. The filing of a request for an IFR reservation does not constitute the filing of an IFR flight plan as required by regulation. The IFR flight plan should be filed only after the reservation is obtained and should be filed through normal channels. The ARO does not accept or process flight plans.

*4. IFR Reservations*

a. For an IFR operation, an IFR reservation is required prior to takeoff for any operation to or from an HDTA. Users may obtain IFR reservations by (1) calling the ARO's interactive computer system via touch-tone telephone, or via the Internet; or (2) calling the ARO directly. The telephone number for the e-CVRS computer is 1–800–875–9694. Users would then select option number 1 from the menu to make a reservation using e-CVRS. This toll free number is valid for calls originating within the United States, Canada, and the Caribbean. Users outside those areas may access e-CVRS by calling the toll number of (703) 707–0568. The Internet Web address for accessing e-CVRS is *http://www.fly.faa.gov/ecvrs.*

User may contact the ARO at 703–904–4452 if they have a problem making a reservation using the automated interfaces, if they have a question concerning the HDTA regulations or procedures, of if they wish to make a telephone reservation from outside the United States, Canada, or the Caribbean. (**Note:** The inability to obtain a reservation because all the reservations have been allocated is not considered as having a problem making a reservation).

b. When filing a request for an IFR reservation, the pilot should be prepared to provide the following information:

(1) Name(s) of high density traffic airport(s) for which the pilot wishes reservation(s).

(2) Date(s) and hour(s) (UTC) of proposed operation(s).

(3) Aircraft call sign, flight identification, or tail number(s). Operators should ensure that for each reservation, the ARO has an accurate record of the call sign or aircraft identification number that will be used for communication with air traffic control. Operators using a 3-letter identifier and flight number for ATC communication should obtain a reservation using that same information. Operators using an aircraft tail number should obtain a reservation using the tail number. Note: The FAA monitors compliance with the requirement to obtain a reservation at the HDTA's by comparing ATC flight records with e-CVRS reservation data. Therefore, in order to ensure comparability of data, the operator should ensure that the call sign/tail number data is the same for both ATC and e-CVRS.

(4) Aircraft type identifier. This information is optional and is not required to obtain a reservation.

(5) Origin/Destination Airport immediately prior to or following the proposed operation at a high density traffic airport. This information is optional and is not required to obtain a reservation. The 3-letter identifier for the airport should be used.

c. Should the requested time not be available, the user will be offered the closest time before and after the requested time. If an alternate time is accepted, this will be considered an allocated reservation.

d. Users are encouraged to advise the ARO whenever a change is needed to a reservation. Changes should be made to e-CVRS reservations by using the telephone interface, the Internet web interface, or by calling the ARO.

e. A reservation should be canceled when a user knows that it will not be used. Cancellations should be made through e-CVRS as soon as practical using the telephone interface, the Internet web interface, or by calling the ARO. Early cancellation of reservation will provide opportunities for other operators to use the limited number of airport reservations.

f. The following information is needed to change or cancel a reservation:

(1) Aircraft 3-letter identifier and flight number or tail number, depending on what information was provided for the original reservation.

(2) Airport for which the reservation was made.

(3) Date and Time (UTC) of reservation.

(4) Reservation number.

*5. Additional IFR Reservations*

a. If ATC weather and capacity conditions are favorable and significant delay is not likely at an HDTA, the ARO may coordinate with the appropriate ATC facility to determine if additional IFR reservations may be accommodated at the HDTA for a specific time period, (*See* 14 CFR 93.129.) Generally, availability of additional reservations will not be determined more than 8 hours in advance. If available, additional IFR reservations will be granted on a first-come-first-serve basis using the procedures described in section 4 of this advisory circular. Reservations for IFR operations are not granted by the local ATC facility.

b. An operator who has been unable to obtain a reservation at the beginning of the 72-hour window may find he or she is able to obtain a reservation on the scheduled day of operation when additional reservations may be authorized.

c. ATC will accommodate declared emergency situations without regard to slot reservations.

*6. Visual Flight Rules (VFR) Reservations*

a. The operator of an unscheduled VFR operation may take off or land an aircraft under VFR at an HDTA if a departure or arrival clearance is obtained from the FAA ATC facility serving the HDTA.

b. Under 14 CFR 93.129, a VFR operation is an additional operation beyond the hourly and half-hourly quotas. VFR additional operations may be granted by ATC if they can be accommodated without significant delay to operations already allocated. In addition, the reported ceiling at the HDTA must be at least 1,000 feet and the reported ground visibility at least 3 miles.

c. Each HDTA lies within Class B airspace. A clearance from ATC to enter the airspace or depart the airport under VFR constitutes an approval for a VFR additional reservation. No additional reservation under this section is required for VFR operations. Operators who have obtained a reservation from e-CVRS for a VFR operation are encouraged to cancel those reservations at the earliest opportunity so that they may be available for IFR operations.

d. Any time an HDTA is not authorizing VFR operations, a NOTAM to that effect will be issued by the controlling ATC facility and a recording placed on the Automated Terminal Information Service.

*7. Making HDTA Reservations Using e-CVRS*

a. Telephone users. When using a touch-tone telephone to make a reservation, you are prompted for input of information about what you wish to do. All input is accomplished using the keypad on the telephone. One issue with a touch-tone telephone entry is that most keys have a letter and number associated with them. When the system asks for a date or time, it is expecting an input of numbers. A problem arises when entering a tail number, or 3-letter identifier. The system does not detect if you are entering a letter (alpha character) or a number. Therefore, when entering an aircraft identifier and flight number or aircraft registration/tail number two keys are used to represent each letter or number. When entering a number, precede the number you wish by the number 0 (zero) *i.e.,* 01, 02, 03, 04, * * * If you wish to enter a letter, first press the key on which the letter appears and then pass 1, 2, or 3, depending upon whether the letter you desire is the first, second, or third letter on that key. For example to enter the letter ''N'' first press the ''6'' key because ''N'' is on that key, then press the ''2'' key because the letter ''N'' is the second letter on the ''6'' key. Since there are no keys for the letters ''Q'' and ''Z,'' e-CVRS pretends they are on the number ''1'' key. Therefore, to enter the letter ''Q,'' press 11, and to enter the letter ''Z,'' press 12.

**Note:** Users are reminded to enter the ''N'' character with their tail numbers (*see Table 1*). Operators using a 3-letter identifier and flight number to communicate with ATC facilities should enter that call sign when making their reservation.

TABLE 1.—CODES FOR CALL SIGN/TAIL NUMBER INPUT

| Codes for Call Sign/Tail Number Input Only | | | |
|---|---|---|---|
| A–21 | J–51 | S–73 | 1–01 |
| B–22 | K–52 | T–81 | 2–02 |
| C–23 | L–53 | U–82 | 3–03 |
| D–31 | M–61 | V–83 | 4–04 |
| E–32 | N–62 | W–91 | 5–05 |
| F–33 | O–63 | X–92 | 6–06 |
| G–41 | P–71 | Y–93 | 7–07 |
| H–42 | Q–11 | Z–12 | 8–08 |
| I–43 | R–72 | 0–00 | 9–09 |

b. Additional helpful key entries: (*See Table 2*).

TABLE 2.—HELPFUL KEY ENTRIES

| |
|---|
| # After entering a call sign/tail number, depressing the ''pound key'' (#) twice will indicate the end of the tail number. |
| *2 Will take the user back to the start of the process. |
| *3 Will repeat the call sign/tail number used in a previous reservation. |
| *5 Will repeat the previous question. |
| *8 Tutorial Mode: In the tutorial mode each prompt for input includes a more detailed description of what is expected as input. *8 is a toggle on/off switch. If you are in tutorial mode and enter *8, you will return to the normal mode. |
| *0 Expert Mode: In the expert mode each prompt for input is brief with little or no explanation. Expert mode is also on/off toggle. |

c. *Internet Web Based Interface.* The e-CVRS reservation system includes a Web-based interface. The Internet option is intended to provide a fast, user-friendly environment for making slot reservations. The Internet address is *http://www.fly.faa.gov/ecvrs.* The web-based interface incorporates the current CVRS telephone features and adds new features. In addition to the airport, date, time, and tail number/call sign information, you will be asked to enter the aircraft type and the arrival/departure airport immediately preceding or following your operation at an HDTA. If you are making an arrival reservation at an HDTA, you will be asked to provide the 3-letter identifier for your departure airport. Conversely, if you are making a departure reservation, you will now be asked for your destination airport. This information is optional and is not required to obtain a reservation. This information may be added or edited using e-CVRS after the reservation is initially obtained.

All users of e-CVRS must complete a one-time registration form containing the following information: full name; e-mail address; a personal password; password confirmation; and company affiliation (optional). Your e-mail and password are required each time you login to use e-CVRS. Instructions are provided on each page to guide you through the reservation process. If you need help at any time, you can access page-specific help by clicking the question mark ''?'' located in the upper right corner of the page.

Issued in Washington, DC, on May 28, 2002.

**Michael A. Cirillo,**

*Program Director for Air Traffic Planning and Procedures.*

[FR Doc. 02–13820 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–13–M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Miscellaneous Non-Required Equipment

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of availability and request for public comment.

**SUMMARY:** This notice announces the availability of and requests comments on a proposed Technical Standard Order (TSO) C138, Miscellaneous Non-Required Equipment. This TSO is limited in applicability to equipment that is not intended to be used in the cockpit, nor impact pilot workload. This

TSO establishes equipment categories which are classified based upon compliance to published aircraft standards. The TSO equipment manufacturer is provided guidelines for developments and documentation of equipment functional performance requirements and test conditions. The TSO equipment manufacturer is expected to provide evidence of having satisfied the declared functional performance and test conditions under defined environmental test conditions. For those equipment which contain software, the equipment manufacturer must provide evidence of having satisfied minimum software design assurance development criteria. This TSO also identifies equipment classes marked ''<RESERVED>'' for equipment standards to be defined in the future. These ''<RESERVED>'' equipment classes are intended to allow for future TSO C138 expansion of aircraft standards for elective compliance by the equipment manufacturer.

**DATES:** Comments submitted must be received on or before July 31, 2002.

**ADDRESSES:** Send all comments on the proposed TSO to: Federal Aviation Administration (FAA), Aircraft Certification Service, Aircraft Engineering Division, Avionic Systems Branch, AIR–130, 800 Independence Avenue, SW., Washington, DC 20591. Or deliver comments to: Federal Aviation Administration, Room 815, 800 Independence Avenue SW., Washington, DC 20591.

**FOR FURTHER INFORMATION CONTACT:** Michelle Swearingen, Federal Aviation Administration (FAA), Aircraft Certification Service Aircraft Engineering Division, Avionic Systems Branch, AIR–130, 800 Independence Avenue SW., Washington, DC 20591, Telephone: (202) 267–9897, FAX: (202) 267–5340.

**SUPPLEMENTARY INFORMATION:**

## Comments Invited

Interested person are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments, as they desire, to the above specified address. Comments must be marked ''Comments to TSO–C138.'' Comments received on the draft TSO may be examined both before and after the closing date, in Room 815, FAA Headquarters Building (FOB–10A), 800 Independence Avenue SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. All communications received on or before the closing data for comments specified will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

## Background

Design and production approval under the FAA Technical Standard Order (TSO) program offers numerous advantages to the equipment manufacturer, equipment installer and the FAA Aircraft Certification Service. The proposed TSO is intended to provide equipment manufacturers ability to produce equipment without specifically tying the equipment to a given make/model of aircraft. Design and production approval under this TSO is intended to afford the equipment manufacturer and installer limited certification reuse credit. Equipment marked as compliant with the proposed TSO is anticipated to require less overall regulatory review during the installation process, since the equipment would be marked as having been found compliant to a given set of equipment standards (e.g., environmental considerations, software design assurance, etc). This inherent certification reuse credit is intended to provide equipment manufacturers increased marketability of equipment currently considered non-traditional TSO articles. Finally, the FAA believes that adoption of this proposed TSO will reduce the overall regulatory review cycle by the Aircraft Certification Offices. The FAA intends to identify success metrics and implements a monitoring program to ensure that any resultant increase in TSO Authorization applications do not result in an unmanageable workload burden upon the Aircraft Certification Offices.

## How To Obtain Copies

A copy of the revised draft TSO may be obtained via Internet (*http://www.faa.gov/avr/air/airhome.htm*) or on request from the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, DC., on May 29, 2002.

**David W. Hempe,**

*Manager, Aircraft Engineering Division, Aircraft Certification Service.*

[FR Doc. 02–13819 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–13–M

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# DEPARTMENT OF TRANSPORTATION

## Federal Highway Administration

## Environmental Impact Statement: Hamilton and Clermont Counties, OH, and Campbell County, KY

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that a Tiered Environmental Impact Statement (EIS) may be prepared for proposed multi-modal transportation projects in Hamilton and Clermont Counties, Ohio, and Campbell County, Kentucky.

**FOR FURTHER INFORMATION CONTACT:** Mark L. Vonder Embse, Urban Programs Engineer, Federal Highway Administration, 200 North High Street, Room 328, Columbus, Ohio 43215, Telephone: (614) 280–6854.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Ohio Department of Transportation (ODOT) and the Hamilton County Transportation Improvement District (HCTID), will prepare a Tiered Environmental Impact Statement for proposed improvements in the Eastern Corridor of the City of Cincinnati, Ohio. Covering approximately 200 square miles, the study area extends from the Cincinnati Business District east to the Communities of Milford, Batavia, and Amelia in Clermont County, and south into Northern Kentucky along I–275 and I–471.

The purpose and need of the project are to improve mobility and alleviate congestion in the Eastern Corridor. Alternatives under consideration include (1) Taking no action; and (2) a combination of the following: (a) Constructing a new highway on new location; (b) construction of new transit facilities; and (c) upgrading existing highway and transit facilities. FHWA, ODOT, HCTID and local agencies will be invited to participate in defining the alternatives to be evaluated in the Tiered EIS, and any significant social, economic, or environmental issues related to the alternatives.

The purpose of this Tiered EIS is to document in a Record of Decision specific segments and their termini within the Eastern Corridor. The first tier will focus on broad issues such as general location, mode choice, and area-wide air quality and land use implications of the major alternatives. These individual projects will then advance as independent projects with individual NEPA decisions. The second tier will address site-specific details on project impacts, costs, and mitigation measures.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of public meetings will be held in the project

area. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. A draft of the Tiered EIS will be available for public and agency review and comment prior to the public hearing. Scoping activities will be conducted.

To ensure that the full range of issues related to this proposed action are identified and addressed, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action should be sent to the FHWA at the address provided above.

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

Issued on: May 21, 2002.

**Mark L. Vonder Embse,**

*Urban Programs Engineer, Federal Highway Administration, Columbus, Ohio.*

[FR Doc. 02–13830 Filed 5–31–02; 8:45 am]

**BILLING CODE 4910–22–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Environmental Impact Statement; Kauai County, HI

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for a proposed highway project in the County of Kauai, State of Hawaii. This notice supersedes an earlier notice for the same project, published in the October 9, 1992 edition of the **Federal Register** (Vol. 57, No. 197).

**FOR FURTHER INFORMATION CONTACT:** Abraham Y. Wong, Division Administrator, Federal Highway Administration, P.O. Box 50206, Honolulu, Hawaii 96850, Telephone (808) 541–2700, x312.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the State of Hawaii, Department of Transportation, Highways Division, will prepare an Environmental Impact Statement for proposed improvements to Kuhio Highway (FAP 56) on the island of Kauai. This notice supersedes an earlier notice for the same project, published in the October 9, 1992 edition of the **Federal Register** (Vol. 57, No. 197).

The objectives of the proposed action are to alleviate existing traffic congestion along Kuhio Highway, accommodate projected traffic growth to the year 2025 for both local circulation and through traffic, provide an alternate emergency access and evacuation route to respond to emergency conditions, and provide additional roadway capacity when traffic incidents impede the normal traffic flow.

It is anticipated that several alternatives will be studied, including the no-build alternative. Possible ''build'' alternatives may include widening portions of Kuhio Highway, construction of a new bypass road or ''relief route,'' a Transportation System Management (TSM)'' alternative, or some combination of these. The proposed action could also include the location and design of connector roads between the relief route and the existing Kuhio Highway.

Stakeholders and interested parties are invited to come forward with ideas for purpose and need, alternatives, alternative selection criteria, environmental concerns in all resource areas, suggestions for outreach, and other information relevant to the planning process.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and County agencies and to private organizations and individuals. Two public informational meetings will be held on Kauai to receive comments and input from the community. In addition, a formal public hearing will be held after the Draft EIS is released for public and agency review. Public notices will be given of the time and place where these meetings will be held.

Comments or questions concerning this proposed project and the EIS to be prepared should be directed to the FHWA at the address provided above.

**Abraham Y. Wong,**

*Division Administrator, FHWA Hawaii.*

[FR Doc. 02–13765 Filed 5–31–02; 8:45 am]

**BILLING CODE 4910–22–M**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Environmental Impact Statement: San Joaquin and Stanislaus Counties, CA

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposal highway project in San Joaquin and Stanislaus counties, California.

**FOR FURTHER INFORMATION CONTACT:** Maiser Khaled, Team Leader, Federal Highway Administration, 980 Ninth St., Suite 400, Sacramento, California 95809, Telephone: (916) 498–5008.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with California Department of Transportation (Caltrans), will prepare an EIS on a proposal to improve State Route 132 from the State Route 132/33 (SR132/33) Separation Overhead (Bridge 29–167L) in San Joaquin County to 0.16 km (0.1 m) west of the San Joaquin Bridge (Bridge 38–45) in Stanislaus County. The project is approximately 5.63 km (3.5m) in length. It is anticipated that these improvements improve traffic safety and operations by reducing congestion and accidents.

A larger geographic area from Interstate 580 (I–580) to Dakota Avenue west of the City of Modesto will be examined to evaluate indirect and cumulative impacts, and ensure full consideration of alternatives for the corridor. Alternatives under consideration include (1) taking no action; (2) using the existing two-lane highway as two westbound lanes and constructing two new eastbound lanes as a divided, four-lane expressway with limited access; (3) constructing a divided, four-lane expressway with limited access on new alignment; and (4) constructing a divided, four-lane freeway with controlled access on new alignment. Incorporated into and studied with the various build alternatives will be design variations of the existing SR132/33 interchange.

Letters describing the proposed action and soliciting comments will be sent to the appropriate Federal, State, and local agencies, and to private organizations and citizens who have expressed or are known to have interest in this proposal. Scoping meetings with local officials, State and Federal resource agencies will be held during the summer of 2002. Public participation for this study also includes community information meetings and a formal Public Hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing Public notice will be given of the time and place for all meetings and hearings.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be

directed to the FHWA at the address provided above.

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

Issued on: May 20, 2002.

**Maiser A. Khaled,**

*Chief, District Operations—North, Sacramento, California.*

[FR Doc. 02–13744 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–22–M

## DEPARTMENT OF TRANSPORTATION

## Federal Motor Carrier Safety Administration

**[Docket Nos. FMCSA–99–5748 (OMCS–99–5748), FMCSA–99–6480]**

## Qualification of Drivers; Exemption Applications; Vision

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of renewal of exemption; request for comments.

**SUMMARY:** This notice announces FMCSA's decision to renew the exemptions from the vision requirement in 49 CFR 391.41(b)(10) for 11 individuals.

**DATES:** This decision is effective June 3, 2002. Comments from interested persons should be submitted by July 3, 2002.

**ADDRESSES:** You can mail or deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. You can also submit comments as well as see the submissions of other commenters at *http://dms.dot.gov.* Please include the docket numbers that appear in the heading of this document. You can examine and copy this document and all comments received at the same Internet address or at the Dockets Management Facility from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you want to know that we received your comments, please include a self-addressed, stamped postcard or include a copy of the acknowledgement page that appears after you submit comments electronically.

**FOR FURTHER INFORMATION CONTACT:** For information about the vision exemptions in this notice, Ms. Sandra Zywokarte, Office of Bus and Truck Standards and Operations, (202) 366–2987; for information about legal issues related to this notice, Mr. Joseph Solomey, Office of the Chief Counsel, (202) 366–1374, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

### Electronic Access and Filing

You may see all comments online through the Document Management System (DMS) at: *http://dmses.dot.gov/submit.*

### Background

Eleven individuals have requested renewal of their exemptions from the vision requirement in 49 CFR 391.41(b)(10) which applies to drivers of commercial motor vehicles (CMVs) in interstate commerce. They are Ronnie F. Bowman, Thomas L. Corey, Oskia D. Johnson, Dennis E. Krone, James F. Laverdure, Christopher P. Lefler, David R. Linzy, Richard J. McKenzie, Jr., Kenneth R. Piechnik, Thomas R. Trumpeter, and John C. Vantaggi. Under 49 U.S.C. 31315 and 31136(e), FMCSA may renew an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' Accordingly, FMCSA has evaluated the 11 petitions for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

On April 14, 2000, the agency published a notice of final disposition announcing its decision to exempt 34 individuals, including 10 of these applicants for renewal, from the vision requirement in 49 CFR 391.41(b)(10) (65 FR 20251). The qualifications, experience, and medical condition of each applicant were stated and discussed in detail at 64 FR 68195 (December 6, 1999). Two comments were received, and their contents were carefully considered by the agency in reaching its final decision to grant the petitions (65 FR 20251). On November 30, 1999, the agency published a notice of final disposition announcing its decision to exempt 33 individuals, including 1 of these applicants for renewal, from the vision requirement in 49 CFR 391.41(b)(10) (64 FR 66962). The qualifications, experience, and medical condition of each applicant were stated and discussed in detail at 64 FR 40404 (July 26, 1999). Three comments were received, and their contents were carefully considered by the agency in reaching its final decision to grant the petitions (64 FR 66962). The agency determined that exempting the individuals from 49 CFR 391.41(b)(10) was likely to achieve a level of safety equal to, or greater than, the level that would be achieved without the exemption as long as the vision in each applicant's better eye continued to meet the standard specified in 49 CFR 391.41(b)(10). As a condition of the exemption, therefore, the agency imposed requirements on the individuals similar to the grandfathering provisions in 49 CFR 391.64(b) applied to drivers who participated in the agency's former vision waiver program.

These requirements are as follows: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that vision in the better eye meets the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official.

### Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application for additional 2-year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 11 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 20251; 64 FR 68195; 64 FR 66962; 64 FR 40404), and each has requested timely renewal of the exemption. These 11 applicants have submitted evidence showing that the vision in their better eye continues to meet the standard specified at 49 CFR 391.41(b)(10), and that the vision impairment is stable. In addition, a review of their records of safety while driving with their respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for a period of 2 years is likely to

achieve a level of safety equal to that existing without the exemption for each renewal applicant.

**Conclusion**

In accordance with 49 U.S.C. 31315 and 31136(e), FMCSA extends the exemptions from the vision requirement in 49 CFR 391.41(b)(10) granted to Ronnie F. Bowman, Thomas L. Corey, Oskia D. Johnson, Dennis E. Krone, James F. Laverdure, Christopher P. Lefler, David R. Linzy, Richard J. McKenzie, Jr., Kenneth R. Piechnik, Thomas R. Trumpeter, and John C. Vantaggi, subject to the following conditions: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for 2 years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e).

**Request for Comments**

FMCSA has evaluated the qualifications and driving performance of the 11 applicants here and extends their exemptions based on the evidence introduced. The agency will review any comments received concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). While comments of this nature will be entertained at any time, FMCSA requests that interested parties with information concerning the safety records of these drivers submit comments by July 3, 2002. All comments will be considered and will be available for examination in the docket room at the above address. FMCSA will also continue to file in the docket relevant information which becomes available. Interested persons should continue to examine the docket for new material.

Issued on: May 28, 2002.

**Stephen E. Barber,**

*Associate Administrator, Enforcement and Program Delivery.*

[FR Doc. 02–13753 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–EX–P

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## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

### Proposed Agency Information Collection Activities; Comment Request

**AGENCY:** Federal Railroad Administration, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requirement (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on March 27, 2002 (67 FR 14766).

**DATES:** Comments must be submitted on or before July 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292), or Debra Steward, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6139). (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act of 1995 (PRA), Public Law No. 104–13, section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506, 3507; 5 CFR 1320.5, 1320.8(d)(1), 1320.12. On March 27, 2002, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 67 FR 14766. FRA received no comments in response to this notice.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); *see also* 60 FR 44983, Aug. 29, 1995.

The summaries below describe the nature of the information collection requirements (ICRs) and the expected burden. The revised requirements are being submitted for clearance by OMB as required by the PRA.

*Title:* Qualifications for Locomotive Engineers.

*OMB Control Number:* 2130–0533.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Businesses.

*Form(s):* N/A.

*Abstract:* Section 4 of the Rail Safety Improvement Act of 1988 (RSIA), Public Law 100–342, 102 Stat. 624 (June 22, 1988), later amended and re-codified by Public Law 103–272, 108 Stat. 874 (July 5, 1994), required that FRA issue regulations to establish any necessary program for certifying or licensing locomotive engineers. The collection of information is used by FRA to ensure that railroads employ and properly train qualified individuals as locomotive engineers and designated supervisors of locomotive engineers. The collection of information is also used by FRA to verify that railroads have established the required certification programs for locomotive engineers and that these programs fully conform to the standards specified in the regulation.

*Annual Estimated Burden Hours:* 202,741.

*Addressee:* Send comments regarding these information collections to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 Seventeenth Street, NW.,

Washington, DC, 20503; Attention: FRA Desk Officer.

*Comments are invited on the following:* Whether the proposed collections of information are necessary for the proper performance of the functions of FRA, including whether the information will have practical utility; the accuracy of FRA's estimates of the burden of the proposed information collections; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collections of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this notice in the **Federal Register**.

**Authority:** 44 U.S.C. 3501–3520.

Issued in Washington, DC, on May 29, 2002.

**Kathy A. Weiner,**

*Director, Office of Information Technology and Support Systems, Federal Railroad Administration.*

[FR Doc. 02–13821 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–06–P

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

### Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The nature of the information collection is described as well as its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on March 12, 2002. No comments were received.

**DATES:** Comments must be submitted on or before July 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Rita Jackson, Maritime Administration, MAR–250, 400 Seventh St., SW., Washington, DC 20590. Telephone: 202–366–0284; FAX: 202–493–2288 or E–MAIL: *rita.jackson@marad.dot.gov.* Copies of this collection can also be obtained from that office.

**SUPPLEMENTARY INFORMATION:** Maritime Administration (MARAD).

*Title:* Application for Admission to the U.S. Merchant Marine Academy.

*OMB Control Number:* 2133–0010.

*Type of Request:* Extension of currently approved collection.

*Affected Public:* Individuals desiring to become students at the U.S. Merchant Marine Academy.

*Form (S):* KP–2–65.

*Abstract:* The collection consists of Parts I, II, and III of Form KP 2–65 (U.S. Merchant Marine Academy Application for Admission). Part I of the form is completed by individuals who desire to be admitted as students to the U.S. Merchant Marine Academy.

*Annual Estimated Burden Hours:* 12,500 hours.

*Addressee:* Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention MARAD Desk Officer.

*Comments Are Invited on:* (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, DC on May 28, 2002.

**Joel C. Richard,**

*Secretary, Maritime Administration.*

[FR Doc. 02–13778 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–81–P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### Denial of Motor Vehicle Defect Petition, DP02–003

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

**ACTION:** Denial of petition for a defect finding.

**SUMMARY:** This notice sets forth the reasons for the denial of a petition submitted to NHTSA under 49 U.S.C. 30162, requesting that the agency vacate the March 7, 1995, settlement agreement between the U.S. Department of Transportation (U.S. DOT) and General Motors Corporation (GM), and order an immediate recall of the 1973–1987 C/K series pickup trucks with the fuel tank mounted outboard of the frame rails. The petition is hereinafter identified as DP02–003.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jonathan White, Office of Defects Investigation (ODI), NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–5226.

**SUPPLEMENTARY INFORMATION:** Mr. Jere L. Beasley of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. in Montgomery, AL, submitted a petition to NHTSA by letter dated February 27, 2002, requesting that the agency vacate the March 7, 1995, settlement agreement between the U.S. DOT and GM, and order an immediate recall of the model year 1973–1987 C/K series pickup trucks with the fuel tank mounted outboard of the frame rails. The petitioner alleges that since the settlement agreement, numerous persons have been injured and killed as a result of the defective design of the fuel tanks, but has not provided any data in support of this allegation.

On March 7, 1995, the former secretary of the U.S. DOT, Federico Peña, signed a settlement agreement with GM resolving NHTSA's defect investigation, EA92–041, involving an alleged fuel system integrity defect in model year 1970–1991 C/K pickup trucks. Secretary PeZa concluded that the settlement was in the public interest and best furthers DOT's interest in vehicle safety. NHTSA subsequently closed its defect investigation.

The settlement allowed the parties to avoid time-consuming, costly litigation of a complex matter that raised difficult factual and legal issues, and offered an opportunity for meaningful cooperation between government and industry to significantly enhance the safety of the driving public. The petitioner has not provided information, different in kind from that considered by the agency in the past, that leads us to conclude that the investigation should be reopened. Therefore, the petition is denied.

**Authority:** 49 U.S.C. 30162(d); delegations of authority at CFR 1.50 and 501.8.

Issued on: May 24, 2002.

**Kenneth N. Weinstein,**

*Associate Administrator for Safety Assurance.*

[FR Doc. 02–13838 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–59–P

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**[Docket No. NHTSA–2002–12316]**

## Notice of Receipt of Petition for Decision That Nonconforming 1999–2002 Mercedes Benz S Class (W220) Passenger Cars Are Eligible for Importation

**AGENCY:** National Highway Traffic Safety Administration, DOT.

**ACTION:** Notice of receipt of petition for decision that nonconforming 1999–2002 Mercedes Benz S Class (W220) passenger cars are eligible for importation.

**SUMMARY:** This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1999–2002 Mercedes Benz S Class (W220) passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

**DATES:** The closing date for comments on the petition is July 3, 2002.

**ADDRESSES:** Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm].

**FOR FURTHER INFORMATION CONTACT:** George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

**SUPPLEMENTARY INFORMATION:**

### Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Automobile Concepts, Inc. of North Miami, Florida (''AMC'') (Registered Importer 01–278) has petitioned NHTSA to decide whether 1999–2002 Mercedes Benz S Class (W220) passenger cars are eligible for importation into the United States. The vehicles which AMC identified as substantially similar are ''1999–2002 Mercedes Benz S Class (W220)'' passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

After reviewing the petition, the agency discovered that it had already decided that the 1999 model year Mercedes Benz S Class sold in the United States was eligible for importation (VSP 325). The next generation S Class, the W220, entered production during the latter part of 1998. The manufacturer informed us that, beginning in February 1999, it began to import into the United States the W220 as a 2000 model year vehicle. While W220s contemporaneously produced for other markets may have been denominated as 1999 models, the manufacturer appears to have chosen the model year 2000 for U.S. models for marketing reasons alone. This means that it is proper to compare a W220 which may have been denominated a 1999 model outside the United States with a W220 certified for the U.S. market as a 2000 model year vehicle. If the agency finds the W220 eligible for importation, the decision will cover 1999–2002 vehicles as petitioned for, and identify them as W220s.

The petitioner claims that it carefully compared non-U.S. certified 1999–2002 Mercedes Benz S Class (W220) passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

AMC submitted information with its petition intended to demonstrate that non-U.S. certified 1999–2002 Mercedes Benz S Class (W220) passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1999–2002 Mercedes Benz S Class (W220) passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 135 *Passenger Car Brake Systems,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity,* and 302 *Flammability of Interior Materials.*

In addition, the petitioner claims that the vehicles comply with the Bumper Standard found in 49 CFR Part 581.

The petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

*Standard No. 101 Controls and Displays:* (a) Inscription of the word ''brake'' on the dash in place of the international ECE warning symbol; (b) recalibration of the speedometer to read in miles per hour and inscription of the letters ''MPH'' on the speedometer face, or replacement of the entire instrument cluster with the U.S.-model component.

*Standard No. 108 Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.-model headlamps; (b) installation of U.S.-model side markers; (c) installation of U.S.-model tail lamp assemblies which incorporate rear sidemarker lights; (d) installation of a U.S.-model high mounted stop light assembly if the vehicle is not already so equipped.

*Standard No. 110 Tire Selection and Rims:* installation of a tire information placard.

*Standard No. 111 Rearview Mirror:* replacement of the passenger side rearview mirror with a U.S.-model component, or inscription of the required warning statement on that mirror.

*Standard No. 114 Theft Protection:* activation of the warning buzzer.

*Standard No. 118 Power Window Systems:* reprogramming of the power window system so that the windows will not operate with the ignition off.

*Standard No. 201 Occupant Protection in Interior Impact:* inspection of each vehicle to ensure that appropriate components have been installed to meet the requirements of the standard, and replacement of any component that is not a U.S.-model part. The petitioner states that the manufacturer has identified the vehicle as meeting the upper interior head impact requirements of the standard.

*Standard No. 208 Occupant Crash Protection:* (a) Activation of the seat belt warning buzzer by reprogramming the unit; (b) inspection of all vehicles and replacement of the driver's and passenger's side air bags, control units, sensors, and seat belts with U.S.-model components on vehicles that are not already so equipped. Petitioner states that the front and rear outboard designated seating positions have combination lap and shoulder belts that are self-tensioning and that release by means of a single red pushbutton. Petitioner further states that the vehicles are equipped with a seat belt warning lamp that is identical to the lamp installed on U.S.-certified models.

*Standard No. 214 Side Impact Protection:* inspection of all vehicles to ensure that they are equipped with door bars identical to those in the U.S. certified model and installation of those components on vehicles that are not already so equipped.

The petitioner states that a vehicle identification plate must be affixed to the vehicles near the left windshield post and a reference and certification label must be affixed in the area of the left front door post to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

**Authority:** 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 29, 2002.

**Marilynne Jacobs,**

*Director, Office of Vehicle Safety Compliance.*

[FR Doc. 02–13816 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–59–P

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

**[Docket No. NHTSA 2002–12319 Notice 1]**

### Guardian Industries Corporation; Receipt of Application for Determination of Inconsequential Non-Compliance

Guardian Industries Corporation, (Guardian) of Auburn Hills, Michigan has applied to be exempted from the notification and remedy requirements of the 49 U.S.C. Chapter 301 ''Motor Vehicle Safety'' for noncompliance with Federal Motor Vehicle Safety Standard (FMVSS) No. 205 ''Glazing Materials,'' on the basis that the noncompliance is inconsequential to motor vehicle safety. Guardian has filed a report of noncompliance pursuant to 49 CFR part 573, ''Defect and Noncompliance Information Reports.''

This notice of receipt of the application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the application. *See* 49 U.S.C. 30118(d) and 30120(h).

Guardian submitted the following information in accordance with the requirements of 49 CFR part 556, ''Exemption for Inconsequential Defect or Noncompliance.''

#### Description of the Noncompliance

Guardian has determined that 11,562 tempered glass sunroof parts manufactured between November 2000 and February 2001, do not meet the labeling requirements of paragraph S6 of FMVSS No. 205, ''Glazing Materials,'' specifically Section 6 of ANSI Z26 as incorporated by reference. They were not marked with the correct model number. The parts were marked with the manufacturer's model number M–934, which corresponds to a tempered glass with 4.0 mm nominal thickness. The correct manufacturer's model number, should have been M–937, which is tempered glass with a 5.0 mm nominal thickness.

#### Information Supporting the Application

Guardian submitted a test report indicating the tempered glass parts were in full compliance with 49 CFR 571.205 except that the parts were affixed with the incorrect manufacturer's model number. The noncompliance was discovered during a routine in-house quality control inspection.

Guardian asserts that the noncompliance reported herein could not result in the wrong part being used in an OEM or ARG application given that the part would be ordered by its unique part number not the ''M number'' (which corresponds to the glass construction from which the part is fabricated).

Interested persons are invited to submit written data, views and arguments on the petition of Guardian, described above. Comments should refer to the Docket Number and be submitted to: Docket Management, Room PL 401, 400 Seventh Street, SW., Washington, DC 20590. It is requested that two copies be submitted.

All comments received before the close of business on the closing date, indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent practicable. When the application is granted or denied, the Notice will be published in the **Federal Register** pursuant to the authority indicated below.

*Comment closing date:* July 3, 2002.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on: May 23, 2002.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 02–13754 Filed 5–31–02; 8:45 am]

BILLING CODE 4910–59–P

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

**[STB Docket No. AB–33 (Sub–No. 189X)]**

### Union Pacific Railroad Company; Abandonment Exemption in Eau Claire County, WI

On May 14, 2002, Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903–05 [1] to abandon a line of

[1] In addition to an exemption from 49 U.S.C. 10903, UP seeks exemption from 49 U.S.C. 10904

Continued

railroad known as the Eau Claire Industrial Lead between milepost 0.00 near N. Barstow Street and milepost 1.65 south of Truax Boulevard, a distance of 1.65 miles in Eau Claire, Eau Claire County, WI. The line traverses U.S. Postal Service Zip Code 54703. There are no stations on the line.

The line does not contain Federally granted rights-of-way. Any documentation in the railroad's possession will be made available to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by August 30, 2002.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,100 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than June 24, 2002. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–33 (Sub-No. 189X) and must be sent to: (1) Surface Transportation Board, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001; and (2) Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Suite 1920, Chicago, IL 60606. Replies to the UP petition are due on or before June 24, 2002.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1552. [TDD for the hearing impaired is available at 1–800–877–8339.]

(offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions). This request will be addressed in the final decision.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: May 28, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 02–13826 Filed 5–31–02; 8:45 am]

**BILLING CODE 4915–00–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 8718

**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 8718 User Fee for Exempt Organization Determination Letter Request.

**DATES:** Written comments should be received on or before August 2, 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 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:* User Fee for Exempt Organization Determination Letter Request.

*OMB Number:* To be assigned later.

*Form Number:* 8718.

*Abstract:* The Omnibus Reconciliation Act of 1990 requires payment of a ''user fee'' with each application for a determination letter. Because of this requirement, Form 8718 was created to provide filers the means to make payment and indicate the type of request.

*Current Actions:* This is a new collection of information.

*Type of Review:* New OMB approval.

*Affected Public:* Business or other for-profit organizations and not-for-profit institution.

*Estimated Number of Respondents:* 200,000.

*Estimated Time Per Respondent:* 5 minutes.

*Estimated Total Annual Burden Hours:* 16,667.

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: May 24, 2002.

**Glenn P. Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. 02–13849 Filed 5–31–02; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 13259

**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 13259, Taxpayer Advocacy Panel (TAP) Membership Application.

**DATES:** Written comments should be received on or before August 2, 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 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:* Taxpayer Advocacy Panel (TAP) Membership Application.

*OMB Number:* 1545–1788.

*Form Number:* 13259.

*Abstract:* Form 13259 is an application to volunteer to serve on the Taxpayer Advocacy Panel (TAP), as an advisory panel to the Internal Revenue Service. The TAP application is necessary for the purpose of recruiting perspective members to voluntarily participate on the Taxpayer Advocacy Panel for the Internal Revenue Service. It is necessary to gather information to rank applicants as well as to balance the panels demographically.

*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:* Individuals, and business or other for-profit organizations.

*Estimated Number of Respondents:* 750.

*Estimated Time Per Respondent:* 1 hour, 30 minutes.

*Estimated Total Annual Burden Hours:* 1,125.

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: May 24, 2002.

**Glenn P. Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. 02–13850 Filed 5–31–02; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 12339–A

**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 a 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 12339–A, Tax Check Waiver.

**DATES:** Written comments should be received on or before August 2, 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 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:* Tax Check Waiver.

*OMB Number:* 1545–1791.

*Form Number:* 12339–A.

*Abstract:* Form 12339–A is necessary for the purpose of ensuring that all panel members are tax compliant. Information provided will be used to qualify or disqualify individuals to serve as panel members.

*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:* Individuals or household, and business or other for-profit organizations.

*Estimated Number of Respondents:* 250.

*Estimated Time Per Respondent:* 10 minutes.

*Estimated Total Annual Burden Hours:* 42.

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 a 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: May 28, 2002.

**Carol Savage,**

*Program Analyst.*

[FR Doc. 02–13851 Filed 5–31–02; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 1040X

**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 1040X, Amended U.S. Individual Income Tax Return.

**DATES:** Written comments should be received on or before August 2, 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:* Amended U.S. Individual Income Tax Return.

*OMB Number:* 1545–0091.

*Form Number:* 1040X.

*Abstract:* Form 1040X is used by individuals to amend an original tax return to claim a refund of income taxes, pay additional income taxes, or designate $3 to the Presidential Election Campaign Fund. The information provided on the form is needed to help verify that taxpayers have correctly figured their income tax.

*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:* Individuals, business or other for-profit organizations, and farms.

*Estimated Number of Respondents:* 2,929,311.

*Estimated Time Per Respondent:* 3 hours, 32 minutes.

*Estimated Total Annual Burden Hours:* 10,369,761.

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: May 29, 2002.

**Carol Savage,**

*Program Analyst.*

[FR Doc. 02–13852 Filed 5–31–02; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Forms 8027 and 8027–T

**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 8027, Employer's Annual Information Return of Tip Income and Allocated Tips, and Form 8027–T, Transmittal of Employer's Annual Information Return of Tip Income and Allocated Tips.

**DATES:** Written comments should be received on or before August 2, 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 forms 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:* Employer's Annual Information Return of Tip Income and Allocated Tips (Form 8027), and Transmittal of Employer's Annual Information Return of Tip Income and Allocated Tips (Form 8027–T).

*OMB Number:* 1545–0714.

*Form Number:* Forms 8027 and 8027–T.

*Abstract:* To help IRS in its examinations of returns filed by tipped employees, large food or beverage establishments are required to report

annually information concerning food or beverage operations receipts, tips reported by employees, and in certain cases, the employer must allocate tips to certain employees. Forms 8027 and 8027–T are used for this purpose.

*Current Actions:* There are no changes being made to these forms at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations, individuals or households, not-for-profit institutions and state, local or tribal governments.

*Estimated Number of Respondents:* 52,050.

*Estimated Time Per Respondent:* 9 hours, 23 minutes.

*Estimated Total Annual Burden Hours:* 488,161.

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: May 29, 2002.

**Carol Savage,**

*Program Analyst.*

[FR Doc. 02–13853 Filed 5–31–02; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0556]**

## Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information used by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to record a patient's specific instructions about health care decisions in the event the patient no longer has decision-making capacity.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before August 2, 2002.

**ADDRESSES:** Submit written comments on the collection of information to Ann Bickoff, Veterans Health Administration (193B1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *ann.bickoff@hq.med.va.gov.* Please refer to ''OMB Control No. 2900–0556'' in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Ann Bickoff at (202) 273–8310.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* VA Advance Directive: Living Will and Durable Power of Attorney for Health Care, VA Form 10–0137.

*OMB Control Number:* 2900–0556.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VA Form 10–0137 is used to record a patient's specific instructions about health care decisions in the event the patient no longer has decision-making capacity. The information will be used by health care professionals to make treatment decisions for the patient.

*Affected Public:* Individuals or households.

*Estimated Total Annual Burden:* 101,250 hours.

*Estimated Average Burden Per Respondent:* 25 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 243,000.

Dated: May 13, 2002.

By direction of the Secretary.

**Genie McCully,**

*Acting Director, Information Management Service.*

[FR Doc. 02–13745 Filed 5–31–02; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–New]**

## Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Office of Management, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Office of Management (OM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information used by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection and allow 60 days for public comment in response to the notice. This notice solicits comments on VA's intent to accept credit card donations for the establishment and operation of a National Veterans Museum.

**DATES:** Written comments and recommendations on the proposed

collection of information should be received on or before August 2, 2002.

**ADDRESSES:** Submit written comments on the collection of information to Robert Wilson, Office of Management (047F), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail: *robert.wilson@mail.va.gov.* Please refer to ''OMB Control No. 2900–New'' in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Robert Wilson at (202) 273–8898 or FAX (202) 273–9346.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM's functions, including whether the information will have practical utility; (2) the accuracy of OM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Donations to National Veterans Museum (Via Credit Card), VA Form 5579a.

*OMB Control Number:* 2900–New.

*Type of Review:* New collection.

*Abstract:* VA Form 5579a will be used to accept donations via credit cards from individuals and corporations who wish to make a contribution to VA's National Veterans Museum. The Museum will tell the story of VA's link to American history. A range of interactive exhibits will introduce visitors to the services provided by VA and its precursors including the: (1) Benefits programs; (2) health care services and medical research and (3) National Cemeteries. The Museum will include state-of-art theatrical presentations, a Connection Center where visitors can use multimedia computer terminals with Internet access, and interactive audio-visual exhibits.

*Affected Public:* Individuals or households and Business or other for profit.

*Estimated Annual Burden:* 83 hours.

*Estimated Average Burden Per Respondent:* 1 minute.

*Frequency of Response:* One time.

*Estimated Number of Respondents:* 5,000.

Dated: May 14, 2002.

By direction of the Secretary.

**Genie McCully,**

*Acting Director, Information Management Service.*

[FR Doc. 02–13746 Filed 5–31–02; 8:45 am]

**BILLING CODE 8320–01–P**

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## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–New]**

## Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information used by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to request a beneficiary's current mailing address and to inform him or her that their monthly insurance checks have been suspended.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before August 2, 2002.

**ADDRESSES:** Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–New'' in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Suspension of Monthly Check, VA Form 29–0759.

*OMB Control Number:* 2900–New.

*Type of Review:* New collection.

*Abstract:* When funds are returned to VA from the Department of the Treasury due to a beneficiary's check not being cashed within one year from the issued date, VA Form 29–0759 is used to inform the beneficiary that his or her monthly insurance checks have been suspended. The form will also be used to obtain the beneficiary's current address or if desired, a banking institution for direct deposit for monthly checks.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 200 hours.

*Estimated Average Burden Per Respondent:* 10 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 1,200.

Dated: May 17, 2002.

By direction of the Secretary.

**Genie McCully,**

*Acting Director, Information Management Service.*

[FR Doc. 02–13747 Filed 5–31–02; 8:45 am]

**BILLING CODE 8320–01–P**

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## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0320]**

## Agency Information Collection Activities Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before July 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0320.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0320'' in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Title:* Escrow Agreement for Postponed Exterior Onsite Improvements, VA Form 26–1849.

*OMB Control Number:* 2900–0320.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VA Form 26–1849 is provided as a service to veterans, builders/sellers, and escrow agents to use in situations involving escrows. A VA loan amount cannot exceed the reasonable value of the property as determined by the Secretary of Veterans Affairs. The reasonable value is predicated on the completion of all improvements. In certain circumstances, such as adverse weather or other specified unavoidable conditions, the completion of some improvements may have to be postponed. For these situations, VA has developed escrow procedures whereby a builder/seller deposits at least one and one-half times the cost of completing the improvements into an escrow account held by a third party. The funds can only be used for the purpose of finishing the postponed improvements and are released when the improvements have been completed. These escrow procedures provide incentive to builder/sellers to complete all postponed improvements and are standard practices in both the real estate and mortgage lending fields.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on December 19, 2001, at page 65531.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 1 hour.

*Estimated Average Burden Per Respondent:* 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Total Respondents:* 10,000.

Dated: May 13, 2002.

By direction of the Secretary.

**Genie McCully,**

*Acting Director, Information Management Service.*

[FR Doc. 02–13748 Filed 5–31–02; 8:45 am]

BILLING CODE 8320–01–P

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## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0085]**

## Agency Information Collection Activities Under OMB Review

**AGENCY:** Board of Veterans' Appeal, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Board of Veterans' Appeal (BVA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before July 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0085.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0085'' in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Titles:*

a. Appeal to Board of Veterans' Appeals, VA Form 9.

b. Withdrawal of Services by a Representative.

c. Filing of Representative's Fee Agreements and Motions for Review of Such Agreements.

d. Motion for Review of Representative's Charges for Expenses.

e. Request for Changes in Hearing Date.

f. Motion for Reconsideration.

*OMB Control Number:* 2900–0085.

*Type of Review:* Extension of a currently approved collection.

*Abstract:*

*a. Appeal to Board of Veterans' Appeals, VA Form 9:* May be used by appellants to complete their appeal to the Board of Veterans' Appeals (BVA) from a denial of VA benefits. The information is used by BVA to identify the issues in dispute and prepare a decision responsive to the appellant's contentions and the legal and factual issues raised.

*b. Withdrawal of Services by a Representative:* When the appellant's representative withdraws from a case, both the appellant and the BVA must be informed so that the appellant's rights may be adequately protected and so that the BVA may meet its statutory obligations to provide notice to the current representative.

*c. Filing of Representative's Fee Agreements and Motions for Review of Such Agreements:* Agreements for fees charged by individuals or organizations for representing claimants and appellants before VA are filed with, and reviewed by, the Board of Veterans' Appeals. The information is used to determine whether such fees are excessive or unreasonable.

*d. Motion for Review of Representative's Charges for Expenses:* Expense reimbursements claimed by individuals and organizations for representing claimants and appellants before VA have been monitored for fairness for many years. The information is used to review changes by claimants' representatives for expenses to afford protection to such claimants from overreaching by unscrupulous representatives, to monitor fees charged by representatives, and to ensure that fee limitations are not avoided by mischaracterizing fees as expenses.

*e. Request for Changes in Hearing Date:* VA provides hearings to

appellants and their representatives, as required by basic Constitutional due process and by Title 38 U.S.C. 7107(b). From time to time, hearing dates and/or times are changed, hearing requests withdrawn and new hearings requested after appellants fail to appear at a scheduled hearing. The information is used to comply with the appellants' or their representatives' requests.

*f. Motion for Reconsideration:* Decisions by BVA are final unless the Chairman orders reconsideration of the decision either on the Chairman's initiative, or upon motion of a claimant. The Board Chairman, or his designee, uses the information in deciding whether reconsideration of a Board decision should be granted.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on February 5, 2002, at pages 5362–5363.

*Affected Public:* Individuals or households, Business or other for profit, and Not for profit institutions.

*Estimated Total Annual Burden:* 35,608 hours.

a. Appeal to Board of Veterans' Appeals, VA Form 9—32,500 hours.

b. Withdrawal of Services by a Representative—183.33 hours.

c. Filing of Representative's Fee Agreements and Motions for Review of Such Agreements—287 hours.

d. Motion for Review of Representative's Charges for Expenses—4 hours.

e. Request for Changes in Hearing Date—1,760.75 hours.

f. Motion for Reconsideration—877 hours.

*Estimated Average Burden Per Respondent:*

a. Appeal to Board of Veterans' Appeals, VA Form 9—1 hour.

b. Withdrawal of Services by a Representative—20 minutes.

c. Filing of Representative's Fee Agreements and Motions for Review of Such Agreements—1 hour (contract modifications), 10 minutes (basic filing)—2 hours (filing motion or response).

d. Motion for Review of Representative's Charges for Expenses—4 hours (2 hours for motion and 2 hours for response to motion).

e. Request for Changes in Hearing Date—15 minutes (basic request)—1 hour (requests requiring preparation of a motion).

f. Motion for Reconsideration—1 hour.

*Frequency of Response:* On occasion.

*Estimated Total Number of Respondents:* 39,782.

a. Appeal to Board of Veterans' Appeals, VA Form 9—32,500.

b. Withdrawal of Services by a Representative—550.

c. Filing of Representative's Fee Agreements and Motions for Review of Such Agreements—1,279.

d. Motion for Review of Representative's Charges for Expenses—2.

e. Request for Changes in Hearing Date—4,574.

f. Motion for Reconsideration—877.

Dated: May 13, 2002.

By direction of the Secretary.

**Genie McCully,**

*Acting Director, Information Management Service.*

[FR Doc. 02–13749 Filed 5–31–02; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0353]**

## Agency Information Collection Activities Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before July 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8130, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0353.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0353'' in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Title:* Certification of Lessons Completed, VA Forms 22–6553b and 22–6553b–1, (Chapters 30, 32, and 35, Title 38, U.S.C.; Chapter 1606, Title 10, U.S.C., and Section 903, Pub. L. 96–342).

*OMB Control Number:* 2900–0353.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VA Forms 22–6553b and 22–6553b–1 are used to determine the number of lessons completed by the student and serviced by the correspondence school. Students receiving education benefits for correspondence training complete their portions of the forms and submit the forms to the school for certification. The schools' certifying official certifies the number of lessons serviced and submits the forms to VA for processing. VA uses the information to determine continuing eligibility for benefits and the proper amount payable.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on February 28, 2002, at pages 9359–9360.

*Affected Public:* Individuals or households, Business or other for-profit.

*Estimated Annual Burden:* 1,780 hours.

*Estimated Average Burden Per Respondent:* 10 minutes.

*Frequency of Response:* Quarterly.

*Estimated Number of Respondents:* 3,559.

*Estimated Number of Responses:* 10,617.

Dated: May 9, 2002.

By direction of the Secretary.

**Genie McCully,**

*Acting Director, Information Management Service.*

[FR Doc. 02–13750 Filed 5–31–02; 8:45 am]

BILLING CODE 8320–01–P

## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0501]**

## Agency Information Collection Activities Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before July 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0501.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0501'' in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Title:* Veterans Mortgage Life Insurance Inquiry, VA Form 29–0543.

*OMB Control Number:* 2900–0501.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VA Form 29–0543 is used to report any recent changes in the status of a veteran's mortgage insured under the Veterans Mortgage Life Insurance (VMLI). VMLI is automatically terminated when the mortgage is no longer in the veteran's name. The information collected is used to maintain VMLI accounts.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 7, 2002, at pages 10486—10487.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 45 hours.

*Estimated Average Burden Per Respondent:* 5 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 540.

Dated: May 13, 2002.

By direction of the Secretary.

**Genie McCully,**

*Acting Director, Information Management Service.*

[FR Doc. 02–13751 Filed 5–31–02; 8:45 am]

BILLING CODE 8320–01–P

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## DEPARTMENT OF VETERANS AFFAIRS

**[OMB Control No. 2900–0390]**

## Agency Information Collection Activities Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before July 3, 2002.

**FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT:** Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–8030, FAX (202) 273–5981 or e-mail: *denise.mclamb@mail.va.gov.* Please refer to ''OMB Control No. 2900–0390.''

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–7316. Please refer to ''OMB Control No. 2900–0390'' in any correspondence.

**SUPPLEMENTARY INFORMATION:**

*Title:* Application of Surviving Spouse or Child for REPS Benefits (Restored Entitlement Program for Survivors), VA Form 21–8924.

*OMB Control Number:* 2900–0390.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* VA Form 21–8924 is used by survivors of deceased veterans to claim Restored Entitlement Program for Survivors (REPS) benefits. REPS benefits are paid to certain surviving spouses and children of veterans who died in service prior to August 13, 1981, or who died as a result of a service-connected disability incurred or aggravated prior to August 13, 1981. The information on the form is used by VBA to determine if the applicant meets REPS eligibility criteria.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on March 6, 2002, at page 10256.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 2,500 hours.

*Estimated Average Burden Per Respondent:* 20 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 7,500.

Dated: May 13, 2002.

By direction of the Secretary.

**Genie McCully,**

*Acting Director, Information Management Service.*

[FR Doc. 02–13752 Filed 5–31–02; 8:45 am]

BILLING CODE 8320–01–P

# Corrections

Federal Register
Vol. 67, No. 106
Monday, June 3, 2002

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF COMMERCE

### Under Secretary for Industry and Security

**[O1–BXA–01]**

### In the Matter of: Jabal Damavand General Trading Company, P.O. Box 52130, Dubai United Arab Emirates, Respondent; Decision and Order

*Correction*

In notice document 02–11581 beginning on page 32009 in the issue of Monday, May 13, 2002 make the following correction:

On page 32009, in the third column, the subject line is corrected to read as set forth above.

[FR Doc. C2–11581 Filed 5–31–02; 8:45 am]

BILLING CODE 1505–01–D

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

### Intent to Prepare a Draft Environmental Impact Statement for the ACME Basin B Discharge Project

*Correction*

In notice document 02–13043 beginning on page 36577 in the issue of Friday, May 24, 2002 make the following correction:

On page 36578, in the second column, the **BILLING CODE** ''3710–AS–M'' should read ''3710–AJ–M''.

[FR Doc. C2–13043 Filed 5–31–02; 8:45 am]

BILLING CODE 1505–01–D

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

### 10 CFR Part 430

**[Docket Number EE-RM-98-440]**

**RIN 1904-AA77**

### Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards

*Correction*

In rule document 02–12680 beginning on page 36368 in the issue of Thursday, May 23, 2002, make the following correction:

**§430.32 [Corrected]**

On page 36406, in §430.32 (c)(2), the table should read as set forth below.

(c)

* * * * *

(2) Central air conditioners and central air conditioning heat pumps manufactured on or after January 23, 2006 , shall have Seasonal Energy Efficiency Ratio and Heating Seasonal Performance Factor no less than:

| Product class | Seasonal energy efficiency ratio (SEER) | Heating seasonal performance factor (HSPF) |
|---|---|---|
| (i) Split system air conditioners | 12 | — |
| (ii) Split system heat pumps | 12 | 7.4 |
| (iii) Single package air conditioners | 12 | — |
| (iv) Single package heat pumps | 12 | 7.4 |
| (v)(A) Through-the-wall air conditioners and heat pumps—split system | 10.9 | 7.1 |
| (v)(B) Through-the-wall air conditioners and heat pumps—single package | 10.6 | 7.0 |
| (vi) Small duct, high velocity systems | [1] 10.0 | [1] 6.8 |

[1] NAECA-prescribed value subject to amendment.

* * * * *

[FR Doc. C2–12680 Filed 5–31–02; 8:45 am]

BILLING CODE 1505–01–D

## ENVIRONMENTAL PROTECTION AGENCY

**[CA077–NOD; FRL–7215–1]**

### Notice of Deficiency for 34 Clean Air Act Operating Permits Programs in California

*Correction*

In notice document 02–12847 beginning on page 35990 in the issue of Wednesday, May 22, 2002 make the following correction:

On page 35991, in the second column, under the ''**III. Administrative Requirements**'' heading, in the sixth line, ''July 22, 2002'' should read ''May 22, 2002''.

[FR Doc. C2–12847 Filed 5–31–02; 8:45 am]

BILLING CODE 1505–01–D

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### 8 CFR Part 241

**[INS No. 1847–97; AG Order No. 2579–2002]**

**RIN 1115–AE82**

### Requiring Aliens Ordered Removed from the United States to Surrender To the Immigration and Naturalization Service for Removal

*Correction*

In proposed rule document 02–11141 beginning on page 31157 in the issue of Thursday, May 9, 2002 make the following correction:

**§ 241.17 [Corrected]**

On page 31163, in the first column, § 241.17, the duplicate paragraph ''(a)'' should read paragraph ''(b)''.

[FR Doc. C2–11141 Filed 5–31–02; 8:45 am]

BILLING CODE 1505–01–D

## NUCLEAR REGULATORY COMMISSION

**[NUREG–1600]**

## NRC Enforcement Policy; Modification, Medical Use

*Correction*

In notice document 02–9992 beginning on page 20187 in the issue of Wednesday, April 24, 2002, make the following correction:

On page 20187, in the third column, under the heading **DATES**, in the third line, ''November 25, 2002'' should read, ''October 24, 2002''.

[FR Doc. C2–9992 Filed 5–31–02; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
June 3, 2002

# Part II

# Environmental Protection Agency

## 40 CFR Part 71

## Revision to Regulations Implementing the Federal Permits Program in Areas for Which the Indian Country Status is in Question; Final Rule

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 71**

**[FRL–7221–6]**

## Revision to Regulations Implementing the Federal Permits Program in Areas for Which the Indian Country Status is in Question

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; implementation of court order.

**SUMMARY:** This action promulgates an amendment to EPA's Federal operating permits program rule in order to comply with a court order. In February 1999, EPA promulgated final regulations setting forth EPA's program for issuing Federal operating permits to stationary sources of air pollution in Indian country, pursuant to title V of the Clean Air Act (Act). On October 30, 2001, the U.S. Court of Appeals for the District of Columbia Circuit vacated and remanded a portion of the regulation that stated EPA will treat areas for which EPA believes the Indian country status is in question as Indian country. To conform with the Court's order, EPA is taking the ministerial step of removing the regulatory language that treats ''in question'' areas as Indian country as well as related regulatory language regarding the possible reduction of fees for sources located in ''in question'' areas.

**DATES:** This rule is effective on June 3, 2002.

**ADDRESSES:** The EPA does not seek comment on this final rule. Supporting information used in developing the promulgated rule is contained in Docket A–93–51. This docket is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at EPA's Air Docket, Room M–1500, Waterside Mall, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Candace Carraway (telephone 919–541–3189, e-mail *carraway.candace@epa.gov*), Operating Permits Group, Information Transfer and Program Integration Division, Office of Air Quality Planning and Standards, U.S. EPA, Mail Code C304–04, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:** The court order in *State of Michigan* v. *EPA,* 268 F.3d 1075 (D.C. Cir. 2001) vacating the treatment of ''in question'' areas as Indian country has been added to Docket A–93–51.

After signature, the final rule will be posted on the policy and guidance page for newly proposed or final rules of EPA's Technology Transfer Network (TTN) at *http://www.epa.gov/ttn/oarpg/t5.html.* For more information, call the TTN HELP line at (919) 541–5384.

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## I. Background

On February 19, 1999, pursuant to title V of the Act, EPA promulgated final regulations amending 40 CFR part 71 to establish how EPA would issue Federal operating permits to sources in Indian country. See 64 FR 8247. The final rule amended certain definitions in § 71.2, applicability provisions in § 71.3, program implementation provisions in § 71.4, affected State review requirements in § 71.8, permit fee requirements in § 71.9, and administrative process provisions in § 71.11. See 64 FR 8262–8263. In addition, to help avoid gaps in title V coverage for sources in Indian country, EPA included regulatory language at 40 CFR 71.4(b) that stated as follows: ''For purposes of administering the part 71 program, EPA will treat areas for which EPA believes the Indian country status is in question as Indian country.'' See 64 FR 8249–8250, 8262. Subsequently, the State of Michigan Department of Environmental Quality, the American Forest and Paper Association, the New Mexico Oil & Gas Association, the New Mexico Environment Department, the Public Service Company of New Mexico and Salt River Project Agricultural Improvement and Power District challenged EPA's final rule in the U.S. Court of Appeals for the District of Columbia Circuit. The State and industry petitioners challenged EPA's decision to treat areas that EPA believes are ''in question'' as Indian country, and the process by which EPA intended to determine Federal jurisdiction in such cases.

In its October 30, 2001 decision, the Court agreed with the Agency that EPA has the authority to administer operating permit programs in Indian country. However, the Court found that EPA had exceeded its authority in deciding to treat ''in question areas'' as Indian country as provided by the Federal operating permits rule. Therefore, the Court ordered that portion of the EPA rule authorizing EPA to treat lands for which EPA has deemed Indian country status to be in question as Indian country to be vacated and remanded to the EPA for further proceedings. The EPA notes that the Agency had not issued any permits to sources based on the ''in question'' area approach under the rule.

To conform with the Court's order, EPA is taking the ministerial step of removing the language in § 71.4(b) that provided that for purposes of administering part 71, EPA will treat areas for which EPA believes the Indian country status is in question as Indian country. In addition, to make the rest of part 71 conform with the Court's order regarding the language in § 71.4(b), EPA is removing § 71.9(p) which provided that the permitting authority may reduce fees for sources that are located in ''in question'' areas that have paid fees to a State or local permitting authority asserting the Act's authority under a part 70 program. In light of the removal of the ''in question'' language of § 71.4(b), § 71.9(p) has no utility.

The EPA has determined that it has ''good cause'' under section 553(b)(B) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), to promulgate this final rule without prior notice and opportunity for comment. The EPA finds it ''unnecessary'' to provide an opportunity to comment on the strictly legal issue of the impact of the Court's decision on the February 19, 1999, Federal operating permits program provisions addressing EPA's authority in ''in question'' areas. Today's rule is in direct response to the Court's order and implements that order. It amends only those regulatory provisions directly affected by the Court's order to vacate the portion of the rule authorizing EPA to treat areas for which EPA has deemed Indian country status to be in question as Indian country.

For the same reason, EPA has determined that good cause exists under section 553(d)(3) of the APA, 5 U.S.C. 553(d)(3) to waive the requirement for a 30-day period before the amendment becomes effective, and therefore the

amendment will be immediately effective.

Finally, the Administrator hereby designates subsection 307(d) of the Act as applying to this rulemaking.

## II. Administrative Requirements

### *A. Executive Order 12866: ''Significant Regulatory Action Determination''*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), we must determine whether the regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, adversely affecting in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety in State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs of the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Because this action involves a ministerial removal of regulatory text in direct response to a court order, it has been determined that this action is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is not subject to OMB review.

### *B. Regulatory Flexibility Act Compliance as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.*

The Regulatory Flexibility Act generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. Because the agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the APA or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

### *C. Paperwork Reduction Act*

The OMB has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2060–0336.

The Administrator has determined today's action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), since it directly imposes no burden at all. Burden means the total time, effort, or financial resources expended to generate and maintain, retain, or provide information as required by a rule. This includes the time needed to review instructions; develop, acquire, install, and use technology and systems for collecting, validating, and verifying information or processing and maintaining information; adjust the existing ways to comply with previous instructions and requirements; train personnel to respond to the collection of information; search data sources; complete and review the information; and transmit the information. Today's rule imposes no such burden on any entity.

### *D. Submission to Congress and the Comptroller General*

The Congressional Review Act (CRA), 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report (which includes a copy of the rule) to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to public interest. This determination must be supported by a brief statement (5 U.S.C. 808(2)). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of June 3, 2002, for this rule. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to the publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

### *E. Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Because the agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the APA or any other statute, it is not subject to sections 202 and 205 of the UMRA. In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of the UMRA.

### *F. Executive Order 13132: Federalism*

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure ''meaningful and timely input by State

and local officials in the development of regulatory policies that have Federalism implications.'' ''Policies that have Federalism implications'' is defined in the Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, EPA may not issue a regulation that has Federalism implications, that imposes substantial direct compliance costs, and that is not required by statute unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments or EPA consults with State and local officials early in the process of developing the proposed regulation. The EPA also may not issue a regulation that has Federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

If EPA complies by consulting, Executive Order 13132 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a Federalism summary impact statement (FSIS). The FSIS must include a description of the extent of EPA's prior consultation with State and local officials, a summary of the nature of their concerns and the Agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met. Also, when EPA transmits a draft final rule with Federalism implications to OMB for review pursuant to Executive Order 12866, EPA must include a certification from the Agency's Federalism official stating that EPA has met the requirements of Executive Order 13132 in a meaningful and timely manner.

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government as specified in Executive Order 13132. This action would not alter the overall relationship or distribution of powers between governments for the title V program. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

*G. Executive Order 13175: Consultation With Tribes*

This action does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes as specified by Executive Order 13175 (65 FR 67249, November 9, 2000) because it does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. Accordingly, this rule is not subject to Executive Order 13175.

*H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) economically significant as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This action is not subject to Executive Order 13045, because it is not an economically significant regulatory action as defined by Executive Order 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

*I. Executive Order 13211 (Energy Effects)*

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

*J. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note), directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices, etc.) that are developed or adopted by voluntary consensus standard bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

**List of Subjects in 40 CFR Part 71**

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping requirements.

Dated: May 23, 2002.

**Christine Todd Whitman,**

*Administrator.*

For the reasons set out in the preamble title 40, chapter I of the Code of Federal Regulations is to be amended as set forth below.

## PART 71—[AMENDED]

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

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

## Subpart A—[Amended]

### § 71.4 [Amended]

2. Section 71.4 is amended by removing the last sentence from paragraph (b) introductory text.

### § 71.9 [Amended]

3. Section 71.9 is amended by removing paragraph (p).

[FR Doc. 02–13806 Filed 5–31–02; 8:45 am]

BILLING CODE 6560–50–P

Federal Register

Monday,
June 3, 2002

# Part III

# Department of Commerce

## International Trade Administration

# International Trade Commission

## Persulfates From China; Notices

## DEPARTMENT OF COMMERCE

## INTERNATIONAL TRADE ADMINISTRATION

### Persulfates From China

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

**ACTION:** Notice of initiation of five-year (''Sunset'') review of antidumping duty order on Persulfates from the People's Republic of China.

**SUMMARY:** In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating a five-year (''sunset'') review of the antidumping duty order listed below. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notice of *Institution of Five-Year Review* covering this same antidumping duty order.

**FOR FURTHER INFORMATION CONTACT:** James P. Maeder or Amir R. Eftekhari, Office of Policy, Import Administration, International Trade Administration, U.S. Department of Commerce, at (202) 482–3330 or (202) 482–5331, respectively, or Mary Messer, Office of Investigations, U.S. International Trade Commission, at (202) 205–3193.

**SUPPLEMENTARY INFORMATION:**

### The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the ''Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department regulations are to 19 CFR part 351 (2001). Pursuant to sections 751(c) and 752 of the Act, an antidumping (''AD'') or countervailing duty (''CVD'') order will be revoked, or the suspended investigation will be terminated, unless revocation or termination would be likely to lead to continuation or recurrence of (1) dumping or a countervailable subsidy, and (2) material injury to the domestic industry.

The Department's procedures for the conduct of sunset reviews are set forth in 19 CFR 351.218. Guidance on methodological or analytical issues relevant to the Department's conduct of sunset reviews is set forth in the Department's Policy Bulletin 98:3—*Policies Regarding the Conduct of Five-year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders; Policy Bulletin,* 63 FR 18871 (April 16, 1998) (''*Sunset Policy Bulletin*'').

### Background

*Initiation of Review*

In accordance with 19 CFR 351.218 we are initiating a sunset review of the following antidumping duty order:

| DOC Case No. | ITC Case No. | Country | Product |
|---|---|---|---|
| A–570–847 | 731–TA–749 | China | Persulfates |

*Filing Information*

As a courtesy, we are making information related to sunset proceedings, including copies of the *Sunset Regulations* (19 CFR 351.218) and *Sunset Policy Bulletin,* the Department's schedule of sunset reviews, case history information (*i.e.,* previous margins, duty absorption determinations, scope language, import volumes), and service lists, available to the public on the Department's sunset Internet website at the following address: ''*http://ia.ita.doc.gov/sunset/*''.

All submissions in this sunset review must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303. Also, we suggest that parties check the Department's sunset website for any updates to the service list before filing any submissions. The Department will make additions to and/or deletions from the service list provided on the sunset website based on notifications from parties and participation in this review. Specifically, the Department will delete from the service list all parties that do not submit a substantive response to the notice of initiation.

Because deadlines in a sunset review are, in many instances, very short, we urge interested parties to apply for access to proprietary information under administrative protective order (''APO'') immediately following publication in the **Federal Register** of the notice of initiation of the sunset review. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

*Information Required from Interested Parties*

Domestic interested parties (defined in 19 CFR 351.102) wishing to participate in this sunset review must respond not later than 15 days after the date of publication in the **Federal Register** of the notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review.

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that all parties wishing to participate in the sunset review must file substantive responses not later than 30 days after the date of publication in the **Federal Register** of the notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for foreign and domestic parties. Also, note that the Department's information requirements are distinct from the International Trade Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of sunset reviews.[1] Please consult the Department's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

[1] A number of parties commented that these interim-final regulations provided insufficient time for rebuttals to substantive responses to a notice of initiation, 19 CFR 351.218(d)(4)). As provided in 19 CFR 351.302(b), the Department will consider individual requests for extension of that five-day deadline based upon a showing of good cause.

Dated: May 28, 2002.

**Bernard T. Carreau,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 02–13842 Filed 5–31–02; 8:45 am]

**BILLING CODE 3510–DS–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation No. 731–TA–749 (Review)]**

## Persulfates From China

**AGENCY:** International Trade Commission.

**ACTION:** Institution of a five-year review concerning the antidumping duty order on persulfates from China.

**SUMMARY:** The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on persulfates from China would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;[1] to be assured of consideration, the deadline for responses is July 23, 2002. Comments on the adequacy of responses may be filed with the Commission by August 19, 2002. For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

**EFFECTIVE DATE:** June 3, 2002.

**FOR FURTHER INFORMATION CONTACT:** Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server *(http://www.usitc.gov).* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at *http://dockets.usitc.gov/eol/public.*

**SUPPLEMENTARY INFORMATION:**

*Background.* On July 7, 1997, the Department of Commerce issued an antidumping duty order on imports of persulfates from China (62 FR 36259). The Commission is conducting a review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

*Definitions.* The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination, the Commission defined the single *Domestic Like Product* as ammonium, sodium, and potassium persulfates.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission defined the *Domestic Industry* as producers of ammonium, sodium, and potassium persulfates.

(5) The *Order Date* is the date that the antidumping duty order under review became effective. In this review, the *Order Date* is July 7, 1997.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

*Participation in the review and public service list.* Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

Former Commission employees who are seeking to appear in Commission five-year reviews are reminded that they are required, pursuant to 19 CFR 201.15, to seek Commission approval if the matter in which they are seeking to appear was pending in any manner or form during their Commission employment. The Commission's designated agency ethics official has advised that a five-year review is the ''same particular matter'' as the underlying original investigation for purposes of 19 CFR 201.15 and 18 U.S.C. 207, the post employment statute for Federal employees. Former employees may seek informal advice from Commission ethics officials with respect to this and the related issue of whether the employee's participation was ''personal and substantial.'' However, any informal consultation will not relieve former employees of the obligation to seek approval to appear from the Commission under its rule 201.15. For ethics advice, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

*Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.* Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this review available to authorized applicants under the APO issued in the review, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the review. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

*Certification.* Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this review must certify that the information

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 02–5–071, expiration date July 31, 2002. Public reporting burden for the request is estimated to average 7 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436.

is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

*Written submissions.* Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is July 23, 2002. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is August 19, 2002. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the review you do not need to serve your response).

*Inability to provide requested information.* Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act in making its determination in the review.

Information to be provided in response to this notice of institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address if available) and name, telephone number, fax number, and E-mail address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this review by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise on the Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported Subject Merchandise to the United States or other countries since 1996.

(7) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2001 (report quantity data in thousands of pounds and value data in thousands of U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association:

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s); and

(c) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s).

(8) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2001 (report quantity data in thousands of pounds and value data in thousands of U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(9) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2001 (report quantity data in thousands of pounds and value data in thousands of U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production; and

(b) the quantity and value of your firm's(s') exports to the United States of

*Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(10) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* since the *Order Date*, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(11) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

**Authority:** This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

Issued: May 28, 2002.

By order of the Commission.

**Marilyn R. Abbott,**

*Secretary.*

[FR Doc. 02–13843 Filed 5–31–02; 8:45 am]

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Federal Register

Monday,
June 3, 2002

# Part IV

# Environmental Protection Agency

## 40 CFR Part 80

## Control of Air Pollution From New Motor Vehicles; Amendment to the Tier 2/ Gasoline Sulfur Regulations; Final Rule

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 80**

**[AMS–FRL–7221–5]**

**RIN 2060–AI69**

## Control of Air Pollution From New Motor Vehicles; Amendment to the Tier 2/Gasoline Sulfur Regulations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** Due to adverse comments, EPA is removing one amendment included in the direct final rule published in the **Federal Register** on April 13, 2001, related to the Tier 2/Gasoline Sulfur program, hereinafter referred to as the Tier 2 rule (February 10, 2000). EPA published both the direct final rule and a concurrent notice of proposed rulemaking to correct, amend, and revise certain provisions of the Tier 2 rule for purposes of assisting regulated entities with program implementation and compliance. The only amendment removed by today's action is the revision to the provision concerning the definition of ''small refiner'' for those refiners that acquire and/or reactivate a refinery that was shutdown or was non-operational between January 1, 1998, and January 1, 1999. The language regarding this provision contained in the Tier 2 rule is reinstated. EPA plans no further action on the concurrent notice of proposed rulemaking.

**EFFECTIVE DATE:** July 12, 2001.

**ADDRESSES:** Materials relevant to this rulemaking are contained in Public Docket No. A–97–10 at the following address and are available for review from 8 a.m. to 5:30 p.m., Monday through Friday, except on government holidays: U.S. Environmental Protection Agency (EPA), Air Docket (6102), Room M–1500, 401 M Street, SW., Washington, DC 20460. You can contact the Air Docket by telephone at (202) 260–7548 and by facsimile at (202) 260–4400. You may be charged a reasonable fee for photocopying docket materials, as provided in 40 CFR part 2.

**FOR FURTHER INFORMATION CONTACT:** Mary Manners, U.S. EPA, National Vehicle and Fuels Emission Laboratory, Assessment and Standards Division, 2000 Traverwood, Ann Arbor MI 48105; telephone (734) 214–4873, fax (734) 214–4051, e-mail *manners.mary@epa.gov.*

**SUPPLEMENTARY INFORMATION:** On April 13, 2001, we issued a direct final rule (66 FR 19296) which included 27 amendments to correct, amend, and revise certain provisions of the Tier 2 rule (February 10, 2000, 65 FR 6698) for purposes of assisting regulated entities with program implementation and compliance. In that direct final rule, we stated, ''If EPA receives adverse comment on one or more distinct amendments, paragraphs, or sections of this rulemaking, we will publish a timely withdrawal in the **Federal Register** indicating which provisions are being withdrawn due to adverse comments. We will address all public comments in a subsequent final rule based on the proposed rule.'' We also issued a notice of proposed rulemaking (66 FR 19311), in which the Agency proposed and solicited public comment on the same 27 amendments. We received adverse comments on one amendment in this rulemaking: the amendment to 40 CFR 80.225(d) (§ 80.225(d)).

As a result of these adverse comments, we are removing the amendment regarding § 80.225(d) from the direct final rule. The language contained in § 80.225(d) of the prior rule, published on February 10, 2000, is reinstated as it existed prior to the April 13, 2001 direct final rule. In addition, as explained below, we are taking no further action regarding the concurrent notice of proposed rulemaking published on April 13, 2001. The other 26 amendments that did not receive adverse comment became effective on July 12, 2001, as provided in the April 13, 2001 direct final rule.

The revision of § 80.225(d) was included in the direct final rule to clarify that the employee/crude oil capacity criteria for small refiner status applies to parties seeking small refiner status under § 80.225(d). See 66 FR 19296. Although we believe these criteria did apply under the small refiner provisions of the Tier 2 rule as published on February 10, 2000 (pre-existing provisions), application of the employee/crude oil capacity criteria to refiners applying for small refiner status under § 80.225(d) was not explicitly expressed in the pre-existing provision of § 80.225(d). As a result, we added language to § 80.225(d) to make this clarification. However, in amending § 80.225(d) to add this clarifying language, we also reworded the pre-existing language of a separate sentence of this paragraph which resulted in an unintended substantive change to the provisions of § 80.225(d). Specifically, the amendment would have unintentionally limited the scope of eligibility for small refiners applying under § 80.225(d) only to refineries that were shutdown or non-operational between January 1, 1998 and January 1, 1999, rather than also to refineries that were acquired after January 1, 1999. The adverse comments we received on the amendment to § 80.225(d) relate only to this unintended substantive change.

As stated above, the pre-existing language in § 80.225(d) regarding the reactivation of refineries that were shutdown or non-operational between January 1, 1998 and January 1, 1999, and refineries that were acquired after January 1, 1999, is the regulatory language we are reinstating at this time. We are removing the revision to § 80.225(d) without providing prior notice and comment because we find good cause within the meaning of 5 U.S.C. 553(b). Notice and comment would be impracticable, as we need to remove this revision quickly because it went into effect July 12, 2001.

*Access to Rulemaking Documents Through the Internet*

Today's action is available electronically on the day of publication from EPA's **Federal Register** Internet Web site listed below. Electronic copies of this preamble, regulatory language, and other documents associated with today's final rule are available from the EPA Office of Transportation and Air Quality Web site listed below shortly after the rule is signed by the Administrator. This service is free of charge, except any cost that you already incur for connecting to the Internet.

EPA Federal Register Web Site: *http://www.epa.gov/docs/fedrgstr/epa-air/* (Either select a desired date or use the Search feature.).

Tier 2/Gasoline Sulfur home page: *http://www.epa.gov/otaq/tr2home.htm.*

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc., may occur.

### I. Administrative Requirements

*A. Administrative Designation and Regulatory Analysis*

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency is required to determine whether this regulatory action would be ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The order defines a ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may:

- Have an annual effect on the economy of $100 million or more or adversely affect in a material way the

economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

• Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

• Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or,

• Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, we have determined that this final rule is not a ''significant regulatory action.''

*B. Regulatory Flexibility*

Today's final rule is not subject to the Regulatory Flexibility Act (RFA), which generally requires an agency to prepare a regulatory flexibility analysis for any rule that will have a significant economic impact on a substantial number of small entities. The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA) or any other statute. This rule is not subject to notice and comment requirements under the APA or any other statute because we find good cause within the meaning of 5 U.S.C. 553(b).

Although this final rule is not subject to the RFA, we nonetheless have assessed the potential of this rule to adversely impact small entities subject to the rule. This rule will have no adverse impact on any small entities subject to the rule. As stated above, today's action removes the amendment to § 80.225(d) concerning the definition of ''small refiner'' for those refiners that acquire and/or reactivate a refinery that was shutdown or was non-operational between January 1, 1998, and January 1, 1999. Specifically, the amendment to § 80.225(d) would have unintentionally limited the scope of eligibility for small refiners applying under § 80.225(d) only to refineries that were shutdown or non-operational between January 1, 1998 and January 1, 1999, rather than also to refineries that were acquired after January 1, 1999. The language regarding this provision that was contained in the Tier 2 rule published on February 10, 2000 (65 FR 6698) is reinstated.

*C. Paperwork Reduction Act*

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and implementing regulations, 5 CFR part 1320, do not apply to this action as it does not involve the collection of information as defined therein.

*D. Intergovernmental Relations*

1. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and the private sector. Under section 202 of the UMRA, We generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures to state, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more for any single year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative that is not the least costly, most cost-effective, or least burdensome alternative if we provide an explanation in the final rule of why such an alternative was adopted.

Before we establish any regulatory requirement that may significantly or uniquely affect small governments, including tribal governments, we must develop a small government plan pursuant to section 203 of the UMRA. Such a plan must provide for notifying potentially affected small governments, and enabling officials of affected small governments to have meaningful and timely input in the development of our regulatory proposals with significant federal intergovernmental mandates. The plan must also provide for informing, educating, and advising small governments on compliance with the regulatory requirements.

This rule contains no federal mandates for state, local, or tribal governments as defined by the provisions of Title II of the UMRA. The rule imposes no enforceable duties on any of these governmental entities. Nothing in the rule will significantly or uniquely affect small governments.

We have determined that this rule does not contain a federal mandate that may result in estimated expenditures of more than $100 million to the private sector in any single year. This action has the net effect of removing the amendment regarding 40 CFR 80.225(d) from the direct final rule published on April 13, 2001 and reinstating the language contained in 40 CFR 80.225(d) of the prior rule, published on February 10, 2000 (65 FR 6698). Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

2. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 6, 2000), requires EPA to develop an accountable process to ensure ''meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.'' This final rule does not have tribal implications, as specified in Executive Order 13175. This final rule removes one amendment included in the direct final rule published in the **Federal Register** on April 13, 2001, related to the Tier 2/Gasoline Sulfur program and reinstates the language contained in 40 CFR 80.225(d) of the prior rule, published on February 10, 2000 (65 FR 6698). Thus, Executive Order 13175 does not apply to this rule.

3. Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires us to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Under section 6 of Executive Order 13132, we may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or we consults with State and local officials early in the process of developing the proposed regulation. We also may not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

Section 4 of the Executive Order contains additional requirements for

rules that preempt State or local law, even if those rules do not have federalism implications (i.e., the rules will not have substantial direct effects on the States, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government). Those requirements include providing all affected State and local officials notice and an opportunity for appropriate participation in the development of the regulation. If the preemption is not based on express or implied statutory authority, we also must consult, to the extent practicable, with appropriate State and local officials regarding the conflict between State law and Federally protected interests within the agency's area of regulatory responsibility.

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The requirements of the rule will be enforced by the federal government at the national level. Thus, the requirements of section 6 of the Executive Order do not apply to this rule. Although section 6 of Executive Order 13132 does not apply to this rule, we did consult with State and local officials in developing this rule.

*E. Executive Order 13211: Energy Effects*

This rule is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

*F. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), section 12(d) of Public Law 104–113, directs us to use voluntary consensus standards in our regulatory activities unless it would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) developed or adopted by voluntary consensus standards bodies. The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

This rule references technical standards adopted by us through previous rulemakings. No new technical standards are established in today's rule.

*G. Executive Order 13045: Children's Health Protection*

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, section 5–501 of the Order directs us to evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This rule is not subject to the Executive Order because it is not an economically significant regulatory action as defined by Executive Order 12866. Furthermore, this rule does not concern an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children.

*H. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of July 12, 2001. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 80**

Environmental protection, Fuel additives, Gasoline, Imports, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: May 23, 2002.

**Christine Todd Whitman,**

*Administrator.*

For the reasons set forth in the preamble, 40 CFR part 80 is amended as follows:

## PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

**Authority:** 42 U.S.C. 7414, 7545, and 7601(a).

2. 40 CFR 80.225(d) is revised to read as follows:

### § 80.225 What is the definition of a small refiner?

* * * * *

(d) Notwithstanding the definition in paragraph (a) of this section, refiners who acquire a refinery after January 1, 1999, or reactivate a refinery that was shutdown or was non-operational between January 1, 1998, and January 1, 1999, may apply for small refiner status in accordance with the provisions of § 80.235.

[FR Doc. 02–13807 Filed 5–31–02; 8:45 am]

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## CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

## REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

## RULES GOING INTO EFFECT JUNE 3, 2002

**COMMERCE DEPARTMENT**

**National Oceanic and Atmospheric Administration**

Fishery conservation and management:

Caribbean, Gulf of Mexico, and South Atlantic fisheries—

Golden crab; published 5-3-02

**ENVIRONMENTAL PROTECTION AGENCY**

Air pollutants, hazardous; national emission standards:

Pesticide active ingredient production; published 6-3-02

Air programs; State authority delegations:

West Virginia; published 4-2-02

Air quality implementation plans; approval and promulgation; various States:

Montana; published 5-2-02

Grants and other Federal assistance:

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**H.R. 1840/P.L. 107–185**
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| 0–17 | (869–044–00131–4) | 53.00 | July 1, 2001 |
| 18–End | (869–044–00132–2) | 55.00 | July 1, 2001 |
| **39** | (869–044–00133–1) | 37.00 | July 1, 2001 |
| **40 Parts:** | | | |
| 1–49 | (869–044–00134–9) | 54.00 | July 1, 2001 |
| 50–51 | (869–044–00135–7) | 38.00 | July 1, 2001 |
| 52 (52.01–52.1018) | (869–044–00136–5) | 50.00 | July 1, 2001 |
| 52 (52.1019–End) | (869–044–00137–3) | 55.00 | July 1, 2001 |
| 53–59 | (869–044–00138–1) | 28.00 | July 1, 2001 |
| 60 (60.1–End) | (869–044–00139–0) | 53.00 | July 1, 2001 |
| 60 (Apps) | (869–044–00140–3) | 51.00 | July 1, 2001 |
| 61–62 | (869–044–00141–1) | 35.00 | July 1, 2001 |
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| 63 (63.1200-End) | (869–044–00144–6) | 56.00 | July 1, 2001 |
| 64–71 | (869–044–00145–4) | 26.00 | July 1, 2001 |
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| **41 Chapters:** | | | |
| 1, 1–1 to 1–10 | | 13.00 | [3] July 1, 1984 |
| 1, 1–11 to Appendix, 2 (2 Reserved) | | 13.00 | [3] July 1, 1984 |
| 3–6 | | 14.00 | [3] July 1, 1984 |
| 7 | | 6.00 | [3] July 1, 1984 |
| 8 | | 4.50 | [3] July 1, 1984 |
| 9 | | 13.00 | [3] July 1, 1984 |
| 10–17 | | 9.50 | [3] July 1, 1984 |
| 18, Vol. I, Parts 1–5 | | 13.00 | [3] July 1, 1984 |
| 18, Vol. II, Parts 6–19 | | 13.00 | [3] July 1, 1984 |
| 18, Vol. III, Parts 20–52 | | 13.00 | [3] July 1, 1984 |
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| 430–End | (869–044–00168–3) | 58.00 | Oct. 1, 2001 |
| **43 Parts:** | | | |
| 1–999 | (869–044–00169–1) | 45.00 | Oct. 1, 2001 |
| 1000–end | (869–044–00170–5) | 56.00 | Oct. 1, 2001 |
| **44** | (869–044–00171–3) | 45.00 | Oct. 1, 2001 |
| **45 Parts:** | | | |
| 1–199 | (869–044–00172–1) | 53.00 | Oct. 1, 2001 |
| 200–499 | (869–044–00173–0) | 31.00 | Oct. 1, 2001 |
| 500–1199 | (869–044–00174–8) | 45.00 | Oct. 1, 2001 |
| 1200–End | (869–044–00175–6) | 55.00 | Oct. 1, 2001 |
| **46 Parts:** | | | |
| 1–40 | (869–044–00176–4) | 43.00 | Oct. 1, 2001 |
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| 70–89 | (869–044–00178–1) | 13.00 | Oct. 1, 2001 |
| 90–139 | (869–044–00179–9) | 41.00 | Oct. 1, 2001 |
| 140–155 | (869–044–00180–2) | 24.00 | Oct. 1, 2001 |
| 156–165 | (869–044–00181–1) | 31.00 | Oct. 1, 2001 |
| 166–199 | (869–044–00182–9) | 42.00 | Oct. 1, 2001 |
| 200–499 | (869–044–00183–7) | 36.00 | Oct. 1, 2001 |
| 500–End | (869–044–00184–5) | 23.00 | Oct. 1, 2001 |
| **47 Parts:** | | | |
| 0–19 | (869–044–00185–3) | 55.00 | Oct. 1, 2001 |
| 20–39 | (869–044–00186–1) | 43.00 | Oct. 1, 2001 |
| 40–69 | (869–044–00187–0) | 36.00 | Oct. 1, 2001 |
| 70–79 | (869–044–00188–8) | 58.00 | Oct. 1, 2001 |
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| 1 (Parts 1–51) | (869–044–00190–0) | 60.00 | Oct. 1, 2001 |
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| **49 Parts:** | | | |
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| 600–End | (869–044–00206–0) | 55.00 | Oct. 1, 2001 |
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2001, through January 1, 2002. The CFR volume issued as of January 1, 2001 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2001. The CFR volume issued as of July 1, 2000 should be retained.

## TABLE OF EFFECTIVE DATES AND TIME PERIODS—JUNE 2002

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

| DATE OF FR PUBLICATION | 15 DAYS AFTER PUBLICATION | 30 DAYS AFTER PUBLICATION | 45 DAYS AFTER PUBLICATION | 60 DAYS AFTER PUBLICATION | 90 DAYS AFTER PUBLICATION |
|---|---|---|---|---|---|
| June 3 | June 18 | July 3 | July 18 | August 2 | Sept 3 |
| June 4 | June 19 | July 5 | July 19 | August 5 | Sept 3 |
| June 5 | June 20 | July 5 | July 22 | August 5 | Sept 3 |
| June 6 | June 21 | July 8 | July 22 | August 5 | Sept 4 |
| June 7 | June 24 | July 8 | July 22 | August 6 | Sept 5 |
| June 10 | June 25 | July 10 | July 25 | August 9 | Sept 9 |
| June 11 | June 26 | July 11 | July 26 | August 12 | Sept 9 |
| June 12 | June 27 | July 12 | July 29 | August 12 | Sept 10 |
| June 13 | June 28 | July 15 | July 29 | August 12 | Sept 11 |
| June 14 | July 1 | July 15 | July 29 | August 13 | Sept 12 |
| June 17 | July 2 | July 17 | August 1 | August 16 | Sept 16 |
| June 18 | July 3 | July 18 | August 2 | August 19 | Sept 16 |
| June 19 | July 5 | July 19 | August 5 | August 19 | Sept 17 |
| June 20 | July 5 | July 22 | August 5 | August 19 | Sept 18 |
| June 21 | July 8 | July 22 | August 5 | August 20 | Sept 19 |
| June 24 | July 9 | July 24 | August 8 | August 23 | Sept 23 |
| June 25 | July 10 | July 25 | August 9 | August 26 | Sept 23 |
| June 26 | July 11 | July 26 | August 12 | August 26 | Sept 24 |
| June 27 | July 12 | July 29 | August 12 | August 26 | Sept 25 |
| June 28 | July 15 | July 29 | August 12 | August 27 | Sept 26 |